

E2SHB 1320 - S COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 04/10/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 FINDINGS, INTENT, AND DEFINITIONS

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

12 (2) Washington state has enacted six different types of civil
13 protection orders: (a) Domestic violence protection orders, adopted
14 by the legislature in 1984; (b) vulnerable adult protection orders,
15 adopted by the legislature in 1986; (c) antiharassment protection
16 orders, adopted by the legislature in 1987; (d) sexual assault
17 protection orders, adopted by the legislature in 2006; (e) stalking
18 protection orders, adopted by the legislature in 2013; and (f)
19 extreme risk protection orders, enacted by a vote of the people
20 through Initiative Measure No. 1491 in 2016.

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

24 (a) Domestic violence is a problem of immense proportions. About
25 15 percent of Washington adults report experiencing domestic violence
26 in their lifetime, and women, low-income people, and Black and
27 indigenous communities experience higher rates of domestic violence.
28 When domestic violence victims seek to separate from their abuser,
29 they face increased risks. Forty-five percent of domestic violence
30 homicides occur within 90 days of a recent separation, while 75
31 percent occur within the first six months of separation. Domestic

1 violence victims also face increased risks when their abuser has
2 access to firearms. Firearms are used to commit more than half of all
3 intimate partner homicides in the United States. When an abusive
4 partner has access to a gun, a domestic violence victim is 11 times
5 more likely to be killed. Domestic violence has long been recognized
6 as being at the core of other major social problems: Child abuse,
7 other crimes of violence against persons or property, homelessness,
8 and alcohol and drug abuse. Research has identified that adverse
9 childhood experiences such as exposure to domestic violence have
10 long-term negative impacts on health, well-being, and life outcomes,
11 including criminal legal system involvement. Washington state studies
12 have found that domestic violence is the most predictive of future
13 violent crime by the perpetrator. Nationwide, domestic violence costs
14 over \$460,000,000,000 each year for health care, absence from work,
15 services to children, and more. Adolescent dating violence is
16 occurring at increasingly high rates, and preventing and confronting
17 adolescent violence is important in preventing future violence in
18 adult relationships. Domestic violence should not be minimized or
19 dismissed based on any mental health diagnoses of the perpetrator or
20 the victim. To the contrary, the presence of mental health concerns
21 or substance use of either party increases the likelihood of serious
22 injury and lethality. The legislature finds that it is in the public
23 interest to improve the lives of persons being victimized by the acts
24 and dynamics of domestic violence, to require reasonable, coordinated
25 measures to prevent domestic violence from occurring, and to respond
26 effectively to secure the safety of survivors of domestic violence;

27 (b) Sexual assault is the most heinous crime against another
28 person short of murder. Sexual assault inflicts humiliation,
29 degradation, and terror on victims. The perpetrator's age, gender, or
30 relationship does not define the seriousness. According to the
31 centers for disease control and prevention, one in six men, one in
32 three women, and one in two nonbinary persons will experience sexual
33 violence in their lifetime. Because of the stigma of a sexual assault
34 and trauma, many victims are afraid or are not ready to report to law
35 enforcement and go through the rigors of the criminal justice
36 process. Individuals with disabilities; Black and indigenous
37 communities; and lesbian, gay, bisexual, transgender, queer, and
38 other individuals experience a higher rate of sexual violence.
39 Experiencing a sexual assault is itself a reasonable basis for
40 ongoing fear. Rape is recognized as the most underreported crime;

1 estimates suggest that only one in seven rapes is reported to
2 authorities. Victims who do not report the crime still may need to
3 seek safety and protection from future interactions with the
4 perpetrator and have a right to such safety and protection. Some
5 cases where rape is reported are not prosecuted or do not lead to a
6 conviction. A victim should be able to expediently seek a civil
7 remedy requiring that the perpetrator stay away from the victim,
8 independent of the criminal process and regardless of whether related
9 criminal charges are pending;

10 (c) Stalking is a crime that affects 3,400,000 people over the
11 age of 18 each year in the United States. Almost half of victims
12 experience at least one unwanted contact per week. 29 percent of
13 stalking victims fear that the stalking will never stop. The
14 prevalence of anxiety, insomnia, social dysfunction, and severe
15 depression is much higher among stalking victims than among the
16 general population. Research shows that stalking is a significant
17 indication of future lethality. Increased access to technology has
18 also increased methods of stalking. Stalking is distinct from common
19 acts of harassment or nuisance covered by antiharassment orders, and
20 law enforcement agencies need to be able to rely on orders that
21 distinguish stalking from acts of harassment or nuisance. Victims who
22 do not report the stalking behavior they are experiencing still may
23 need safety and protection from future interactions with the
24 perpetrator through expedient access to the civil court system, and
25 this protection can be accomplished without infringing on
26 constitutionally protected speech or activity;

27 (d) Serious, personal harassment through invasions of a person's
28 privacy by an act, acts, or words showing an intent to coerce,
29 intimidate, or humiliate the victim is increasing. The legislature
30 finds the prevention of such harassment is an important governmental
31 objective, and that victims should have access to a method to prevent
32 further contact between the victim and perpetrator. A person may be
33 targeted for harassing behavior due to his or her identity, such as
34 age, gender, sexual orientation, race, religion, disability, or
35 immigration status. The legislature finds that unlawful harassment
36 directed at a child by a child is not acceptable and can have serious
37 consequences, but that some negative interactions between young
38 people, especially in schools, do not rise to the level of unlawful
39 harassment. It is the intent of the legislature that a protection
40 order sought by the parent or guardian of a child as provided for in

1 this chapter be available only when the alleged behavior of the
2 person under the age of 18 to be restrained rises to the level set
3 forth in this chapter;

4 (e) Some adults are vulnerable and may be subject to abuse,
5 neglect, financial exploitation, or abandonment by a family member,
6 care provider, or other person who has a relationship with the
7 vulnerable adult. A vulnerable adult may have physical disabilities,
8 mobility issues, or be otherwise unable to represent himself or
9 herself in court or to retain legal counsel in order to obtain the
10 relief available under this chapter or other protections offered
11 through the courts. A vulnerable adult may lack the ability to
12 perform or obtain those services necessary to maintain his or her
13 well-being because he or she lacks the capacity for consent, and may
14 have health problems that place him or her in a dependent position.
15 The legislature finds the legal tool of protection orders will help
16 prevent abuse, neglect, exploitation, or abandonment of vulnerable
17 adults; and

18 (f) Every year, over 100,000 persons in our country are victims
19 of gunshot wounds and 38,000 individuals lose their lives from gun
20 violence. On average, there are over 100 gun deaths each day, 61
21 percent of which are suicides. In Washington state, the suicide rate
22 is on average 10 percent higher. Extreme risk protection orders allow
23 for the temporary removal of the most lethal means of suicide from
24 the situation, saving lives of those at risk. Studies show that
25 individuals who engage in certain dangerous behaviors are
26 significantly more likely to commit violence toward themselves or
27 others in the near future. These behaviors, which can include other
28 acts or threats of violence, self-harm, or the abuse of drugs or
29 alcohol, are warning signs that the person may soon commit an act of
30 violence. Individuals who pose a danger to themselves or others often
31 exhibit signs that alert family, household members, or law
32 enforcement to the threat. Restricting firearms access in these
33 moments of crisis is an important way to prevent gun violence and
34 save lives. Many mass shooters displayed warning signs prior to their
35 killings, but federal and state laws provided no clear legal process
36 to suspend the shooters' access to guns, even temporarily. In
37 enacting the extreme risk protection order, the people intended to
38 reduce gun deaths and injuries, while respecting constitutional
39 rights, by providing a procedure for family, household members, and
40 law enforcement to obtain a court order temporarily preventing

1 individuals who are at high risk of harming themselves or others from
2 accessing firearms when there is demonstrated evidence that the
3 individuals pose a significant danger, including danger as a result
4 of threatening or violent behavior. Additionally, extreme risk
5 protection orders may provide protections from firearm risks for
6 individuals who are not eligible to petition for other types of
7 protection orders. Extreme risk protection orders are intended to be
8 limited to situations in which individuals pose a significant danger
9 of harming themselves or others by possessing a firearm, having
10 immediate access to a firearm, or having expressed intent to obtain a
11 firearm, and include standards and safeguards to protect the rights
12 of respondents and due process of law. Temporarily removing firearms
13 under these circumstances is an important tool to prevent suicide,
14 homicide, and community violence.

15 (4) The legislature finds that all of these civil protection
16 orders are essential tools that can increase safety for victims of
17 domestic violence, sexual assault, stalking, abuse of vulnerable
18 adults, unlawful harassment, and threats of gun violence to obtain
19 immediate protection for themselves apart from the criminal legal
20 system. Victims are in the best position to know what their safety
21 needs are and should be able to seek these crucial protections
22 without having to rely on the criminal legal system process. The
23 legislature further finds the surrender of firearms in civil
24 protection orders is critical to public health. In keeping with the
25 harm reduction approach of this lifesaving tool, the legislature
26 finds that it is appropriate to allow for immunity from prosecution
27 for certain offenses when appropriate to create a safe harbor from
28 prosecution for certain offenses to increase compliance with orders
29 to surrender and prohibit firearms.

30 (5) To better achieve these important public purposes, the
31 legislature further finds the need to clarify and simplify these
32 civil protection order statutes to make them more understandable and
33 accessible to victims seeking relief and to respondents who are
34 subject to the court process. An efficient and effective civil
35 process can provide necessary relief many victims require in order to
36 escape and prevent harm. Clarification and simplification of the
37 statutes will aid petitioners, respondents, law enforcement, and
38 judicial officers in their application, help to eliminate procedural
39 inconsistencies, modernize practices, provide better access to
40 justice for those most marginalized, increase compliance, and improve

1 identified problem areas within the statutes. Those who participate
2 in the protection order process often find it difficult to navigate
3 the statutes, which were adopted at different times and contain
4 differing jurisdictional approaches, procedures, definitions, and
5 types of relief offered, among other differences, all of which can
6 create barriers and cause confusion. Harmonizing and standardizing
7 provisions where there is not a need for a specific, different
8 approach can provide more uniformity among the laws and significantly
9 reduce these obstacles.

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

14 (6) The legislature finds that advances in technology have made
15 it increasingly possible to file petitions, effect service of
16 process, and conduct hearings in protection order proceedings through
17 more efficient and accessible means, while upholding constitutional
18 due process requirements. These include using approaches such as
19 online filing of petitions, electronic service of protection orders,
20 and video and telephonic hearings to maintain and improve access to
21 the courts. These alternatives can help make protection order
22 processes more accessible, effective, timely, and procedurally just,
23 particularly in situations where there are emergent risks. The
24 legislature finds that it would be helpful for petitioners,
25 respondents, judicial officers, court personnel, law enforcement,
26 advocates, counsel, and others to have these new tools enacted into
27 statute and made readily available in every court, with statewide
28 best practices created for their use, specific to the context of
29 civil protection orders. The legislature further finds that it is
30 important to modernize other aspects of the civil protection order
31 statutes to reflect current trends, and to provide for data
32 collection and research in these areas of the law.

33 (7) The legislature further finds that in order to improve the
34 efficacy of, accessibility to, and understanding of, civil protection
35 orders, the six different civil protection orders in Washington state
36 should be included in a single chapter of the Revised Code of
37 Washington.

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

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

8 (2) "Abuse," for the purposes of a vulnerable adult protection
9 order, means intentional, willful, or reckless action or inaction
10 that inflicts injury, unreasonable confinement, intimidation, or
11 punishment on a vulnerable adult. In instances of abuse of a
12 vulnerable adult who is unable to express or demonstrate physical
13 harm, pain, or mental anguish, the abuse is presumed to cause
14 physical harm, pain, or mental anguish. "Abuse" includes sexual
15 abuse, mental abuse, physical abuse, personal exploitation, and
16 improper use of restraint against a vulnerable adult, which have the
17 following meanings:

18 (a) "Improper use of restraint" means the inappropriate use of
19 chemical, physical, or mechanical restraints for convenience or
20 discipline, or in a manner that: (i) Is inconsistent with federal or
21 state licensing or certification requirements for facilities,
22 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
23 not medically authorized; or (iii) otherwise constitutes abuse under
24 this section.

25 (b) "Mental abuse" means an intentional, willful, or reckless
26 verbal or nonverbal action that threatens, humiliates, harasses,
27 coerces, intimidates, isolates, unreasonably confines, or punishes a
28 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
29 swearing, or withholding or tampering with prescribed medications or
30 their dosage.

31 (c) "Personal exploitation" means an act of forcing, compelling,
32 or exerting undue influence over a vulnerable adult causing the
33 vulnerable adult to act in a way that is inconsistent with relevant
34 past behavior, or causing the vulnerable adult to perform services
35 for the benefit of another.

36 (d) "Physical abuse" means the intentional, willful, or reckless
37 action of inflicting bodily injury or physical mistreatment.
38 "Physical abuse" includes, but is not limited to, striking with or
39 without an object, slapping, pinching, strangulation, suffocation,
40 kicking, shoving, or prodding.

1 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
2 including, but not limited to, unwanted or inappropriate touching,
3 rape, molestation, indecent liberties, sexual coercion, sexually
4 explicit photographing or recording, voyeurism, indecent exposure,
5 and sexual harassment. "Sexual abuse" also includes any sexual
6 conduct between a staff person, who is not also a resident or client,
7 of a facility or a staff person of a program authorized under chapter
8 71A.12 RCW, and a vulnerable adult living in that facility or
9 receiving service from a program authorized under chapter 71A.12 RCW,
10 whether or not the sexual conduct is consensual.

11 (3) "Chemical restraint" means the administration of any drug to
12 manage a vulnerable adult's behavior in a way that reduces the safety
13 risk to the vulnerable adult or others, has the temporary effect of
14 restricting the vulnerable adult's freedom of movement, and is not
15 standard treatment for the vulnerable adult's medical or psychiatric
16 condition.

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

26 (5) (a) "Course of conduct" means a pattern of conduct composed of
27 a series of acts over a period of time, however short, evidencing a
28 continuity of purpose. "Course of conduct" includes any form of
29 communication, contact, or conduct, including the sending of an
30 electronic communication, but does not include constitutionally
31 protected free speech. Constitutionally protected activity is not
32 included within the meaning of "course of conduct."

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

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

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

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

1 (iv) The respondent is acting pursuant to any statutory authority
2 including, but not limited to, acts which are reasonably necessary
3 to:

4 (A) Protect property or liberty interests;

5 (B) Enforce the law; or

6 (C) Meet specific statutory duties or requirements;

7 (v) The respondent's course of conduct has the purpose or effect
8 of unreasonably interfering with the petitioner's privacy or the
9 purpose or effect of creating an intimidating, hostile, or offensive
10 living environment for the petitioner; or

11 (vi) Contact by the respondent with the petitioner or the
12 petitioner's family has been limited in any manner by any previous
13 court order.

14 (6) "Court clerk" means court administrators in courts of limited
15 jurisdiction and elected court clerks.

16 (7) "Dating relationship" means a social relationship of a
17 romantic nature. Factors that the court may consider in making this
18 determination include: (a) The length of time the relationship has
19 existed; (b) the nature of the relationship; and (c) the frequency of
20 interaction between the parties.

21 (8) "Domestic violence" means:

22 (a) Physical harm, bodily injury, assault, or the infliction of
23 fear of physical harm, bodily injury, or assault; nonconsensual
24 sexual conduct or nonconsensual sexual penetration; unlawful
25 harassment; or stalking of one intimate partner by another intimate
26 partner; or

27 (b) Physical harm, bodily injury, assault, or the infliction of
28 fear of physical harm, bodily injury, or assault; nonconsensual
29 sexual conduct or nonconsensual sexual penetration; unlawful
30 harassment; or stalking of one family or household member by another
31 family or household member.

32 (9) "Electronic monitoring" has the same meaning as in RCW
33 9.94A.030.

34 (10) "Essential personal effects" means those items necessary for
35 a person's immediate health, welfare, and livelihood. "Essential
36 personal effects" includes, but is not limited to, clothing, cribs,
37 bedding, medications, personal hygiene items, cellular phones and
38 other electronic devices, and documents, including immigration,
39 health care, financial, travel, and identity documents.

1 (11) "Facility" means a residence licensed or required to be
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
5 habilitation centers; or any other facility licensed or certified by
6 the department of social and health services.

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

14 (13) "Financial exploitation" means the illegal or improper use
15 of, control over, or withholding of, the property, income, resources,
16 or trust funds of the vulnerable adult by any person or entity for
17 any person's or entity's profit or advantage other than for the
18 vulnerable adult's profit or advantage. "Financial exploitation"
19 includes, but is not limited to:

20 (a) The use of deception, intimidation, or undue influence by a
21 person or entity in a position of trust and confidence with a
22 vulnerable adult to obtain or use the property, income, resources,
23 government benefits, health insurance benefits, or trust funds of the
24 vulnerable adult for the benefit of a person or entity other than the
25 vulnerable adult;

26 (b) The breach of a fiduciary duty, including, but not limited
27 to, the misuse of a power of attorney, trust, or a guardianship or
28 conservatorship appointment, that results in the unauthorized
29 appropriation, sale, or transfer of the property, income, resources,
30 or trust funds of the vulnerable adult for the benefit of a person or
31 entity other than the vulnerable adult; or

32 (c) Obtaining or using a vulnerable adult's property, income,
33 resources, or trust funds without lawful authority, by a person or
34 entity who knows or clearly should know that the vulnerable adult
35 lacks the capacity to consent to the release or use of the vulnerable
36 adult's property, income, resources, or trust funds.

37 (14) "Firearm" means a weapon or device from which a projectile
38 or projectiles may be fired by an explosive such as gunpowder.
39 "Firearm" does not include a flare gun or other pyrotechnic visual
40 distress signaling device, or a powder-actuated tool or other device

1 designed solely to be used for construction purposes. "Firearm" also
2 includes parts that can be assembled to make a firearm.

3 (15) "Full hearing" means a hearing where the court determines
4 whether to issue a full protection order.

5 (16) "Full protection order" means a protection order that is
6 issued by the court after notice to the respondent and where the
7 parties had the opportunity for a full hearing by the court. "Full
8 protection order" includes a protection order entered by the court by
9 agreement of the parties to resolve the petition for a protection
10 order without a full hearing.

11 (17) "Hospital" means a facility licensed under chapter 70.41 or
12 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
13 employee, agent, officer, director, or independent contractor
14 thereof.

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

21 (19) "Intimate partner" means: (a) Spouses or domestic partners;
22 (b) former spouses or former domestic partners; (c) persons who have
23 a child in common regardless of whether they have been married or
24 have lived together at any time; or (d) persons who have or have had
25 a dating relationship where both persons are at least 13 years of age
26 or older.

27 (20)(a) "Isolate" or "isolation" means to restrict a person's
28 ability to communicate, visit, interact, or otherwise associate with
29 persons of his or her choosing. Isolation may be evidenced by acts
30 including, but not limited to:

31 (i) Acts that prevent a person from sending, making, or receiving
32 his or her personal mail, electronic communications, or telephone
33 calls; or

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

38 (b) The term "isolate" or "isolation" may not be construed in a
39 manner that prevents a guardian or limited guardian from performing
40 his or her fiduciary obligations under chapter 11.92 RCW or prevents

1 a hospital or facility from providing treatment consistent with the
2 standard of care for delivery of health services.

3 (21) "Judicial day" means days of the week other than Saturdays,
4 Sundays, or legal holidays.

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

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

15 (24) "Neglect" means: (a) A pattern of conduct or inaction by a
16 person or entity with a duty of care that fails to provide the goods
17 and services that maintain the physical or mental health of a
18 vulnerable adult, or that fails to avoid or prevent physical or
19 mental harm or pain to a vulnerable adult; or (b) an act or omission
20 by a person or entity with a duty of care that demonstrates a serious
21 disregard of consequences of such a magnitude as to constitute a
22 clear and present danger to the vulnerable adult's health, welfare,
23 or safety including, but not limited to, conduct prohibited under RCW
24 9A.42.100.

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

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

30 (27) "Petitioner" means any named petitioner or any other person
31 identified in the petition on whose behalf the petition is brought.

32 (28) "Physical restraint" means the application of physical force
33 without the use of any device, for the purpose of restraining the
34 free movement of a vulnerable adult's body. "Physical restraint" does
35 not include (a) briefly holding, without undue force, a vulnerable
36 adult in order to calm or comfort him or her, or (b) holding a
37 vulnerable adult's hand to safely escort him or her from one area to
38 another.

39 (29) "Possession" means having an item in one's custody or
40 control. Possession may be either actual or constructive. Actual

1 possession occurs when the item is in the actual physical custody of
2 the person charged with possession. Constructive possession occurs
3 when there is no actual physical possession, but there is dominion
4 and control over the item.

5 (30) "Respondent" means the person who is identified as the
6 respondent in a petition filed under this chapter.

7 (31) "Sexual conduct" means any of the following:

8 (a) Any intentional or knowing touching or fondling of the
9 genitals, anus, or breasts, directly or indirectly, including through
10 clothing;

11 (b) Any intentional or knowing display of the genitals, anus, or
12 breasts for the purposes of arousal or sexual gratification of the
13 respondent;

14 (c) Any intentional or knowing touching or fondling of the
15 genitals, anus, or breasts, directly or indirectly, including through
16 clothing, that the petitioner is forced to perform by another person
17 or the respondent;

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

21 (e) Any intentional or knowing touching of the clothed or
22 unclothed body of a child under the age of 16, if done for the
23 purpose of sexual gratification or arousal of the respondent or
24 others; or

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

28 (32) "Sexual penetration" means any contact, however slight,
29 between the sex organ or anus of one person by an object, the sex
30 organ, mouth, or anus of another person, or any intrusion, however
31 slight, of any part of the body of one person or of any animal or
32 object into the sex organ or anus of another person including, but
33 not limited to, cunnilingus, fellatio, or anal penetration. Evidence
34 of emission of semen is not required to prove sexual penetration.

35 (33) "Stalking" means any of the following:

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

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

38 (c) Any course of conduct involving repeated or continuing
39 contacts, attempts to contact, monitoring, tracking, surveillance,

1 keeping under observation, disrupting activities in a harassing
2 manner, or following of another person that:

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

6 (ii) Serves no lawful purpose; and

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

10 (34) "Temporary protection order" means a protection order that
11 is issued before the court has decided whether to issue a full
12 protection order. "Temporary protection order" includes ex parte
13 temporary protection orders, as well as temporary protection orders
14 that are reissued by the court pending the completion of a full
15 hearing to decide whether to issue a full protection order. An "ex
16 parte temporary protection order" means a temporary protection order
17 that is issued without prior notice to the respondent.

18 (35) "Unlawful harassment" means:

19 (a) A knowing and willful course of conduct directed at a
20 specific person that seriously alarms, annoys, harasses, or is
21 detrimental to such person, and that serves no legitimate or lawful
22 purpose. The course of conduct must be such as would cause a
23 reasonable person to suffer substantial emotional distress, and must
24 actually cause substantial emotional distress to the petitioner; or

25 (b) A single act of violence or threat of violence directed at a
26 specific person that seriously alarms, annoys, harasses, or is
27 detrimental to such person, and that serves no legitimate or lawful
28 purpose, which would cause a reasonable person to suffer substantial
29 emotional distress, and must actually cause substantial emotional
30 distress to the petitioner. A single threat of violence must include:

31 (i) A malicious and intentional threat as described in RCW
32 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

33 (36) "Vulnerable adult" includes a person:

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

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

38 (c) Who has a developmental disability as defined under RCW
39 71A.10.020; or

40 (d) Admitted to any facility; or

1 (e) Receiving services from home health, hospice, or home care
2 agencies licensed or required to be licensed under chapter 70.127
3 RCW; or

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

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

9 **PART II**

10 **JURISDICTION AND VENUE**

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

23 NEW SECTION. **Sec. 4.** DOMESTIC VIOLENCE PROTECTION ORDERS AND
24 SEXUAL ASSAULT PROTECTION ORDERS. (1) The superior, district, and
25 municipal courts have jurisdiction over domestic violence protection
26 order proceedings and sexual assault protection order proceedings
27 under this chapter. The jurisdiction of district and municipal courts
28 is limited to enforcement of section 56(1) of this act, or the
29 equivalent municipal ordinance, and the issuance and enforcement of
30 temporary orders for protection provided for in section 38 of this
31 act if:

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

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

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

3 (2) When the jurisdiction of a district or municipal court is
4 limited to the issuance and enforcement of a temporary protection
5 order, the district or municipal court shall set the full hearing in
6 superior court and transfer the case. If the notice and order are not
7 served on the respondent in time for the full hearing, the issuing
8 court shall have concurrent jurisdiction with the superior court to
9 extend the temporary protection order.

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

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

17 (b) The action involves title or possession of real property;

18 (c) A superior court has exercised or is exercising jurisdiction
19 over a proceeding involving the parties; or

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

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

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

30 (b) The action involves title or possession of real property;

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

33 (d) 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) Superior courts shall have concurrent jurisdiction to receive
37 the transfer of stalking protection order petitions in cases where a
38 district or municipal court judge makes findings of fact and
39 conclusions of law showing that meritorious reasons exist for the

1 transfer. The jurisdiction of district and municipal courts is
2 limited to enforcement of section 56(1) of this act, or the
3 equivalent municipal ordinance, and the issuance and enforcement of
4 temporary protection orders provided for in section 38 of this act if
5 the superior court is exercising jurisdiction over a proceeding under
6 this chapter involving the parties.

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

- 12 (a) The respondent to the petition is under 18 years of age;
- 13 (b) The action involves title or possession of real property;
- 14 (c) A superior court has exercised or is exercising jurisdiction
15 over a proceeding involving the parties; or
- 16 (d) The action would have the effect of interfering with a
17 respondent's care, control, or custody of the respondent's minor
18 child.

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

- 24 (a) The respondent to the petition is under 18 years of age;
- 25 (b) The action involves title or possession of real property;
- 26 (c) A superior court has exercised or is exercising jurisdiction
27 over a proceeding involving the parties; or
- 28 (d) 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 (3) The civil jurisdiction of district and municipal courts under
32 this section is limited to the issuance and enforcement of temporary
33 protection orders in cases that require transfer to superior court
34 under subsections (1) and (2) of this section. The district or
35 municipal court shall transfer the case to superior court after the
36 temporary protection order is entered.

37 (4) Superior courts shall have concurrent jurisdiction to receive
38 transfer of antiharassment petitions in cases where a district or

1 municipal court judge makes findings of fact and conclusions of law
2 showing that meritorious reasons exist for the transfer.

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

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

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

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

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

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

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

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

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

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

1 (a) The individual is personally served with a petition within
2 this state;

3 (b) The individual submits to the jurisdiction of this state by
4 consent, entering a general appearance, or filing a responsive
5 document having the effect of waiving any objection to consent to
6 personal jurisdiction;

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

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

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

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

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

28 (3) For the purposes of this section:

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

36 (b) An act or acts that "occurred within this state" include an
37 oral or written statement made or published by a person outside of
38 this state to any person in this state by means included in (a) of
39 this subsection, or by means of interstate commerce or foreign
40 commerce.

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

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

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

29 (3) The gender and justice commission shall provide summary
30 recommendations to the legislature by December 1, 2021.

31 **PART III**
32 **FILING**

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

36 (a) A petition for a domestic violence protection order, which
37 must allege the existence of domestic violence committed against the

1 petitioner or petitioners by an intimate partner or a family or
2 household member. The petitioner may petition for relief on behalf of
3 himself or herself and on behalf of family or household members who
4 are minors or vulnerable adults. A petition for a domestic violence
5 protection order must specify whether the petitioner and the
6 respondent are intimate partners or family or household members. A
7 petitioner who has been sexually assaulted or stalked by an intimate
8 partner or a family or household member should, but is not required
9 to, seek a domestic violence protection order, rather than a sexual
10 assault protection order or a stalking protection order.

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

22 (i) Himself or herself;

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

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

27 (iv) Any other adult for whom the petitioner demonstrates to the
28 court's satisfaction that the petitioner is interested in the adult's
29 well-being, the court's intervention is necessary, and the adult
30 cannot file the petition because of age, disability, health, or
31 inaccessibility.

32 (c) A petition for a stalking protection order, which must allege
33 the existence of stalking committed against the petitioner or
34 petitioners by the respondent. A petitioner who has been stalked by
35 an intimate partner or a family or household member should, but is
36 not required to, seek a domestic violence protection order, rather
37 than a stalking protection order. The petitioner may petition for a
38 stalking protection order on behalf of:

39 (i) Himself or herself;

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

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

5 (iv) Any other adult for whom the petitioner demonstrates to the
6 court's satisfaction that the petitioner is interested in the adult's
7 well-being, the court's intervention is necessary, and the adult
8 cannot file the petition because of age, disability, health, or
9 inaccessibility.

10 (d) A petition for a vulnerable adult protection order, which
11 must allege that the petitioner, or person on whose behalf the
12 petition is brought, is a vulnerable adult and that the petitioner,
13 or person on whose behalf the petition is brought, has been
14 abandoned, abused, financially exploited, or neglected, or is
15 threatened with abandonment, abuse, financial exploitation, or
16 neglect by the respondent. If the petition is filed by an interested
17 person, the affidavit or declaration must also include a statement of
18 why the petitioner qualifies as an interested person.

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

30 (f) A petition for an antiharassment protection order, which must
31 allege the existence of unlawful harassment committed against the
32 petitioner or petitioners by the respondent. If a petitioner is
33 seeking relief based on domestic violence, nonconsensual sexual
34 conduct, nonconsensual sexual penetration, or stalking, the
35 petitioner may, but is not required to, seek a domestic violence,
36 sexual assault, or stalking protection order, rather than an
37 antiharassment order. The petitioner may petition for an
38 antiharassment protection order on behalf of:

39 (i) Himself or herself;

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

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

5 (iv) Any other adult for whom the petitioner demonstrates to the
6 court's satisfaction that the petitioner is interested in the adult's
7 well-being, the court's intervention is necessary, and the adult
8 cannot file the petition because of age, disability, health, or
9 inaccessibility.

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

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

20 (4) A petition for any type of protection order must not be
21 dismissed or denied on the basis that the conduct alleged by the
22 petitioner would meet the criteria for the issuance of another type
23 of protection order.

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

33 (6) If a court reviewing the petition for a protection order or a
34 request for a temporary protection order determines that the petition
35 was not filed in the correct court, the court shall enter findings
36 establishing the correct court, and direct the clerk to transfer the
37 petition to the correct court and to provide notice of the transfer
38 to all parties who have appeared.

39 (7) Upon filing a petition for a protection order, the petitioner
40 may request that the court enter an ex parte temporary protection

1 order until a hearing on a full protection order may be held. An ex
2 parte temporary protection order shall be effective for a fixed
3 period of time and shall be issued initially for a period not to
4 exceed 14 days.

5 (8) The court may, at its discretion, issue a temporary order on
6 the petition with or without a hearing. If an order is not signed
7 upon presentation, the court shall set a hearing for a full
8 protection order not later than 14 days from the date of the filing
9 of the petition for a protection order, if the petition for a
10 protection order is filed before close of business on a judicial day.
11 If a petition for a protection order is filed after close of business
12 on a judicial day or is filed on a nonjudicial day, the court shall
13 set a hearing for a full protection order not later than 14 days from
14 the first judicial day after the petition is filed.

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

18 (1)(a) By January 1, 2023, county clerks on behalf of all
19 superior courts and, by January 1, 2026, all courts of limited
20 jurisdiction, must permit petitions for protection orders and all
21 other filings in connection with the petition to be submitted as
22 preferred by the petitioner either: (i) In person; (ii) remotely
23 through an electronic submission process; or (iii) by mail for
24 persons who are incarcerated or who are otherwise unable to file in
25 person or remotely through an electronic system. The court or clerk
26 must make all electronically filed court documents available for
27 electronic access by judicial officers statewide. Judicial officers
28 may not be charged for access to such documents. The electronic
29 filing system must allow for protection orders to be filed at any
30 time of the day. Petitioners and respondents should not be charged
31 for electronic filing for petitions and documents filed pursuant to
32 this section.

33 (b) By January 1, 2023, all superior courts' systems and, by
34 January 1, 2026, all limited jurisdiction courts' systems, should
35 allow for the petitioner to electronically track the progress of the
36 petition for a protection order. Notification may be provided by text
37 messaging or email, and should provide reminders of court appearances
38 and alert the petitioner when the following occur: (i) The petition
39 has been processed and is under review by a judicial officer; (ii)

1 the order has been signed; (iii) the order has been transmitted to
2 law enforcement for entry into the Washington crime information
3 center system; (iv) return of service upon the respondent has been
4 filed with the court or clerk; and (v) a receipt for the surrender of
5 firearms has been filed with the court or clerk. Respondents, once
6 served, should be able to sign up for similar electronic
7 notification. Petitioners and respondents should not be charged for
8 electronic notification.

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

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

25 (4) The petitioner and the respondent must disclose the existence
26 of any other litigation or of any other restraining, protection, or
27 no-contact orders between the parties, to the extent that such
28 information is known by the petitioner and the respondent. To the
29 extent possible, the court shall take judicial notice of any existing
30 restraining, protection, or no-contact orders between the parties
31 before entering a protection order. The court shall not include
32 provisions in a protection order that would allow the respondent to
33 engage in conduct that is prohibited by another restraining,
34 protection, or no-contact order between the parties that was entered
35 in a different proceeding. The obligation to disclose the existence
36 of any other litigation includes, but is not limited to, the
37 existence of any other litigation concerning the custody or
38 residential placement of a child of the parties as set forth in RCW
39 26.27.281. The court administrator shall verify for the court the
40 terms of any existing protection order governing the parties.

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

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

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

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

17 (9) (a) No fees for service of process may be charged by a court
18 or any public agency to petitioners seeking relief under this
19 chapter. Except as provided in (b) of this subsection, courts may not
20 charge petitioners any fees or surcharges the payment of which is a
21 condition precedent to the petitioner's ability to secure access to
22 relief under this chapter. Petitioners shall be provided the
23 necessary number of certified copies, forms, and instructional
24 brochures free of charge. A respondent who is served electronically
25 with a protection order shall be provided a certified copy of the
26 order free of charge upon request.

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

29 (i) No filing fee may be charged to a petitioner seeking an
30 antiharassment protection order against a person who has engaged in
31 acts of stalking as defined in RCW 9A.46.110, or from a person who
32 has engaged in conduct that would constitute a sex offense as defined
33 in RCW 9A.44.128, or from a person who is a family or household
34 member or intimate partner who has engaged in conduct that would
35 constitute domestic violence; and

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

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

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

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

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

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

31 (14) Courts shall not require a petitioner to file duplicative
32 forms.

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

35 (a) In a proceeding under this chapter where the petitioner seeks
36 to protect a minor and the petitioner is not the minor's parent as
37 defined by RCW 13.38.040, the petition must contain a statement
38 alleging whether the minor is or may be an Indian child as defined in
39 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and
40 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,

1 shall apply. A party should allege in the petition if these laws have
2 been satisfied in a prior proceeding and identify the proceeding.

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

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

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

36 (2) (a) If the petitioner for an extreme risk protection order is
37 a law enforcement agency, the petitioner shall make a good faith
38 effort to provide notice to an intimate partner or family or
39 household member of the respondent and to any known third party who

1 may be at risk of violence. The notice must state that the petitioner
2 intends to petition the court for an extreme risk protection order or
3 has already done so, and include referrals to appropriate resources,
4 including behavioral health, domestic violence, and counseling
5 resources. The petitioner must attest in the petition to having
6 provided such notice, or attest to the steps that will be taken to
7 provide such notice.

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

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

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

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

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

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

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

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

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

1 (ii) In collaboration with civil legal aid attorneys, domestic
2 violence advocates, sexual assault advocates, elder abuse advocates,
3 clerks, and judicial officers, develop and distribute a single
4 petition form that a petitioner may use to file for any type of
5 protection order authorized by this chapter, with the exception of
6 extreme risk protection orders;

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

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

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

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

18 (II) An order sealing the court records relating to that order;
19 and

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

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

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

39 (2) The administrative office of the courts, through the gender
40 and justice commission of the Washington state supreme court, and

1 with the support of the Washington state women's commission, shall
2 work with representatives of superior, district, and municipal court
3 judicial officers, court clerks, and administrators, including those
4 with experience in protection order proceedings, as well as advocates
5 and practitioners with expertise in each type of protection order,
6 and others with relevant expertise, to develop for the courts:

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

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

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

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

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

1 treatment programs. The list must be made available in print and
2 online.

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

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

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

18 **PART IV**

19 **SERVICE**

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

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

1 incarcerated. Personal service must otherwise be made by law
2 enforcement unless the petitioner elects to have the respondent
3 served by a third party who is not a party to the action and is over
4 18 years of age and competent to be a witness.

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

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

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

1 Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day
2 shall be deemed complete at 9:00 a.m. on the first judicial day
3 thereafter.

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

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

1 In the court of the state of Washington
2 for the county of

3, Petitioner

4 vs. No.

5, Respondent

6 The state of Washington to
7 (respondent):

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

21

22 Petitioner.....

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

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

1 electronic service can be effected for all subsequent motions,
2 orders, and hearings.

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

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

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

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

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

35 (6) The court shall not dismiss, over the objection of a
36 petitioner, a petition for a protection order or a motion to renew a
37 protection order based on the inability of law enforcement or the
38 petitioner to serve the respondent, unless the court determines that
39 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. If the court finds that the motion and related documents
38 should be sealed pursuant to court rule and governing law, it may
39 enter an order sealing the documents.

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 unless (a) a waiver has been
3 received from all parties, or (b) the hearing is being conducted
4 online and members of the public do not have in-person access to
5 observe or listen to the hearing. Unless the court orders a hearing
6 to be closed to the public consistent with the requirements of
7 Washington law, courts should provide access to members of the public
8 who wish to observe or listen to a hearing conducted by telephone,
9 video, or other electronic means.

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

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

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

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

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

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

1 (f) To help ensure that remote access does not undermine personal
2 safety or privacy, or introduce other risks, courts should protect
3 the privacy of telephone numbers, emails, and other contact
4 information for parties and witnesses and inform parties and
5 witnesses of these safety considerations. Materials available to
6 parties and witnesses appearing remotely should include warnings not
7 to state their addresses or telephone numbers at the hearing, and
8 that they may use virtual backgrounds to help ensure that their
9 backgrounds do not reveal their location;

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

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

34 NEW SECTION. **Sec. 26.** REALIGNMENT OF PARTIES IN DOMESTIC
35 VIOLENCE AND ANTIHARASSMENT PROTECTION ORDER PROCEEDINGS. In
36 proceedings where the petitioner is seeking a domestic violence
37 protection order or an antiharassment protection order, the court may
38 realign the designation of the parties as "petitioner" and
39 "respondent" where the court finds that the original petitioner is

1 the abuser or harasser and the original respondent is the victim of
2 domestic violence or unlawful harassment. The court may issue a
3 temporary protection order in accordance with this chapter until the
4 victim is able to prepare a petition for a protection order in
5 accordance with this chapter.

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

8 (1) The court may:

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

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

16 (2) During the hearing, the court shall consider whether a
17 behavioral health evaluation is appropriate, and may order such
18 evaluation if appropriate.

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

22 (a) A recent act or threat of violence by the respondent against
23 self or others, whether or not such violence or threat of violence
24 involves a firearm;

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

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

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

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

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

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

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

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

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

5 (k) The history of use, attempted use, or threatened use of
6 physical force by the respondent against another person, or the
7 respondent's history of stalking another person;

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

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

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

13 NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER
14 HEARINGS. For vulnerable adult protection order hearings, the
15 following also apply.

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

35 (2) Pursuant to subsection (1) of this section, an evidentiary
36 hearing on the issue of whether the vulnerable adult is unable, due
37 to incapacity, undue influence, or duress, to protect his or her
38 person or estate in connection with the issues raised in the petition
39 or order, must be held within 14 days of entry of the temporary

1 protection order. If the court did not enter a temporary protection
2 order, the evidentiary hearing must be held within 14 days of the
3 prior hearing on the petition. Notice of the time and place of the
4 evidentiary hearing must be served upon the vulnerable adult and the
5 respondent not less than five judicial days before the hearing. If
6 timely service cannot be made, the court may set a new hearing date.
7 A hearing under this subsection is not necessary if the vulnerable
8 adult has been determined to be subject to a guardianship,
9 conservatorship, or other protective arrangement under chapter 11.130
10 RCW. If a hearing is scheduled under this subsection, the protection
11 order must remain in effect pending the court's decision at the
12 subsequent hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (a) The respondent was voluntarily intoxicated;

1 (b) The petitioner was voluntarily intoxicated; or

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

3 (4) In proceedings where the petitioner alleges that the
4 respondent engaged in stalking, the court may not require proof of
5 the respondent's intentions regarding the acts alleged by the
6 petitioner.

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

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

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

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

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

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

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

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

38 (3) When the court proposes to consider information from the
39 judicial information system or another criminal or civil database,

1 the court shall: Disclose the information to each party present at
2 the hearing; on timely request, provide each party with an
3 opportunity to be heard; and take appropriate measures to alleviate
4 safety concerns of the parties. The court has discretion not to
5 disclose information that the court does not propose to consider.

6 NEW SECTION. **Sec. 31.** COMPLIANCE HEARINGS. For compliance
7 hearings:

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

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

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

27 NEW SECTION. **Sec. 32.** APPOINTMENT OF COUNSEL. Subject to the
28 availability of amounts appropriated for this specific purpose, or as
29 provided through alternative sources including, but not limited to,
30 grants, local funding, or pro bono means, the court may appoint
31 counsel to represent the petitioner if the respondent is represented
32 by counsel.

33 NEW SECTION. **Sec. 33.** INTERPRETERS. (1) Pursuant to chapter
34 2.42 RCW, in order to ensure that parties have meaningful access to
35 the court, an interpreter shall be appointed for any party who is
36 deaf, hard of hearing, deaf-blind, or has a speech impairment and
37 cannot readily understand or communicate in spoken language.

1 Notwithstanding the provisions of chapter 2.42 RCW, the court shall
2 not:

3 (a) Appoint an interpreter who is not credentialed or duly
4 qualified by the court to provide interpretation services; or

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

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

12 (a) Appoint an interpreter who is not credentialed or duly
13 qualified by the court to provide interpretation services; or

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

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

23 (4) The interpreter shall interpret for the party meeting with
24 either counsel or court staff, or both, for the purpose of preparing
25 forms and participating in the hearing and court-ordered assessments,
26 and the interpreter shall sight translate any orders.

27 (5) The same interpreter shall not serve parties on both sides of
28 the proceeding when not on the record, nor shall the interpreter
29 appointed by the court for the proceeding be the same interpreter
30 appointed for any court-ordered assessments, unless the court finds
31 good cause on the record to do so because it is not possible to
32 obtain more than one interpreter for the proceeding, or the safety of
33 the litigants is not compromised, or any other reasons identified by
34 the court.

35 (6) Courts shall make a private space available for parties,
36 counsel, and/or court staff and interpreters to sight translate any
37 written documents or to meet and confer.

38 (7) When a hearing is conducted through telephone, video, or
39 other electronic means, the court must make appropriate arrangements
40 to permit interpreters to serve the parties and the court as needed.

1 NEW SECTION. **Sec. 34.** PROTECTION ORDER ADVOCATE AND SUPPORT

2 PERSON. (1) Whether or not the petitioner has retained an attorney, a
3 sexual assault or domestic violence advocate, as defined in RCW
4 5.60.060, shall be allowed to accompany the petitioner and confer
5 with the petitioner during court proceedings. The sexual assault or
6 domestic violence advocate shall not provide legal representation nor
7 interpretation services. Court administrators shall allow sexual
8 assault and domestic violence advocates to assist petitioners with
9 their protection orders. Sexual assault and domestic violence
10 advocates are not engaged in the unauthorized practice of law when
11 providing assistance of the types specified in this section. Unless
12 the sexual assault or domestic violence advocate seeks to speak
13 directly to the court, advocates shall not be required to be
14 identified on the record beyond stating their role as a sexual
15 assault or domestic violence advocate and identifying the program for
16 which they work or volunteer for. Communications between the
17 petitioner and a sexual assault and domestic violence advocate are
18 protected as provided by RCW 5.60.060.

19 (2) Whether or not the petitioner has retained an attorney, a
20 protection order advocate must be allowed to accompany the petitioner
21 to any legal proceeding including, but not limited to, sitting or
22 standing next to the petitioner and conferring with the petitioner
23 during court proceedings, or addressing the court when invited to do
24 so.

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

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

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

36 (d) A protection order advocate who is not employed by, or under
37 the direct supervision of, a law enforcement agency, a prosecutor's
38 office, the child protective services section of the department of
39 children, youth, and families as defined in RCW 26.44.020, or other
40 governmental entity, has the same privileges, rights, and

1 responsibilities as a sexual assault advocate and domestic violence
2 advocate under RCW 5.60.060.

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

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

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

19 NEW SECTION. **Sec. 35.** TRAINING. To help ensure familiarity with
20 the unique nature of protection order proceedings, and an
21 understanding of trauma-informed practices and best practices in the
22 use of new technologies for remote hearings, judicial officers,
23 including persons who serve as judicial officers pro tempore, should
24 receive training on procedural justice, trauma-informed practices,
25 gender-based violence dynamics, elder abuse, juvenile sex offending,
26 teen dating violence, and requirements for the surrender of weapons
27 before presiding over protection order hearings. Trainings should be
28 provided on an ongoing basis as best practices, research on trauma,
29 and legislation continue to evolve. As a method of continuous
30 training, court commissioners, including pro tempore commissioners,
31 shall be notified by the presiding judge or court administrator upon
32 revision of any decision made under this chapter.

33 NEW SECTION. **Sec. 36.** RECOMMENDATIONS ON IMPROVING PROTECTION
34 ORDER PROCEEDINGS. (1) The administrative office of the courts,
35 through the gender and justice commission of the Washington state
36 supreme court, and with the support of the Washington state women's
37 commission, shall work with representatives of superior, district,
38 and municipal court judicial officers, court clerks, and

1 administrators, including those with experience in protection order
2 proceedings, as well as advocates and practitioners with expertise in
3 each type of protection order, and others with relevant expertise, to
4 consider and develop recommendations regarding:

5 (a) Uses of technology to reduce administrative burdens in
6 protection order proceedings;

7 (b) Improving access to unrepresented parties in protection order
8 proceedings, including promoting access for pro bono attorneys for
9 remote protection order proceedings, in consultation with the
10 Washington state bar association;

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

14 (d) Developing best practices in data collection and sharing,
15 including demographic information, in order to promote research and
16 study on protection orders and transparency of protection order data
17 for the public, in partnership with the Washington state center for
18 court research, the Washington state institute for public policy, the
19 University of Washington, and the urban Indian health institute;

20 (e) Developing best practices, including proposed training and
21 necessary forms, in partnership with the Washington tribal state
22 court consortium, to address how:

23 (i) Washington state court judges of all levels can see the
24 existence of, and parties to, tribal court, military, and other
25 jurisdiction protection orders, in comity with similar state court
26 orders;

27 (ii) Tribal courts can enter their protection orders into the
28 judicial information system used by courts to check for conflicting
29 orders and history; and

30 (iii) State courts can query the national crime information
31 center to check for tribal, military, and other jurisdictions'
32 protection orders prior to issuing protection orders;

33 (f) Developing best practices for minor respondents and
34 petitioners in civil protection order proceedings, including what
35 sanctions should be provided for in law, with input from legal
36 advocates for children and youth, juvenile public defense, juvenile
37 prosecutors, adolescent behavioral health experts, youth development
38 experts, educators, judicial officers, victim advocates, restorative-
39 informed or trauma-informed professionals, child advocacy centers,

1 and professionals experienced in evidenced-based modalities for the
2 treatment of trauma; and

3 (g) Assessing how the civil protection order law can more
4 effectively address the type of abuse known as "coercive control" so
5 that survivors can seek earlier protective intervention before abuse
6 further escalates.

7 (2) The gender and justice commission may hire a consultant to
8 assist with the requirements of this section with funds as
9 appropriated.

10 (3) The gender and justice commission shall provide a brief
11 report of its recommendations to the legislature for subsection
12 (1)(e) through (g) of this section by December 1, 2021, and, for
13 subsection (1)(a) through (d) of this section, provide
14 recommendations to the courts by July 1, 2022.

15 PART VI

16 ORDERS, DURATION, RELIEF, AND REMEDIES

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

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

1 respondent to surrender, and prohibit the respondent from accessing,
2 having in his or her custody or control, possessing, purchasing,
3 attempting to purchase or receive, or receiving, all firearms,
4 dangerous weapons, and any concealed pistol license, as required in
5 RCW 9.41.800.

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

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

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

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

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

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

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

4 (d) Restrain the respondent from knowingly coming within, or
5 knowingly remaining within, a specified distance from a specified
6 location including, but not limited to, a residence, school, day
7 care, workplace, the protected party's person, and the protected
8 party's vehicle. The specified distance shall presumptively be at
9 least 1,000 feet, unless the court for good cause finds that a
10 shorter specified distance is appropriate;

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

22 (f) Order the respondent to participate in a state-certified
23 domestic violence perpetrator treatment program approved under RCW
24 26.50.150 (as recodified by this act) or a state-certified sex
25 offender treatment program approved under RCW 18.155.070;

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

35 (h) In cases where the petitioner and the respondent are students
36 who attend the same public or private elementary, middle, or high
37 school, the court, when issuing a protection order and providing
38 relief, shall consider, among the other facts of the case, the
39 severity of the act, any continuing physical danger, emotional
40 distress, or educational disruption to the petitioner, and the

1 financial difficulty and educational disruption that would be caused
2 by a transfer of the respondent to another school. The court may
3 order that the respondent not attend the public or private
4 elementary, middle, or high school attended by the petitioner. If a
5 minor respondent is prohibited attendance at the minor's assigned
6 public school, the school district must provide the student
7 comparable educational services in another setting. In such a case,
8 the district shall provide transportation at no cost to the
9 respondent if the respondent's parent or legal guardian is unable to
10 pay for transportation. The district shall put in place any needed
11 supports to ensure successful transition to the new school
12 environment. The court shall send notice of the restriction on
13 attending the same school as the petitioner to the public or private
14 school the respondent will attend and to the school the petitioner
15 attends;

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

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

35 (k) Other than for respondents who are minors, require the
36 respondent to submit to electronic monitoring. The order must specify
37 who shall provide the electronic monitoring services and the terms
38 under which the monitoring must be performed. The order also may
39 include a requirement that the respondent pay the costs of the

1 monitoring. The court shall consider the ability of the respondent to
2 pay for electronic monitoring;

3 (l) Consider the provisions of RCW 9.41.800, and order the
4 respondent to surrender, and prohibit the respondent from accessing,
5 having in his or her custody or control, possessing, purchasing,
6 attempting to purchase or receive, or receiving, all firearms,
7 dangerous weapons, and any concealed pistol license, as required in
8 RCW 9.41.800;

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

20 (n) Order use of a vehicle;

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

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

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

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

8 (s) Order financial relief and restrain the transfer of jointly
9 owned assets;

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

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

25 (2) The court in granting a temporary antiharassment protection
26 order or a civil antiharassment protection order shall not prohibit
27 the respondent from exercising constitutionally protected free
28 speech. Nothing in this section prohibits the petitioner from
29 utilizing other civil or criminal remedies to restrain conduct or
30 communications not otherwise constitutionally protected.

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

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

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

38 (c) The court shall not issue a full protection order to any
39 party except upon notice to the respondent and the opportunity for a
40 hearing pursuant to a petition or counter-petition filed and served

1 by the party seeking relief in accordance with this chapter. Except
2 as provided in section 26 of this act, the court shall not issue a
3 temporary protection order to any party unless the party has filed a
4 petition or counter-petition for a protection order seeking relief in
5 accordance with this chapter.

6 (d) Under no circumstances shall the court deny the petitioner
7 the type of protection order sought in the petition on the grounds
8 that the court finds that a different type of protection order would
9 have a less severe impact on the respondent.

10 (4) The order shall specify the date the order expires, if any.
11 For permanent orders, the court shall set the date to expire 99 years
12 from the issuance date. The order shall also state whether the court
13 issued the protection order following personal service, service by
14 electronic means, service by mail, or service by publication, and
15 whether the court has approved service by mail or publication of an
16 order issued under this section.

17 NEW SECTION. **Sec. 40.** DURATION OF FULL PROTECTION ORDERS, OTHER
18 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When issuing an order
19 after notice to the respondent and a hearing, the court may either
20 grant relief for a fixed period of time or enter a permanent order of
21 protection. Other than for antiharassment orders, the court shall not
22 grant relief for less than one year unless the petitioner has
23 specifically requested relief for a shorter period of time.

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

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

35 NEW SECTION. **Sec. 41.** LAW ENFORCEMENT STAND-BY TO RECOVER
36 POSSESSIONS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When
37 an order is issued under this chapter upon request of the petitioner,
38 the court may order a law enforcement officer to accompany the

1 petitioner and assist in placing the petitioner in possession of
2 those items indicated in the order or to otherwise assist in the
3 execution of the order of protection. The order must list all items
4 that are to be included with sufficient specificity to make it clear
5 which property is included. Orders issued under this chapter must
6 include a designation of the appropriate law enforcement agency to
7 execute, serve, or enforce the order.

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

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

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

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

1 enforcement agencies of the existence of the order. The order is
2 fully enforceable in any county in the state.

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

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

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

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

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

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

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

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

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

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

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

33 (g) The following statement: "To the subject of this protection
34 order: This order is valid until the date and time noted above. You
35 are required to surrender all firearms in your custody, control, or
36 possession. You may not have in your custody or control, access,
37 possess, purchase, receive, or attempt to purchase or receive, a
38 firearm, or a concealed pistol license, while this order is in
39 effect. You must surrender to the (insert name of local law

1 enforcement agency) all firearms in your custody, control, or
2 possession, and any concealed pistol license issued to you under RCW
3 9.41.070 immediately. A hearing will be held on the date and at the
4 time noted above to determine if an extreme risk protection order
5 should be issued. Failure to appear at that hearing may result in a
6 court making an order against you that is valid for one year. You may
7 seek the advice of an attorney as to any matter connected with this
8 order."

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

12 (5) A temporary extreme risk protection order must be served by a
13 law enforcement officer in the same manner as provided for in section
14 19 of this act for service of the notice of hearing and petition, and
15 must be served concurrently with the notice of hearing and petition.

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

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

22 (a) A statement of the grounds supporting the issuance of the
23 order;

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

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

26 (d) Whether a behavioral health evaluation of the respondent is
27 required;

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

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

32 (g) The following statement: "To the subject of this protection
33 order: This order will last until the date and time noted above. If
34 you have not done so already, you must surrender to the (insert name
35 of local law enforcement agency) all firearms in your custody,
36 control, or possession, and any concealed pistol license issued to
37 you under RCW 9.41.070 immediately. You may not have in your custody
38 or control, access, possess, purchase, receive, or attempt to
39 purchase or receive, a firearm, or a concealed pistol license, while

1 this order is in effect. You have the right to request one hearing to
2 terminate this order every 12-month period that this order is in
3 effect, starting from the date of this order and continuing through
4 any renewals. You may seek the advice of an attorney as to any matter
5 connected with this order."

6 (2) When the court issues an extreme risk protection order, the
7 court shall inform the respondent that the respondent is entitled to
8 request termination of the order in the manner prescribed by section
9 62 of this act. The court shall provide the respondent with a form to
10 request a termination hearing.

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

15 (a) Order the respondent to surrender to the local law
16 enforcement agency all firearms in the respondent's custody, control,
17 or possession, and any concealed pistol license issued under RCW
18 9.41.070; and

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

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

1 manner to the control of the local law enforcement agency within 24
2 hours of being served with the order by alternate service.

3 (3) At the time of surrender, a law enforcement officer taking
4 possession of a firearm or concealed pistol license shall issue a
5 receipt identifying all firearms that have been surrendered and
6 provide a copy of the receipt to the respondent. Within 72 hours
7 after service of the order, the officer serving the order shall file
8 the original receipt with the court and shall ensure that his or her
9 law enforcement agency retains a copy of the receipt.

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

20 (5) If a person other than the respondent claims title to any
21 firearms surrendered pursuant to this section, and that person is
22 determined by the law enforcement agency to be the lawful owner of
23 the firearm, the firearm must be returned to that person, provided
24 that:

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

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

32 (c) The firearm is not otherwise unlawfully possessed by the
33 owner.

34 (6) Upon the issuance of a one-year extreme risk protection
35 order, the court shall order a new compliance review hearing date and
36 require the respondent to appear not later than three judicial days
37 from the issuance of the order. The court shall require a showing
38 that the respondent has surrendered any firearms in the respondent's
39 custody, control, or possession, and any concealed pistol license
40 issued under RCW 9.41.070 to a law enforcement agency. The compliance

1 review hearing is not required upon a satisfactory showing on which
2 the court can otherwise enter findings on the record that the
3 respondent has timely and completely surrendered all firearms in the
4 respondent's custody, control, or possession, and any concealed
5 pistol license issued under RCW 9.41.070 to a law enforcement agency,
6 and is in compliance with the order. If the court does not have a
7 sufficient record before it on which to make such a finding, the
8 court must set a review hearing to occur as soon as possible, at
9 which the respondent must be present and provide proof of compliance
10 with the court's order.

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

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

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

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

1 (ii) The court shall take judicial notice of the receipt filed
2 with the court by the law enforcement agency pursuant to subsection
3 (3) of this section. The court shall also provide sufficient notice
4 to the law enforcement agency of the hearing. Upon receiving notice
5 pursuant to this subsection, a law enforcement agency must:

6 (A) Provide the court with a complete list of firearms
7 surrendered by the respondent or otherwise belonging to the
8 respondent that are in the possession of the law enforcement agency;
9 and

10 (B) Provide the court with verification that any concealed pistol
11 license issued to the respondent has been surrendered and that a law
12 enforcement agency with authority to revoke the license has been
13 notified.

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

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

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

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

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

38 (9) (a) An extreme risk protection order must state that the act
39 of voluntarily surrendering firearms, or providing testimony relating
40 to the surrender of firearms, pursuant to such an order, may not be

1 used against the respondent or defendant in any criminal prosecution
2 under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

3 (b) To provide relevant information to the court to determine
4 compliance with the order, the court may allow the prosecuting
5 attorney or city attorney to question the respondent regarding
6 compliance.

7 (10) All law enforcement agencies must develop and implement
8 policies and procedures regarding the acceptance, storage, and return
9 of firearms required to be surrendered under this chapter. A law
10 enforcement agency holding any surrendered firearm or concealed
11 pistol license shall comply with the provisions of RCW 9.41.340 and
12 9.41.345 before the return of the firearm or concealed pistol license
13 to the owner or individual from whom it was obtained.

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

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

28 (3) Any firearm surrendered by a respondent pursuant to section
29 45 of this act that remains unclaimed by the lawful owner shall be
30 disposed of in accordance with the law enforcement agency's policies
31 and procedures for the disposal of firearms in police custody.

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

1 (2) A copy of an extreme risk protection order granted under this
2 chapter, including temporary extreme risk protection orders, must be
3 forwarded immediately by the clerk of the court, by electronic means
4 if possible, to the law enforcement agency specified in the order.
5 Upon receipt of the order, the law enforcement agency shall
6 immediately enter the order into the national instant criminal
7 background check system, any other federal or state computer-based
8 systems used by law enforcement or others to identify prohibited
9 purchasers of firearms, and any computer-based criminal intelligence
10 information system available in this state used by law enforcement
11 agencies to list outstanding warrants. The order must remain in each
12 system for the period stated in the order, and the law enforcement
13 agency shall only expunge orders from the systems that have expired
14 or terminated. Entry into the computer-based criminal intelligence
15 information system constitutes notice to all law enforcement agencies
16 of the existence of the order. The order is fully enforceable in any
17 county in the state.

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

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

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

1 (6) If an extreme risk protection order is terminated before its
2 expiration date, the clerk of the court shall forward on the same day
3 a copy of the termination order to the department of licensing and
4 the law enforcement agency specified in the termination order. Upon
5 receipt of the order, the law enforcement agency shall promptly
6 remove the order from any computer-based system in which it was
7 entered pursuant to subsection (2) of this section.

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

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

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

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

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

33 (3) The court shall ensure that in issuing protection orders,
34 including, but not limited to, orders to reissue temporary protection
35 orders and orders to renew protection orders, the court specifies
36 whether the respondent is ordered to surrender, and prohibited from
37 possessing, firearms and dangerous weapons.

1 (4) If the court issued a temporary protection order that
2 included a temporary order to surrender and prohibit weapons, the
3 temporary order to surrender and prohibit weapons must automatically
4 reissue with the temporary protection order. If the court determines
5 by a preponderance of the evidence that irreparable injury to the
6 petitioner will not result through the modification or termination of
7 the order to surrender and prohibit weapons as originally entered,
8 then the court must make specific findings.

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

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

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

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

1 **PART VII**

2 **REISSUANCE AND RENEWAL**

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

6 (a) Agreement of the parties;

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

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

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

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

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

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

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

31 (c) Status of the criminal case;

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

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

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

1 (g) The interests of persons not parties to the civil litigation;
2 and

3 (h) The interest of the public in the pending civil and criminal
4 litigation.

5 (5) Courts shall not require a petitioner to complete a new law
6 enforcement information sheet when a temporary protection order is
7 reissued or when a full order for a fixed time period is entered,
8 unless the petitioner indicates that the information needs to be
9 updated or amended. The clerk shall transmit the order to the law
10 enforcement agency identified in the order for service, along with a
11 copy of the confidential party information form received from the
12 respondent, if available, or the petitioner's confidential party
13 information form to assist law enforcement in serving the order.

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

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

27 (2) If the motion for renewal is uncontested and the petitioner
28 seeks no modification of the order, the order may be renewed on the
29 basis of the petitioner's motion and statement of the reason for the
30 requested renewal.

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

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

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

1 (b) For a sexual assault protection order, that the respondent
2 proves that the respondent will not engage in, or attempt to engage
3 in, physical or nonphysical contact with the petitioner when the
4 order expires;

5 (c) For a stalking protection order, that the respondent proves
6 that the respondent will not resume acts of stalking against the
7 petitioner or the petitioner's family or household members when the
8 order expires;

9 (d) For a vulnerable adult protection order, that the respondent
10 proves that the respondent will not resume acts of abandonment,
11 abuse, financial exploitation, or neglect against the vulnerable
12 adult when the order expires; or

13 (e) For an antiharassment protection order, that the respondent
14 proves that the respondent will not resume harassment of the
15 petitioner when the order expires.

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

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

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

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

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

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

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

4 (g) Other factors relating to a substantial change in
5 circumstances.

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

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

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

11 (c) The petitioner did not report the conduct giving rise to the
12 protection order, or subsequent violations of the protection order,
13 to law enforcement;

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

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

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

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

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

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

28 (9) If the protection order includes the parties' children, a
29 renewed protection order may be issued for more than one year,
30 subject to subsequent orders entered in a proceeding under chapter
31 26.09, 26.26A, or 26.26B RCW.

32 (10) The court may award court costs, service fees, and
33 reasonable attorneys' fees to the petitioner as provided in section
34 39 of this act.

35 (11) If the court declines to renew the protection order, the
36 court shall state, in writing in the order, the particular reasons
37 for the court's denial. If the court declines to renew a protection
38 order that had restrained the respondent from having contact with
39 children protected by the order, the court shall determine on the
40 record whether the respondent and the children should undergo

1 reunification therapy. Any reunification therapy provider should be
2 made aware of the respondent's history of domestic violence and
3 should have training and experience in the dynamics of intimate
4 partner violence.

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

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

15 The following provisions apply to the renewal of extreme risk
16 protection orders.

17 (1) The court must notify the petitioner of the impending
18 expiration of an extreme risk protection order. Notice must be
19 received by the petitioner 105 calendar days before the date the
20 order expires.

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

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

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

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

1 (d) The renewal of an extreme risk protection order has a
2 duration of one year, subject to termination as provided in section
3 62 of this act or further renewal by order of the court.

4 **PART VIII**
5 **VIOLATIONS AND ENFORCEMENT**

6 NEW SECTION. **Sec. 56.** VIOLATION OF ORDER AND PENALTIES, OTHER
7 THAN ANTIHARASSMENT PROTECTION ORDERS OR EXTREME RISK PROTECTION
8 ORDERS. (1)(a) Whenever a domestic violence protection order, a
9 sexual assault protection order, a stalking protection order, or a
10 vulnerable adult protection order is granted under this chapter, or
11 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
12 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
13 protection order as defined in RCW 26.52.020, or there is a Canadian
14 domestic violence protection order as defined in RCW 26.55.010, and
15 the respondent or person to be restrained knows of the order, a
16 violation of any of the following provisions of the order is a gross
17 misdemeanor, except as provided in subsections (4) and (5) of this
18 section:

19 (i) The restraint provisions prohibiting acts or threats of
20 violence against, or stalking of, a protected party, or the restraint
21 provisions prohibiting contact with a protected party;

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

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

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

31 (v) A provision of a foreign protection order or a Canadian
32 domestic violence protection order specifically indicating that a
33 violation will be a crime.

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

36 (i) May require that the respondent submit to electronic
37 monitoring. The court shall specify who must provide the electronic
38 monitoring services and the terms under which the monitoring must be

1 performed. The order also may include a requirement that the
2 respondent pay the costs of the monitoring. The court shall consider
3 the ability of the convicted person to pay for electronic monitoring;
4 and

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

10 (2) A law enforcement officer shall arrest without a warrant and
11 take into custody a person whom the law enforcement officer has
12 probable cause to believe has violated a domestic violence protection
13 order, a sexual assault protection order, a stalking protection
14 order, or a vulnerable adult protection order, or an order issued
15 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
16 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
17 in RCW 26.52.020, or a Canadian domestic violence protection order as
18 defined in RCW 26.55.010, that restrains the person or excludes the
19 person from a residence, workplace, school, or day care, or prohibits
20 the person from knowingly coming within, or knowingly remaining
21 within, a specified distance of a location, a protected party's
22 person, or a protected party's vehicle, if the person restrained
23 knows of the order. Presence of the order in the law enforcement
24 computer-based criminal intelligence information system is not the
25 only means of establishing knowledge of the order.

26 (3) A violation of a domestic violence protection order, a sexual
27 assault protection order, a stalking protection order, or a
28 vulnerable adult protection order, or an order issued under chapter
29 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
30 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
31 or a Canadian domestic violence protection order as defined in RCW
32 26.55.010, shall also constitute contempt of court, and is subject to
33 the penalties prescribed by law.

34 (4) Any assault that is a violation of a domestic violence
35 protection order, a sexual assault protection order, a stalking
36 protection order, or a vulnerable adult protection order, or an order
37 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
38 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
39 in RCW 26.52.020, or a Canadian domestic violence protection order as
40 defined in RCW 26.55.010, and that does not amount to assault in the

1 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
2 felony, and any conduct in violation of such an order that is
3 reckless and creates a substantial risk of death or serious physical
4 injury to another person is a class C felony.

5 (5) A violation of a domestic violence protection order, a sexual
6 assault protection order, a stalking protection order, or a
7 vulnerable adult protection order, or a court order issued under
8 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or
9 26.26B RCW, or a valid foreign protection order as defined in RCW
10 26.52.020, or a Canadian domestic violence protection order as
11 defined in RCW 26.55.010, is a class C felony if the offender has at
12 least two previous convictions for violating the provisions of a
13 domestic violence protection order, a sexual assault protection
14 order, a stalking protection order, or a vulnerable adult protection
15 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
16 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
17 protection order as defined in RCW 26.52.020, or a Canadian domestic
18 violence protection order as defined in RCW 26.55.010. The previous
19 convictions may involve the same victim or other victims specifically
20 protected by the orders the offender violated.

21 (6) Upon the filing of an affidavit by the petitioner or any law
22 enforcement officer alleging that the respondent has violated a
23 domestic violence protection order, a sexual assault protection
24 order, a stalking protection order, or a vulnerable adult protection
25 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
26 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
27 protection order as defined in RCW 26.52.020, or a Canadian domestic
28 violence protection order as defined in RCW 26.55.010, the court may
29 issue an order to the respondent, requiring the respondent to appear
30 and show cause within 14 days as to why the respondent should not be
31 found in contempt of court and punished accordingly. The hearing may
32 be held in the court of any county or municipality in which the
33 petitioner or respondent temporarily or permanently resides at the
34 time of the alleged violation.

35 NEW SECTION. **Sec. 57.** ENFORCEMENT AND PENALTIES—ANTI-HARASSMENT
36 PROTECTION ORDERS. (1) When the court issues an anti-harassment
37 protection order under this chapter, the court shall advise the
38 petitioner that the respondent may not be subjected to the penalties

1 set forth in this section for a violation of the order unless the
2 respondent knows of the order.

3 (2) A willful disobedience by a respondent age 18 years or over
4 of any of the following provisions of an antiharassment protection
5 order issued under this chapter is a gross misdemeanor:

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

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

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

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

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

24 (4) Any respondent under the age of 18 years who willfully
25 disobeys the terms of an antiharassment protection order issued under
26 this chapter may, in the court's discretion, be found in contempt of
27 court and subject to the sanction specified in RCW 7.21.030(4),
28 provided that the sanction specified in RCW 7.21.030(4) may be
29 imposed only for willful disobedience of the provisions listed in
30 subsection (2) of this section.

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

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

1 (7) Appearances required under this section are mandatory and
2 cannot be waived.

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

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

8 (2) Any person who has in his or her custody or control,
9 accesses, purchases, possesses, or receives, or attempts to purchase
10 or receive, a firearm with knowledge that he or she is prohibited
11 from doing so by an extreme risk protection order is guilty of a
12 gross misdemeanor, and further is prohibited from having in his or
13 her custody or control, accessing, purchasing, possessing, or
14 receiving, or attempting to purchase or receive, a firearm for a
15 period of five years from the date the existing order expires.
16 However, such person is guilty of a class C felony if the person has
17 two or more previous convictions for violating an order issued under
18 this chapter.

19 NEW SECTION. **Sec. 59.** ENFORCEMENT—KNOWLEDGE OF ORDER. (1) When

20 the court issues a protection order under this chapter, the court
21 shall advise the petitioner that the respondent may not be subjected
22 to the penalties set forth in this chapter for a violation of the
23 order unless the respondent knows of the order.

24 (2) When a law enforcement officer investigates a report of an
25 alleged violation of a protection order issued under this chapter,
26 the officer shall attempt to determine whether the respondent knew of
27 the existence of the protection order. If the law enforcement officer
28 determines that the respondent did not, or probably did not, know
29 about the protection order and the officer is provided a current copy
30 of the order, the officer shall serve the order on the respondent if
31 the respondent is present. If the respondent is not present, the
32 officer shall make reasonable efforts to serve a copy of the order on
33 the respondent. If the officer serves the respondent with the
34 petitioner's copy of the order, the officer shall give the petitioner
35 a receipt indicating that the petitioner's copy has been served on
36 the respondent. After the officer has served the order on the
37 respondent, the officer shall enforce prospective compliance with the
38 order.

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

6 NEW SECTION. **Sec. 60.** ENFORCEMENT—PROSECUTOR ASSISTANCE. When a
7 party alleging a violation of a protection order issued under this
8 chapter states that the party is unable to afford private counsel and
9 asks the prosecuting attorney for the county or the attorney for the
10 municipality in which the order was issued for assistance, the
11 attorney shall initiate and prosecute a contempt proceeding if there
12 is probable cause to believe that the violation occurred. In this
13 action, the court may require the violator of the order to pay the
14 costs incurred in bringing the action, including a reasonable
15 attorney's fee.

16 **PART IX**
17 **MODIFICATION AND TERMINATION**

18 NEW SECTION. **Sec. 61.** MODIFICATION OR TERMINATION OF PROTECTION
19 ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS AND VULNERABLE
20 ADULT PROTECTION ORDERS. This section applies to modification or
21 termination of domestic violence protection orders, sexual assault
22 protection orders, stalking protection orders, and antiharassment
23 protection orders.

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

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

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

8 (a) Acts of domestic violence, in cases involving domestic
9 violence protection orders;

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

12 (c) Acts of stalking, in cases involving stalking protection
13 orders; or

14 (d) Acts of unlawful harassment, in cases involving
15 antiharassment protection orders.

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

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

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

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

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

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

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

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

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

3 (h) Other factors relating to a substantial change in
4 circumstances.

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

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

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

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

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

26 NEW SECTION. **Sec. 62.** TERMINATION OF EXTREME RISK PROTECTION
27 ORDERS. This section applies to the termination of extreme risk
28 protection orders.

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

33 (2) Upon receipt of the request for a hearing to terminate an
34 extreme risk protection order, the court shall set a date for a
35 hearing. The hearing must occur no sooner than 14 days and no later
36 than 30 days from the date of service of the request upon the
37 petitioner.

38 (3) The respondent shall have the burden of proving by a
39 preponderance of the evidence that the respondent does not pose a

1 significant danger of causing personal injury to self or others by
2 having in his or her custody or control, accessing, possessing,
3 purchasing, receiving, or attempting to purchase or receive, a
4 firearm or other dangerous weapons. The court may consider any
5 relevant evidence, including evidence of the considerations listed in
6 section 27 of this act.

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

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

12 (1) Any vulnerable adult who is subject to a limited
13 guardianship, limited conservatorship, or other protective
14 arrangement under chapter 11.130 RCW, or the vulnerable adult's
15 guardian, conservator, or person acting on behalf of the vulnerable
16 adult under a protective arrangement, may, at any time subsequent to
17 the entry of a permanent protection order under this chapter, file a
18 motion to modify or terminate the protection order.

19 (2) In a hearing on a motion to modify or terminate the
20 protection order, the court shall grant such relief consistent with
21 section 39 of this act as it deems necessary for the protection of
22 the vulnerable adult, including modification or termination of the
23 protection order.

24 NEW SECTION. **Sec. 64.** REPORTING OF MODIFICATION OR TERMINATION
25 OF ORDER. In any situation where a protection order issued under this
26 chapter is modified or terminated before its expiration date, the
27 clerk of the court shall forward on the same day a true copy of the
28 modified order or the termination order to the law enforcement agency
29 specified in the modified or termination order. Upon receipt of the
30 order, the law enforcement agency shall promptly enter it in the
31 computer-based criminal intelligence information system, or if the
32 order is terminated, remove the order from the computer-based
33 criminal intelligence information system.

34 **PART X**
35 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 65.** ORDERS UNDER THIS AND OTHER CHAPTERS,
2 ENFORCEMENT, AND CONSOLIDATION—VALIDITY AND ENFORCEMENT OF ORDERS
3 UNDER PRIOR CHAPTERS. (1)(a) Any order available under this chapter,
4 other than an extreme risk protection order, may be issued in actions
5 under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW. If a protection
6 order is issued in an action under chapter 13.32A, 26.09, 26.26A, or
7 26.26B RCW, the order must be issued on the forms mandated by section
8 16 of this act. An order issued in accordance with this subsection
9 (1)(a) is fully enforceable and must be enforced under the provisions
10 of this chapter.

11 (b) If a party files an action under chapter 13.32A, 26.09,
12 26.26A, or 26.26B RCW, an order issued previously under this chapter
13 between the same parties may be consolidated by the court under that
14 action and cause number. Any order issued under this chapter after
15 consolidation must contain the original cause number and the cause
16 number of the action under chapter 13.32A, 26.09, 26.26A, or 26.26B
17 RCW.

18 (2) Nothing in this act affects the validity of protection orders
19 issued prior to the effective date of this section under chapter
20 74.34 RCW or any of the former chapters 7.90, 7.92, 7.94, 10.14, and
21 26.50 RCW. Protection orders entered prior to the effective date of
22 this section under chapter 74.34 RCW or any of the former chapters
23 7.90, 7.92, 7.94, 10.14, and 26.50 RCW are subject to the provisions
24 of this act and are fully enforceable under the applicable provisions
25 of sections 56 through 60 of this act and may be modified or
26 terminated in accordance with the applicable provisions of sections
27 61 through 65 of this act.

28 NEW SECTION. **Sec. 66.** JUDICIAL INFORMATION SYSTEM AND DATABASE.
29 To prevent the issuance of competing protection orders in different
30 courts and to give courts needed information for the issuance of
31 orders, the judicial information system must be available in each
32 district, municipal, and superior court, and must include a database
33 containing the following information:

34 (1) The names of the parties and the cause number for every order
35 of protection issued under this chapter, every criminal no-contact
36 order issued under chapters 9A.46 and 10.99 RCW, every dissolution
37 action under chapter 26.09 RCW, every parentage action under chapter
38 26.26A or 26.26B RCW, every restraining order issued on behalf of an
39 abused child or adult dependent person under chapter 26.44 RCW, every

1 foreign protection order filed under chapter 26.52 RCW, and every
2 Canadian domestic violence protection order filed under chapter 26.55
3 RCW. When a guardian or the department of social and health services
4 or department of children, youth, and families has petitioned for
5 relief on behalf of an abused child, adult dependent person, or
6 vulnerable adult, the name of the person on whose behalf relief was
7 sought must be included in the database as a party rather than the
8 guardian or appropriate department;

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

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

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

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

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

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

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

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

1 the provisions of a domestic violence protection order or no-contact
2 order restraining the person or excluding the person from a residence
3 (chapter 7.78 RCW (the new chapter created in section 78 of this
4 act), RCW 10.99.040, or any of the former RCW 26.50.060, 26.50.070,
5 and 26.50.130 (~~(, or 10.99.040)~~));

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

10 (iii) During any period of time that the person is subject to a
11 court order issued under chapter (~~(7.90, 7.92,)~~) 7.78 (the new
12 chapter created in section 78 of this act), 9A.46, (~~(10.14,)~~) 10.99,
13 26.09, (~~(26.10,)~~) 26.26A, or 26.26B (~~(, or 26.50)~~) RCW or any of the
14 former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

15 (A) Was issued after a hearing (~~(of)~~) for which the person
16 received actual notice, and at which the person had an opportunity to
17 participate, whether the court then issues a full order or reissues a
18 temporary order. If the court enters an agreed order by the parties
19 without a hearing, such an order meets the requirements of this
20 subsection;

21 (B) Restrains the person from harassing, stalking, or threatening
22 the person protected under the order or child of the person or
23 protected person, or engaging in other conduct that would place the
24 protected person in reasonable fear of bodily injury to the protected
25 person or child; and

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

31 (II) Includes an order under RCW 9.41.800 requiring the person to
32 surrender all firearms and prohibiting the person from accessing,
33 (~~(obtaining, or)~~) having in his or her custody or control,
34 possessing, purchasing, receiving, or attempting to purchase or
35 receive, firearms;

36 (iv) After having previously been involuntarily committed (~~(for~~
37 ~~mental health treatment)~~) based on a mental disorder under RCW
38 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or
39 equivalent statutes of another jurisdiction, unless his or her right
40 to possess a firearm has been restored as provided in RCW 9.41.047;

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

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

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

11 ~~(b) ((a)(iii) of this subsection does not apply to a sexual
12 assault protection order under chapter 7.90 RCW if the order has been
13 modified pursuant to RCW 7.90.170 to remove any restrictions on
14 firearm purchase, transfer, or possession.~~

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

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

36 (4) (a) Notwithstanding subsection (1) or (2) of this section, a
37 person convicted or found not guilty by reason of insanity of an
38 offense prohibiting the possession of a firearm under this section
39 other than murder, manslaughter, robbery, rape, indecent liberties,
40 arson, assault, kidnapping, extortion, burglary, or violations with

1 respect to controlled substances under RCW 69.50.401 and 69.50.410,
2 who received a probationary sentence under RCW 9.95.200, and who
3 received a dismissal of the charge under RCW 9.95.240, shall not be
4 precluded from possession of a firearm as a result of the conviction
5 or finding of not guilty by reason of insanity. Notwithstanding any
6 other provisions of this section, if a person is prohibited from
7 possession of a firearm under subsection (1) or (2) of this section
8 and has not previously been convicted or found not guilty by reason
9 of insanity of a sex offense prohibiting firearm ownership under
10 subsection (1) or (2) of this section and/or any felony defined under
11 any law as a class A felony or with a maximum sentence of at least
12 (~~twenty~~) 20 years, or both, the individual may petition a court of
13 record to have his or her right to possess a firearm restored:

14 (i) Under RCW 9.41.047; and/or

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

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

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

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

35 (ii) The superior court in the county in which the petitioner
36 resides.

37 (5) In addition to any other penalty provided for by law, if a
38 person under the age of (~~eighteen~~) 18 years is found by a court to
39 have possessed a firearm in a vehicle in violation of subsection (1)
40 or (2) of this section or to have committed an offense while armed

1 with a firearm during which offense a motor vehicle served an
2 integral function, the court shall notify the department of licensing
3 within (~~twenty-four~~) 24 hours and the person's privilege to drive
4 shall be revoked under RCW 46.20.265, unless the offense is the
5 juvenile's first offense in violation of this section and has not
6 committed an offense while armed with a firearm, an unlawful
7 possession of a firearm offense, or an offense in violation of
8 chapter 66.44, 69.52, 69.41, or 69.50 RCW.

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

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

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

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

27 (a) Discovery by the (~~issuing authority~~) law enforcement agency
28 that the (~~person~~) licensee was ineligible under RCW 9.41.070 for a
29 concealed pistol license when applying for the license or license
30 renewal;

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

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

37 (d) An order that the licensee forfeit a firearm under RCW
38 9.41.098(1)(d); or

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

4 (2) (a) Unless the person may lawfully possess a pistol without a
5 concealed pistol license, an ineligible person to whom a concealed
6 pistol license was issued shall, within ~~((fourteen))~~ 14 days of
7 license revocation, lawfully transfer ownership of any pistol
8 acquired while the person was in possession of the license.

9 (b) Upon discovering a person issued a concealed pistol license
10 was ineligible for the license, the ~~((issuing authority))~~ law
11 enforcement agency shall contact the department of licensing to
12 determine whether the person purchased a pistol while in possession
13 of the license. If the person did purchase a pistol while in
14 possession of the concealed pistol license, if the person may not
15 lawfully possess a pistol without a concealed pistol license, the
16 ~~((issuing authority))~~ law enforcement agency shall require the person
17 to present satisfactory evidence of having lawfully transferred
18 ownership of the pistol. The ~~((issuing authority))~~ law enforcement
19 agency shall require the person to produce the evidence within
20 ~~((fifteen))~~ 15 days of the revocation of the license.

21 (3) When a licensee is ordered to forfeit a firearm under RCW
22 9.41.098(1)(d), the ~~((issuing authority))~~ law enforcement agency
23 shall:

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

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

26 or

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

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

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

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

37 (1) Any court when entering an order authorized under chapter
38 ~~((7.92 RCW, RCW 7.90.090))~~ 7.--- RCW (the new chapter created in
39 section 78 of this act), RCW 9A.46.080, ~~((10.14.080,))~~ 10.99.040,

1 10.99.045, 26.09.050, 26.09.060, ((26.10.040, —26.10.115,))
2 26.26B.020, ((26.50.060, —26.50.070,)) or 26.26A.470 shall, upon a
3 showing by ((clear and convincing)) a preponderance of the evidence,
4 that a party has: Used, displayed, or threatened to use a firearm or
5 other dangerous weapon in a felony, or is ineligible to possess a
6 firearm under the provisions of RCW 9.41.040:

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

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

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

15 (d) Prohibit the party from obtaining or possessing a concealed
16 pistol license;

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

22 (2) ((Any court when entering an order authorized under chapter
23 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
24 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,
25 26.50.070, or 26.26A.470 may, upon a showing by a preponderance of
26 the evidence but not by clear and convincing evidence, that a party
27 has: Used, displayed, or threatened to use a firearm or other
28 dangerous weapon in a felony, or is ineligible to possess a firearm
29 under the provisions of RCW 9.41.040:

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

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

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

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

38 ~~(3))~~ During any period of time that the ((person)) party is
39 subject to a court order issued under chapter ((7.90, —7.92)) 7.---
40 (the new chapter created in section 78 of this act), 9A.46,

1 (~~10.14,~~) 10.99, 26.09, (~~26.10,~~) 26.26A, or 26.26B(~~, or 26.50~~)
2 RCW that:

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

9 (b) Restrains the (~~person~~) party from harassing, stalking, or
10 threatening an intimate partner of the (~~person~~) party, the
11 protected person, or child of the intimate partner, party, or
12 protected person, or engaging in other conduct that would place an
13 intimate partner or protected person in reasonable fear of bodily
14 injury to the intimate partner, protected person, or child; and

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

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

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

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

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

30 (D) Prohibit the party from obtaining or possessing a concealed
31 pistol license.

32 (~~(4)~~) (3) The court may order temporary surrender and prohibit
33 the purchase of all firearms and other dangerous weapons, and any
34 concealed pistol license, without notice to the other party if it
35 finds, on the basis of the moving affidavit or other evidence, that
36 irreparable injury could result if an order is not issued until the
37 time for response has elapsed.

38 (~~(5)~~) (4) In addition to the provisions of subsections (1) (~~(7~~
39 ~~-2),~~) and (~~(4)~~) (3) of this section, the court may enter an order
40 requiring a party to comply with the provisions in subsection (1) of

1 this section if it finds that the possession of a firearm or other
2 dangerous weapon by any party presents a serious and imminent threat
3 to public health or safety, or to the health or safety of any
4 individual.

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

8 ~~((7))~~ (6) The court ~~((may))~~ shall require the party to
9 surrender all firearms and other dangerous weapons in his or her
10 immediate possession or control or subject to his or her immediate
11 possession or control, and any concealed pistol license issued under
12 RCW 9.41.070, to the local law enforcement agency. Law enforcement
13 officers shall use law enforcement databases to assist in locating
14 the ~~((respondent))~~ party in situations where the protected person
15 does not know where the ~~((respondent))~~ party lives or where there is
16 evidence that the ~~((respondent))~~ party is trying to evade service.

17 ~~((8))~~ (7) If the court enters a protection order, restraining
18 order, or no-contact order that includes an order to surrender
19 firearms, dangerous weapons, and any concealed pistol license under
20 this section~~((, the))~~:

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

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

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

28 (1) Because of the heightened risk of lethality to petitioners
29 when respondents to protection orders become aware of court
30 involvement and continue to have access to firearms, and the
31 frequency of noncompliance with court orders prohibiting possession
32 of firearms, law enforcement and judicial processes must emphasize
33 swift and certain compliance with court orders prohibiting access,
34 possession, and ownership of all firearms.

35 (2) A law enforcement officer serving a protection order, no-
36 contact order, or restraining order that includes an order to
37 surrender all firearms, dangerous weapons, and a concealed pistol
38 license under RCW 9.41.800 shall inform the respondent that the order
39 is effective upon service and the respondent must immediately

1 surrender all firearms and dangerous weapons in (~~his or her~~) the
2 respondent's custody, control, or possession and any concealed pistol
3 license issued under RCW 9.41.070, and conduct any search permitted
4 by law for such firearms, dangerous weapons, and concealed pistol
5 license. The law enforcement officer shall take possession of all
6 firearms, dangerous weapons, and any concealed pistol license
7 belonging to the respondent that are surrendered, in plain sight, or
8 discovered pursuant to a lawful search. The order must be personally
9 served upon the respondent or defendant if the order is entered in
10 open court in the presence of the respondent or defendant. The
11 respondent or defendant shall acknowledge receipt and service. If the
12 respondent or defendant refuses service, an agent of the court may
13 indicate on the record that the respondent or defendant refused
14 service. The court shall enter the service and receipt into the
15 record. A copy of the order and service shall be transmitted
16 immediately to law enforcement. The respondent must immediately
17 surrender all firearms, dangerous weapons, and any concealed pistol
18 license in a safe manner to the control of the local law enforcement
19 agency on the day of the hearing at which the respondent was present.

20 (3) At the time of surrender, a law enforcement officer taking
21 possession of firearms, dangerous weapons, and any concealed pistol
22 license shall issue a receipt identifying all firearms, dangerous
23 weapons, and any concealed pistol license that have been surrendered
24 and provide a copy of the receipt to the respondent. The law
25 enforcement agency shall file the original receipt with the court
26 within (~~twenty-four~~) 24 hours after service of the order and retain
27 a copy of the receipt, electronically whenever electronic filing is
28 available.

29 (4) Upon the sworn statement or testimony of the petitioner or of
30 any law enforcement officer alleging that the respondent has failed
31 to comply with the surrender of firearms or dangerous weapons as
32 required by an order issued under RCW 9.41.800, the court shall
33 determine whether probable cause exists to believe that the
34 respondent has failed to surrender all firearms and dangerous weapons
35 in their possession, custody, or control. If probable cause exists
36 that a crime occurred, the court shall issue a warrant describing the
37 firearms or dangerous weapons and authorizing a search of the
38 locations where the firearms and dangerous weapons are reasonably
39 believed to be and the seizure of all firearms and dangerous weapons
40 discovered pursuant to such search.

1 (5) If a person other than the respondent claims title to any
2 firearms or dangerous weapons surrendered pursuant to this section,
3 and the person is determined by the law enforcement agency to be the
4 lawful owner of the firearm or dangerous weapon, the firearm or
5 dangerous weapon shall be returned to the lawful owner, provided
6 that:

7 (a) The firearm or dangerous weapon is removed from the
8 respondent's access, custody, control, or possession and the lawful
9 owner agrees by written document signed under penalty of perjury to
10 store the firearm or dangerous weapon in a manner such that the
11 respondent does not have access to or control of the firearm or
12 dangerous weapon;

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

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

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

35 (7) (a) If a court finds at the compliance review hearing, or any
36 other hearing where compliance with the order to surrender and
37 prohibit weapons is addressed, that there is probable cause to
38 believe the respondent was aware of and failed to fully comply with
39 the order, failed to appear at the compliance review hearing, or
40 violated the order after the court entered findings of compliance,

1 pursuant to its authority under chapter 7.21 RCW, the court may
2 initiate a contempt proceeding to impose remedial sanctions on its
3 own motion, or upon the motion of the prosecutor, city attorney, or
4 the petitioner's counsel, and issue an order requiring the respondent
5 to appear, provide proof of compliance with the order, and show cause
6 why the respondent should not be held in contempt of court.

7 (b) If the respondent is not present in court at the compliance
8 review hearing or if the court issues an order to appear and show
9 cause after a compliance review hearing, the clerk of the court shall
10 electronically transmit a copy of the order to show cause to the law
11 enforcement agency where the respondent resides for personal service
12 or service in the manner provided in the civil rules of superior
13 court or applicable statute. Law enforcement shall also serve a copy
14 of the order to show cause on the petitioner, either electronically
15 or in person, at no cost.

16 (c) The order to show cause served upon the respondent shall
17 state the date, time, and location of the hearing and shall include a
18 warning that the respondent may be held in contempt of court if the
19 respondent fails to promptly comply with the terms of the order to
20 surrender and prohibit weapons and a warning that an arrest warrant
21 could be issued if the respondent fails to appear on the date and
22 time provided in the order.

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

27 (ii) The court shall take judicial notice of the receipt filed
28 with the court by the law enforcement agency pursuant to subsection
29 (3) of this section. The court shall also provide sufficient notice
30 to the law enforcement agency of the hearing. Upon receiving notice
31 pursuant to this subsection, a law enforcement agency must:

32 (A) Provide the court with a complete list of firearms and other
33 dangerous weapons surrendered by the respondent or otherwise
34 belonging to the respondent that are in the possession of the law
35 enforcement agency; and

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

39 (iii) If the law enforcement agency has a reasonable suspicion
40 that the respondent is not in full compliance with the terms of the

1 order, the law enforcement agency must submit the basis for its
2 belief to the court, and may do so through the filing of (~~an~~
3 ~~affidavit~~) a declaration.

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

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

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

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

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

30 (b) To provide relevant information to the court to determine
31 compliance with the order, the court may allow the prosecuting
32 attorney or city attorney to question the respondent regarding
33 compliance.

34 (10) All law enforcement agencies must have policies and
35 procedures to provide for the acceptance, storage, and return of
36 firearms, dangerous weapons, and concealed pistol licenses that a
37 court requires must be surrendered under RCW 9.41.800. A law
38 enforcement agency holding any firearm or concealed pistol license
39 that has been surrendered under RCW 9.41.800 shall comply with the
40 provisions of RCW 9.41.340 and 9.41.345 before the return of the

1 firearm or concealed pistol license to the owner or individual from
2 whom it was obtained.

3 ~~((9))~~ (11) The administrative office of the courts shall create
4 a statewide pattern form to assist the courts in ensuring timely and
5 complete compliance in a consistent manner with orders issued under
6 this chapter. The administrative office of the courts shall report
7 annually on the number of orders issued under this chapter by each
8 court, the degree of compliance, and the number of firearms obtained,
9 and may make recommendations regarding additional procedures to
10 enhance compliance and victim safety.

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

13 For the purpose of assisting courts in ensuring compliance with
14 an order to surrender and prohibit weapons or an extreme risk
15 protection order, the department of licensing, or the agency with
16 responsibility for maintaining that information should it be an
17 agency other than the department of licensing, shall make the
18 following information available to prosecuting attorneys' offices,
19 city attorneys' offices, public defender agency staff, probation
20 services personnel, and judicial officers and staff of municipal,
21 district, and superior courts for the following law enforcement
22 purposes:

23 (1) Determining whether a person is ineligible to possess
24 firearms;

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

26 (3) Determining whether a person has or previously had a
27 concealed pistol license, or has applied for a concealed pistol
28 license.

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

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

34 (2) A defendant who is charged by citation, complaint, or
35 information with an offense involving domestic violence as defined by
36 RCW 10.99.020 and not arrested shall appear in court for arraignment
37 in person as soon as practicable, but in no event later than
38 ~~((fourteen))~~ 14 days after the next day on which court is in session

1 following the issuance of the citation or the filing of the complaint
2 or information.

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

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

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

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

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

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

18 (c) For the purposes of (b) of this subsection, criminal history
19 includes all previous convictions and orders of deferred prosecution,
20 as reported through the judicial information system or otherwise
21 available to the court or prosecutor, current to within the period
22 specified in (d) of this subsection before the date of the
23 appearance.

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

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

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

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

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

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

1 **PART XII**

2 **CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS**

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

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Canadian domestic violence protection order" means a
8 judgment or part of a judgment or order issued in a civil proceeding
9 by a court of Canada under law of the issuing jurisdiction which
10 relates to domestic violence (~~(and prohibits a respondent from:~~

11 ~~(a) Being in physical proximity to a protected individual or~~
12 ~~following a protected individual;~~

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

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

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

19 (2) "Domestic violence protection order" means an injunction or
20 other order issued by a (~~tribunal~~) court which relates to domestic
21 or family violence laws to prevent an individual from engaging in
22 violent or threatening acts against, harassment of, direct or
23 indirect contact or communication with, or being in physical
24 proximity to another individual.

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

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

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

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

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

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

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

5 ~~((10) "Tribunal" means a court, agency, or other entity
6 authorized by law of this state other than this chapter to establish,
7 enforce, or modify a domestic protection order.))~~

8 NEW SECTION. **Sec. 80.** A new section is added to chapter 26.55
9 RCW to read as follows:

10 (1) A Canadian domestic violence protection order that identifies
11 both a protected individual and a respondent and appears valid on its
12 face is prima facie evidence of its enforceability under this act.

13 (2) A Canadian domestic violence protection order is enforceable
14 only to the extent it prohibits a respondent from the following
15 conduct as ordered by a Canadian court:

16 (a) Being in physical proximity to a protected individual or
17 following a protected individual;

18 (b) Directly or indirectly contacting or communicating with a
19 protected individual or other individual described in the order;

20 (c) Being within a certain distance of a specified place or
21 location associated with a protected individual; or

22 (d) Molesting, annoying, harassing, or engaging in threatening
23 conduct directed at a protected individual.

24 (3) Neither filing with the clerk of the court under RCW
25 26.55.040 nor obtaining an order granting recognition and enforcement
26 under RCW 26.55.030 is required prior to the enforcement of a
27 Canadian domestic violence protection order by a law enforcement
28 officer.

29 **Sec. 81.** RCW 26.55.020 and 2019 c 263 s 903 are each amended to
30 read as follows:

31 (1) If a law enforcement officer determines under subsection (2)
32 or (3) of this section that there is probable cause to believe a
33 ~~((valid))~~ Canadian domestic violence protection order exists and that
34 one or more of the provisions of the order ~~((has))~~ identified in
35 section 80 of this act have been violated, the officer shall enforce
36 the terms of the Canadian domestic violence protection order as if
37 the terms were in an order ~~((of a tribunal. Presentation to a law~~
38 ~~enforcement officer of a certified copy of a Canadian domestic~~

1 ~~violence protection order is not required for enforcement))~~ issued in
2 Washington state.

3 (2) Presentation to a law enforcement officer of a record of a
4 Canadian domestic violence protection order that identifies both a
5 protected individual and a respondent, and on its face is in effect,
6 constitutes probable cause to believe that ~~((a valid))~~ an enforceable
7 order exists.

8 (3) If a record of a Canadian domestic violence protection order
9 is not presented as provided in subsection (2) of this section, a law
10 enforcement officer ~~((may consider))~~ is not prohibited from
11 considering other relevant information in determining whether there
12 is probable cause to believe that a ~~((valid))~~ Canadian domestic
13 violence protection order exists.

14 (4) If a law enforcement officer determines that ~~((an otherwise~~
15 ~~valid))~~ a Canadian domestic violence protection order cannot be
16 enforced because the respondent has not been notified of or served
17 with the order, the officer shall notify the protected individual
18 that the officer will make reasonable efforts to contact the
19 respondent, consistent with the safety of the protected individual.
20 After notice to the protected individual and consistent with the
21 safety of the individual, the officer shall make a reasonable effort
22 to inform the respondent of the order, notify the respondent of the
23 terms of the order, provide a record of the order, if available, to
24 the respondent, and allow the respondent a reasonable opportunity to
25 comply with the order before the officer enforces the order.

26 (5) If a law enforcement officer determines that an individual is
27 a protected individual, the officer shall inform the individual of
28 available local victim services.

29 **Sec. 82.** RCW 26.55.030 and 2019 c 263 s 904 are each amended to
30 read as follows:

31 (1) A ~~((tribunal))~~ court may issue an order ~~((enforcing or~~
32 ~~refusing to enforce))~~ granting recognition and enforcement or denying
33 recognition and enforcement of a Canadian domestic violence
34 protection order on ~~((application))~~ petition of:

35 (a) A protected individual;

36 (b) A person authorized by law of this state other than this
37 chapter to seek enforcement of a domestic violence protection order;
38 or

39 ~~((b))~~ (c) A respondent.

1 ~~(2) ((In a proceeding under subsection (1) of this section, the~~
2 ~~tribunal shall follow the procedures of this state for enforcement of~~
3 ~~a domestic protection order. An order entered under this section is~~
4 ~~limited to the enforcement of the terms of the Canadian domestic~~
5 ~~violence protection order as defined in RCW 26.55.010.))~~ A petitioner
6 is not required to post a bond to obtain relief in any proceeding
7 under this section. No fees for any type of filing or service of
8 process may be charged by a court or any public agency to petitioners
9 seeking relief under this chapter. Courts may not charge petitioners
10 any fees or surcharges the payment of which is a condition precedent
11 to the petitioner's ability to secure access to relief under this
12 chapter. Petitioners shall be provided the necessary number of
13 certified copies, forms, and instructional brochures free of charge.
14 A respondent who is served electronically with a protection order
15 shall be provided a certified copy of the order free of charge upon
16 request.

17 (3) Upon receipt of the petition, the court shall order a
18 hearing, which shall be held not later than 14 days from the date of
19 the order. Service shall be provided as required in sections 10 and
20 18 through 21 of this act.

21 (4) The hearing shall be conducted as required by sections 24 and
22 25 of this act.

23 (5) Interpreters must be appointed as required in section 33 of
24 this act. An interpreter shall interpret for the party in the
25 presence of counsel or court staff in preparing forms and
26 participating in the hearing and court-ordered assessments, and the
27 interpreter shall sight translate any orders.

28 ~~((3))~~ (6) A Canadian domestic violence protection order is
29 enforceable under this section if:

30 (a) The order identifies a protected individual and a respondent;

31 (b) The order is valid and in effect;

32 (c) The issuing court had jurisdiction over the parties and the
33 subject matter under law applicable in the issuing court; and

34 (d) The order was issued after:

35 (i) The respondent was given reasonable notice and had an
36 opportunity to be heard before the court issued the order; or

37 (ii) In the case of an ex parte temporary protection order, the
38 respondent was given reasonable notice and had or will have an
39 opportunity to be heard within a reasonable time after the order was

1 issued, in a manner consistent with the right of the respondent to
2 due process.

3 ~~((4) A Canadian domestic violence protection order valid on its
4 face is prima facie evidence of its enforceability under this
5 section.~~

6 ~~(5))~~ (7) A claim that a Canadian domestic violence protection
7 order does not comply with subsection ~~((3))~~ (6) of this section is
8 an affirmative defense in a proceeding seeking enforcement of the
9 order. If the ~~((tribunal))~~ court determines that the order is not
10 enforceable, the ~~((tribunal))~~ court shall issue an order that the
11 Canadian domestic violence protection order is not enforceable under
12 this section and RCW 26.55.020 and may not be ~~((registered))~~ filed
13 under RCW 26.55.040.

14 **Sec. 83.** RCW 26.55.040 and 2019 c 263 s 905 are each amended to
15 read as follows:

16 (1) A person entitled to protection who has a ~~((valid))~~ Canadian
17 domestic violence protection order may file that order by presenting
18 a certified, authenticated, or exemplified copy of the Canadian
19 domestic violence protection order to a clerk of the court of a
20 Washington court ~~((in which the person entitled to protection resides
21 or to a clerk of the court of a Washington court where the person
22 entitled to protection believes enforcement may be necessary))~~
23 according to section 9 of this act. Any out-of-state department,
24 agency, or court responsible for maintaining protection order
25 records, may by facsimile or electronic transmission send a
26 reproduction of the foreign protection order to the clerk of the
27 court of Washington as long as it contains a facsimile or digital
28 signature by any person authorized to make such transmission.

29 (2) An individual filing a Canadian domestic violence protection
30 order under this section shall also file a declaration signed under
31 penalty of perjury stating that, to the best of the individual's
32 knowledge, the order is valid and in effect.

33 (3) On receipt of a certified, authenticated, or exemplified copy
34 of a Canadian domestic violence protection order and declaration
35 signed under penalty of perjury stating that, to the best of the
36 individual's knowledge, the order is valid and in effect, the clerk
37 of the court shall ~~((register))~~ file the order in accordance with
38 this section.

1 ~~((3) An individual registering a Canadian domestic violence~~
2 ~~protection order under this section shall file an affidavit stating~~
3 ~~that, to the best of the individual's knowledge, the order is valid~~
4 ~~and in effect.))~~

5 (4) After a Canadian domestic violence protection order is
6 ~~((registered))~~ filed under this section, the clerk of the court shall
7 provide the individual ~~((registering))~~ filing the order a certified
8 copy of the ~~((registered))~~ filed order.

9 ~~((A Canadian domestic violence protection order registered~~
10 ~~under this section may be entered in a state or federal registry of~~
11 ~~protection orders in accordance with law.~~

12 ~~(6) An inaccurate, expired, or unenforceable Canadian domestic~~
13 ~~violence protection order may be corrected or removed from the~~
14 ~~registry of protection orders maintained in this state in accordance~~
15 ~~with law of this state other than this chapter.~~

16 ~~(7))~~ A fee may not be charged for the ~~((registration))~~ filing of
17 a Canadian domestic violence protection order under this section.

18 ~~((8) Registration in this state or filing under law of this~~
19 ~~state other than this chapter of a Canadian domestic violence~~
20 ~~protection order is not required for its enforcement under this~~
21 ~~chapter.))~~

22 NEW SECTION. **Sec. 84.** A new section is added to chapter 26.55
23 RCW to read as follows:

24 (1) A copy of a Canadian domestic violence protection order filed
25 with the clerk, an order granting recognition and enforcement, or an
26 order denying recognition and enforcement under this chapter, shall
27 be forwarded by the clerk of the court on or before the next judicial
28 day to the law enforcement agency specified in the order. An order
29 granting or denying recognition and enforcement shall be accompanied
30 by a copy of the related Canadian domestic violence protection order.

31 (2) Upon receipt of the order, the law enforcement agency shall
32 comply with the requirements of section 42 of this act.

33 **Sec. 85.** RCW 26.55.050 and 2019 c 263 s 906 are each amended to
34 read as follows:

35 The state, state agency, local governmental agency, law
36 enforcement officer, prosecuting attorney, clerk of court, and state
37 or local governmental official acting in an official capacity are
38 immune from civil and criminal liability for an act or omission

1 arising out of the (~~registration~~) filing or recognition and
2 enforcement of a Canadian domestic violence protection order or the
3 detention or arrest of an alleged violator of a Canadian domestic
4 violence protection order if the act or omission was a good faith
5 effort to comply with this chapter.

6 **PART XIII**

7 **SCHOOL DISTRICT REQUIREMENTS**

8 NEW SECTION. **Sec. 86.** A new section is added to chapter 28A.225
9 RCW to read as follows:

10 (1) If any student is subject to a civil protection order, the
11 school district and school building staff will make adjustments to
12 the student's schedule and other modifications to the student's
13 school environment to support compliance with court orders and
14 maintain the student's access to education.

15 (2) If a student is the subject of a civil protection order that
16 prohibits regular attendance at the student's assigned school, the
17 school district must provide the student comparable educational
18 services in another setting. In such a case, the district shall not
19 charge tuition and must provide transportation at no cost. The
20 district shall put in place any needed supports to make the
21 transition to a new school environment successful for the student.

22 (3) A school district must provide notification to the parent or
23 legal guardian of a student who is subject to a civil protection
24 order of the modifications, accommodations, supports, and services
25 being created or provided for the student pursuant to this section.

26 **PART XIV**

27 **EFFECTIVE DATE**

28 NEW SECTION. **Sec. 87.** Except for sections 12, 16, 18, 25, and
29 36 of this act, this act takes effect July 1, 2022.

30 **PART XV**

31 **CONFORMING AND TECHNICAL AMENDMENTS**

32 **Sec. 88.** RCW 2.28.210 and 2016 c 89 s 1 are each amended to read
33 as follows:

1 (1) Before granting an order under any of the following titles of
2 the laws of the state of Washington, the court may consult the
3 judicial information system or any related databases, if available,
4 to determine criminal history or the pendency of other proceedings
5 involving the parties:

6 (a) Granting any temporary or final order establishing a
7 parenting plan or residential schedule or directing residential
8 placement of a child or restraining or limiting a party's contact
9 with a child under Title 26 RCW;

10 (b) Granting any order regarding a vulnerable child or adult or
11 alleged incapacitated person irrespective of the title or where
12 contained in the laws of the state of Washington;

13 (c) Granting letters of guardianship or administration or letters
14 testamentary under Title 11 RCW;

15 (d) Granting any relief under Title 71 RCW;

16 (e) Granting any relief in a juvenile proceeding under Title 13
17 RCW; or

18 (f) Granting any order of protection, temporary order of
19 protection, or criminal no-contact order under chapter (~~7.90,~~
20 ~~7.92,~~) 7.--- (the new chapter created in section 78 of this act),
21 9A.46, (~~10.14,~~) 10.99, (~~26.50,~~) or 26.52 RCW.

22 (2) In the event that the court consults such a database, the
23 court shall disclose that fact to the parties and shall disclose any
24 particular matters relied upon by the court in rendering the
25 decision. Upon request of a party, a copy of the document relied upon
26 must be filed, as a confidential document, within the court file,
27 with any confidential contact information such as addresses, phone
28 numbers, or other information that might disclose the location or
29 whereabouts of any person redacted from the document or documents.

30 **Sec. 89.** RCW 4.08.050 and 1996 c 134 s 7 are each amended to
31 read as follows:

32 Except as provided under RCW (~~26.50.020 and~~) 28A.225.035 and
33 section 14 of this act, when an infant is a party he or she shall
34 appear by guardian, or if he or she has no guardian, or in the
35 opinion of the court the guardian is an improper person, the court
36 shall appoint one to act. Said guardian shall be appointed as
37 follows:

1 (1) When the infant is plaintiff, upon the application of the
2 infant, if he or she be of the age of fourteen years, or if under
3 that age, upon the application of a relative or friend of the infant.

4 (2) When the infant is defendant, upon the application of the
5 infant, if he or she be of the age of fourteen years, and applies
6 within thirty days after the service of the summons; if he or she be
7 under the age of fourteen, or neglects to apply, then upon the
8 application of any other party to the action, or of a relative or
9 friend of the infant.

10 **Sec. 90.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to
11 read as follows:

12 (1) Any person desiring a change of his or her name or that of
13 his or her child or ward, may apply therefor to the district court of
14 the judicial district in which he or she resides, by petition setting
15 forth the reasons for such change; thereupon such court in its
16 discretion may order a change of the name and thenceforth the new
17 name shall be in place of the former.

18 (2) An offender under the jurisdiction of the department of
19 corrections who applies to change his or her name under subsection
20 (1) of this section shall submit a copy of the application to the
21 department of corrections not fewer than five days before the entry
22 of an order granting the name change. No offender under the
23 jurisdiction of the department of corrections at the time of
24 application shall be granted an order changing his or her name if the
25 court finds that doing so will interfere with legitimate penological
26 interests, except that no order shall be denied when the name change
27 is requested for religious or legitimate cultural reasons or in
28 recognition of marriage or dissolution of marriage. An offender under
29 the jurisdiction of the department of corrections who receives an
30 order changing his or her name shall submit a copy of the order to
31 the department of corrections within five days of the entry of the
32 order. Violation of this subsection is a misdemeanor.

33 (3) A sex offender subject to registration under RCW 9A.44.130
34 who applies to change his or her name under subsection (1) of this
35 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)
36 (7).

37 (4) The district court shall collect the fees authorized by RCW
38 36.18.010 for filing and recording a name change order, and transmit
39 the fee and the order to the county auditor. The court may collect a

1 reasonable fee to cover the cost of transmitting the order to the
2 county auditor.

3 (5) Name change petitions may be filed and shall be heard in
4 superior court when the person desiring a change of his or her name
5 or that of his or her child or ward is a victim of domestic violence
6 as defined in (~~RCW 26.50.010(1)~~) section 2 of this act and the
7 person seeks to have the name change file sealed due to reasonable
8 fear for his or her safety or that of his or her child or ward. Upon
9 granting the name change, the superior court shall seal the file if
10 the court finds that the safety of the person seeking the name change
11 or his or her child or ward warrants sealing the file. In all cases
12 filed under this subsection, whether or not the name change petition
13 is granted, there shall be no public access to any court record of
14 the name change filing, proceeding, or order, unless the name change
15 is granted but the file is not sealed.

16 **Sec. 91.** RCW 7.77.060 and 2020 c 29 s 1 are each amended to read
17 as follows:

18 During a collaborative law process, a tribunal may issue
19 emergency orders to protect the health, safety, welfare, or interest
20 of a party or of a family or household member or intimate partner, as
21 defined in (~~RCW 26.50.010~~) section 2 of this act.

22 **Sec. 92.** RCW 7.77.080 and 2020 c 29 s 2 are each amended to read
23 as follows:

24 (1) Except as otherwise provided in subsection (3) of this
25 section, a collaborative lawyer is disqualified from appearing before
26 a tribunal to represent a party in a proceeding related to the
27 collaborative matter.

28 (2) Except as otherwise provided in subsection (3) of this
29 section and RCW 7.77.090, a lawyer in a law firm with which the
30 collaborative lawyer is associated is disqualified from appearing
31 before a tribunal to represent a party in a proceeding related to the
32 collaborative matter if the collaborative lawyer is disqualified from
33 doing so under subsection (1) of this section.

34 (3) A collaborative lawyer or a lawyer in a law firm with which
35 the collaborative lawyer is associated may represent a party:

36 (a) To ask a tribunal to approve an agreement resulting from the
37 collaborative law process; or

1 (b) To seek or defend an emergency order to protect the health,
2 safety, welfare, or interest of a party, or family or household
3 member or intimate partner, as defined in (~~RCW 26.50.010~~) section 2
4 of this act, if a successor lawyer is not immediately available to
5 represent that person.

6 (4) If subsection (3)(b) of this section applies, a collaborative
7 lawyer, or lawyer in a law firm with which the collaborative lawyer
8 is associated, may represent a party or family or household member or
9 intimate partner only until the person is represented by a successor
10 lawyer or reasonable measures are taken to protect the health,
11 safety, welfare, or interest of the person.

12 **Sec. 93.** RCW 9.41.010 and 2020 c 29 s 3 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Antique firearm" means a firearm or replica of a firearm not
17 designed or redesigned for using rim fire or conventional center fire
18 ignition with fixed ammunition and manufactured in or before 1898,
19 including any matchlock, flintlock, percussion cap, or similar type
20 of ignition system and also any firearm using fixed ammunition
21 manufactured in or before 1898, for which ammunition is no longer
22 manufactured in the United States and is not readily available in the
23 ordinary channels of commercial trade.

24 (2) "Barrel length" means the distance from the bolt face of a
25 closed action down the length of the axis of the bore to the crown of
26 the muzzle, or in the case of a barrel with attachments to the end of
27 any legal device permanently attached to the end of the muzzle.

28 (3) "Bump-fire stock" means a butt stock designed to be attached
29 to a semiautomatic firearm with the effect of increasing the rate of
30 fire achievable with the semiautomatic firearm to that of a fully
31 automatic firearm by using the energy from the recoil of the firearm
32 to generate reciprocating action that facilitates repeated activation
33 of the trigger.

34 (4) "Crime of violence" means:

35 (a) Any of the following felonies, as now existing or hereafter
36 amended: Any felony defined under any law as a class A felony or an
37 attempt to commit a class A felony, criminal solicitation of or
38 criminal conspiracy to commit a class A felony, manslaughter in the
39 first degree, manslaughter in the second degree, indecent liberties

1 if committed by forcible compulsion, kidnapping in the second degree,
2 arson in the second degree, assault in the second degree, assault of
3 a child in the second degree, extortion in the first degree, burglary
4 in the second degree, residential burglary, and robbery in the second
5 degree;

6 (b) Any conviction for a felony offense in effect at any time
7 prior to June 6, 1996, which is comparable to a felony classified as
8 a crime of violence in (a) of this subsection; and

9 (c) Any federal or out-of-state conviction for an offense
10 comparable to a felony classified as a crime of violence under (a) or
11 (b) of this subsection.

12 (5) "Curio or relic" has the same meaning as provided in 27
13 C.F.R. Sec. 478.11.

14 (6) "Dealer" means a person engaged in the business of selling
15 firearms at wholesale or retail who has, or is required to have, a
16 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
17 does not have, and is not required to have, a federal firearms
18 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
19 makes only occasional sales, exchanges, or purchases of firearms for
20 the enhancement of a personal collection or for a hobby, or sells all
21 or part of his or her personal collection of firearms.

22 (7) "Family or household member" has the same meaning as in ((RCW
23 ~~26.50.010~~) section 2 of this act).

24 (8) "Felony" means any felony offense under the laws of this
25 state or any federal or out-of-state offense comparable to a felony
26 offense under the laws of this state.

27 (9) "Felony firearm offender" means a person who has previously
28 been convicted or found not guilty by reason of insanity in this
29 state of any felony firearm offense. A person is not a felony firearm
30 offender under this chapter if any and all qualifying offenses have
31 been the subject of an expungement, pardon, annulment, certificate,
32 or rehabilitation, or other equivalent procedure based on a finding
33 of the rehabilitation of the person convicted or a pardon, annulment,
34 or other equivalent procedure based on a finding of innocence.

35 (10) "Felony firearm offense" means:

36 (a) Any felony offense that is a violation of this chapter;

37 (b) A violation of RCW 9A.36.045;

38 (c) A violation of RCW 9A.56.300;

39 (d) A violation of RCW 9A.56.310;

1 (e) Any felony offense if the offender was armed with a firearm
2 in the commission of the offense.

3 (11) "Firearm" means a weapon or device from which a projectile
4 or projectiles may be fired by an explosive such as gunpowder.
5 "Firearm" does not include a flare gun or other pyrotechnic visual
6 distress signaling device, or a powder-actuated tool or other device
7 designed solely to be used for construction purposes.

8 (12) "Gun" has the same meaning as firearm.

9 (13) "Intimate partner" has the same meaning as provided in ((RCW
10 ~~26.50.010~~) section 2 of this act.

11 (14) "Law enforcement officer" includes a general authority
12 Washington peace officer as defined in RCW 10.93.020, or a specially
13 commissioned Washington peace officer as defined in RCW 10.93.020.
14 "Law enforcement officer" also includes a limited authority
15 Washington peace officer as defined in RCW 10.93.020 if such officer
16 is duly authorized by his or her employer to carry a concealed
17 pistol.

18 (15) "Lawful permanent resident" has the same meaning afforded a
19 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
20 1101(a)(20).

21 (16) "Licensed collector" means a person who is federally
22 licensed under 18 U.S.C. Sec. 923(b).

23 (17) "Licensed dealer" means a person who is federally licensed
24 under 18 U.S.C. Sec. 923(a).

25 (18) "Loaded" means:

26 (a) There is a cartridge in the chamber of the firearm;

27 (b) Cartridges are in a clip that is locked in place in the
28 firearm;

29 (c) There is a cartridge in the cylinder of the firearm, if the
30 firearm is a revolver;

31 (d) There is a cartridge in the tube or magazine that is inserted
32 in the action; or

33 (e) There is a ball in the barrel and the firearm is capped or
34 primed if the firearm is a muzzle loader.

35 (19) "Machine gun" means any firearm known as a machine gun,
36 mechanical rifle, submachine gun, or any other mechanism or
37 instrument not requiring that the trigger be pressed for each shot
38 and having a reservoir clip, disc, drum, belt, or other separable
39 mechanical device for storing, carrying, or supplying ammunition

1 which can be loaded into the firearm, mechanism, or instrument, and
2 fired therefrom at the rate of five or more shots per second.

3 (20) "Manufacture" means, with respect to a firearm, the
4 fabrication or construction of a firearm.

5 (21) "Nonimmigrant alien" means a person defined as such in 8
6 U.S.C. Sec. 1101(a)(15).

7 (22) "Person" means any individual, corporation, company,
8 association, firm, partnership, club, organization, society, joint
9 stock company, or other legal entity.

10 (23) "Pistol" means any firearm with a barrel less than sixteen
11 inches in length, or is designed to be held and fired by the use of a
12 single hand.

13 (24) "Rifle" means a weapon designed or redesigned, made or
14 remade, and intended to be fired from the shoulder and designed or
15 redesigned, made or remade, and intended to use the energy of the
16 explosive in a fixed metallic cartridge to fire only a single
17 projectile through a rifled bore for each single pull of the trigger.

18 (25) "Sale" and "sell" mean the actual approval of the delivery
19 of a firearm in consideration of payment or promise of payment.

20 (26) "Secure gun storage" means:

21 (a) A locked box, gun safe, or other secure locked storage space
22 that is designed to prevent unauthorized use or discharge of a
23 firearm; and

24 (b) The act of keeping an unloaded firearm stored by such means.

25 (27) "Semiautomatic assault rifle" means any rifle which utilizes
26 a portion of the energy of a firing cartridge to extract the fired
27 cartridge case and chamber the next round, and which requires a
28 separate pull of the trigger to fire each cartridge.

29 "Semiautomatic assault rifle" does not include antique firearms,
30 any firearm that has been made permanently inoperable, or any firearm
31 that is manually operated by bolt, pump, lever, or slide action.

32 (28) "Serious offense" means any of the following felonies or a
33 felony attempt to commit any of the following felonies, as now
34 existing or hereafter amended:

35 (a) Any crime of violence;

36 (b) Any felony violation of the uniform controlled substances
37 act, chapter 69.50 RCW, that is classified as a class B felony or
38 that has a maximum term of imprisonment of at least ten years;

39 (c) Child molestation in the second degree;

40 (d) Incest when committed against a child under age fourteen;

- 1 (e) Indecent liberties;
- 2 (f) Leading organized crime;
- 3 (g) Promoting prostitution in the first degree;
- 4 (h) Rape in the third degree;
- 5 (i) Drive-by shooting;
- 6 (j) Sexual exploitation;
- 7 (k) Vehicular assault, when caused by the operation or driving of
- 8 a vehicle by a person while under the influence of intoxicating
- 9 liquor or any drug or by the operation or driving of a vehicle in a
- 10 reckless manner;
- 11 (l) Vehicular homicide, when proximately caused by the driving of
- 12 any vehicle by any person while under the influence of intoxicating
- 13 liquor or any drug as defined by RCW 46.61.502, or by the operation
- 14 of any vehicle in a reckless manner;
- 15 (m) Any other class B felony offense with a finding of sexual
- 16 motivation, as "sexual motivation" is defined under RCW 9.94A.030;
- 17 (n) Any other felony with a deadly weapon verdict under RCW
- 18 9.94A.825;
- 19 (o) Any felony offense in effect at any time prior to June 6,
- 20 1996, that is comparable to a serious offense, or any federal or out-
- 21 of-state conviction for an offense that under the laws of this state
- 22 would be a felony classified as a serious offense; or
- 23 (p) Any felony conviction under RCW 9.41.115.
- 24 (29) "Short-barreled rifle" means a rifle having one or more
- 25 barrels less than sixteen inches in length and any weapon made from a
- 26 rifle by any means of modification if such modified weapon has an
- 27 overall length of less than twenty-six inches.
- 28 (30) "Short-barreled shotgun" means a shotgun having one or more
- 29 barrels less than eighteen inches in length and any weapon made from
- 30 a shotgun by any means of modification if such modified weapon has an
- 31 overall length of less than twenty-six inches.
- 32 (31) "Shotgun" means a weapon with one or more barrels, designed
- 33 or redesigned, made or remade, and intended to be fired from the
- 34 shoulder and designed or redesigned, made or remade, and intended to
- 35 use the energy of the explosive in a fixed shotgun shell to fire
- 36 through a smooth bore either a number of ball shot or a single
- 37 projectile for each single pull of the trigger.
- 38 (32) "Transfer" means the intended delivery of a firearm to
- 39 another person without consideration of payment or promise of payment
- 40 including, but not limited to, gifts and loans. "Transfer" does not

1 include the delivery of a firearm owned or leased by an entity
2 licensed or qualified to do business in the state of Washington to,
3 or return of such a firearm by, any of that entity's employees or
4 agents, defined to include volunteers participating in an honor
5 guard, for lawful purposes in the ordinary course of business.

6 (33) "Undetectable firearm" means any firearm that is not as
7 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through
8 metal detectors or magnetometers commonly used at airports or any
9 firearm where the barrel, the slide or cylinder, or the frame or
10 receiver of the firearm would not generate an image that accurately
11 depicts the shape of the part when examined by the types of X-ray
12 machines commonly used at airports.

13 (34) "Unlicensed person" means any person who is not a licensed
14 dealer under this chapter.

15 (35) "Untraceable firearm" means any firearm manufactured after
16 July 1, 2019, that is not an antique firearm and that cannot be
17 traced by law enforcement by means of a serial number affixed to the
18 firearm by a federally licensed manufacturer or importer.

19 **Sec. 94.** RCW 9.41.070 and 2020 c 148 s 2 are each amended to
20 read as follows:

21 (1) The chief of police of a municipality or the sheriff of a
22 county shall within thirty days after the filing of an application of
23 any person, issue a license to such person to carry a pistol
24 concealed on his or her person within this state for five years from
25 date of issue, for the purposes of protection or while engaged in
26 business, sport, or while traveling. However, if the applicant does
27 not have a valid permanent Washington driver's license or Washington
28 state identification card or has not been a resident of the state for
29 the previous consecutive ninety days, the issuing authority shall
30 have up to sixty days after the filing of the application to issue a
31 license. The issuing authority shall not refuse to accept completed
32 applications for concealed pistol licenses during regular business
33 hours.

34 The applicant's constitutional right to bear arms shall not be
35 denied, unless:

36 (a) He or she is ineligible to possess a firearm under the
37 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from
38 possessing a firearm under federal law;

1 (b) The applicant's concealed pistol license is in a revoked
2 status;

3 (c) He or she is under twenty-one years of age;

4 (d) He or she is subject to a court order or injunction regarding
5 firearms pursuant to chapter (~~7.90, 7.92, or 7.94~~) 7.--- RCW (the
6 new chapter created in section 78 of this act), or RCW 9A.46.080,
7 (~~10.14.080~~) 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,
8 (~~26.10.115~~) 26.26B.020, (~~26.50.060, 26.50.070~~) or 26.26A.470,
9 or any of the former RCW 10.14.080, 26.10.115, 26.50.060, and
10 26.50.070;

11 (e) He or she is free on bond or personal recognizance pending
12 trial, appeal, or sentencing for a felony offense;

13 (f) He or she has an outstanding warrant for his or her arrest
14 from any court of competent jurisdiction for a felony or misdemeanor;
15 or

16 (g) He or she has been ordered to forfeit a firearm under RCW
17 9.41.098(1)(e) within one year before filing an application to carry
18 a pistol concealed on his or her person.

19 No person convicted of a felony may have his or her right to
20 possess firearms restored or his or her privilege to carry a
21 concealed pistol restored, unless the person has been granted relief
22 from disabilities by the attorney general under 18 U.S.C. Sec.
23 925(c), or RCW 9.41.040 (3) or (4) applies.

24 (2)(a) The issuing authority shall conduct a check through the
25 national instant criminal background check system, the Washington
26 state patrol electronic database, the health care authority
27 electronic database, and with other agencies or resources as
28 appropriate, to determine whether the applicant is ineligible under
29 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
30 possessing a firearm under federal law, and therefore ineligible for
31 a concealed pistol license.

32 (b) The issuing authority shall deny a permit to anyone who is
33 found to be prohibited from possessing a firearm under federal or
34 state law.

35 (c) (a) and (b) of this subsection apply whether the applicant is
36 applying for a new concealed pistol license or to renew a concealed
37 pistol license.

38 (d) A background check for an original license must be conducted
39 through the Washington state patrol criminal identification section
40 and shall include a national check from the federal bureau of

1 investigation through the submission of fingerprints. The results
2 will be returned to the issuing authority. The applicant may request
3 and receive a copy of the results of the background check from the
4 issuing authority. If the applicant seeks to amend or correct their
5 record, the applicant must contact the Washington state patrol for a
6 Washington state record or the federal bureau of investigation for
7 records from other jurisdictions.

8 (3) Any person whose firearms rights have been restricted and who
9 has been granted relief from disabilities by the attorney general
10 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
11 921(a)(20)(A) shall have his or her right to acquire, receive,
12 transfer, ship, transport, carry, and possess firearms in accordance
13 with Washington state law restored except as otherwise prohibited by
14 this chapter.

15 (4) The license application shall bear the full name, residential
16 address, telephone number at the option of the applicant, email
17 address at the option of the applicant, date and place of birth,
18 race, gender, description, a complete set of fingerprints, and
19 signature of the licensee, and the licensee's driver's license number
20 or state identification card number if used for identification in
21 applying for the license. A signed application for a concealed pistol
22 license shall constitute a waiver of confidentiality and written
23 request that the health care authority, mental health institutions,
24 and other health care facilities release information relevant to the
25 applicant's eligibility for a concealed pistol license to an
26 inquiring court or law enforcement agency.

27 The application for an original license shall include a complete
28 set of fingerprints to be forwarded to the Washington state patrol.

29 The license and application shall contain a warning substantially
30 as follows:

31 CAUTION: Although state and local laws do not differ, federal
32 law and state law on the possession of firearms differ. If
33 you are prohibited by federal law from possessing a firearm,
34 you may be prosecuted in federal court. A state license is
35 not a defense to a federal prosecution.

36 The license shall contain a description of the major differences
37 between state and federal law and an explanation of the fact that
38 local laws and ordinances on firearms are preempted by state law and
39 must be consistent with state law.

1 The application shall contain questions about the applicant's
2 eligibility under RCW 9.41.040 and federal law to possess a pistol,
3 the applicant's place of birth, and whether the applicant is a United
4 States citizen. If the applicant is not a United States citizen, the
5 applicant must provide the applicant's country of citizenship, United
6 States issued alien number or admission number, and the basis on
7 which the applicant claims to be exempt from federal prohibitions on
8 firearm possession by aliens. The applicant shall not be required to
9 produce a birth certificate or other evidence of citizenship. A
10 person who is not a citizen of the United States shall, if
11 applicable, meet the additional requirements of RCW 9.41.173 and
12 produce proof of compliance with RCW 9.41.173 upon application. The
13 license may be in triplicate or in a form to be prescribed by the
14 department of licensing.

15 A photograph of the applicant may be required as part of the
16 application and printed on the face of the license.

17 The original thereof shall be delivered to the licensee, the
18 duplicate shall within seven days be sent to the director of
19 licensing and the triplicate shall be preserved for six years, by the
20 authority issuing the license.

21 The department of licensing shall make available to law
22 enforcement and corrections agencies, in an online format, all
23 information received under this subsection.

24 (5) The nonrefundable fee, paid upon application, for the
25 original five-year license shall be thirty-six dollars plus
26 additional charges imposed by the federal bureau of investigation
27 that are passed on to the applicant. No other state or local branch
28 or unit of government may impose any additional charges on the
29 applicant for the issuance of the license.

30 The fee shall be distributed as follows:

31 (a) Fifteen dollars shall be paid to the state general fund;

32 (b) Four dollars shall be paid to the agency taking the
33 fingerprints of the person licensed;

34 (c) Fourteen dollars shall be paid to the issuing authority for
35 the purpose of enforcing this chapter;

36 (d) Two dollars and sixteen cents to the firearms range account
37 in the general fund; and

38 (e) Eighty-four cents to the concealed pistol license renewal
39 notification account created in RCW 43.79.540.

1 (6) The nonrefundable fee for the renewal of such license shall
2 be thirty-two dollars. No other branch or unit of government may
3 impose any additional charges on the applicant for the renewal of the
4 license.

5 The renewal fee shall be distributed as follows:

6 (a) Fifteen dollars shall be paid to the state general fund;

7 (b) Fourteen dollars shall be paid to the issuing authority for
8 the purpose of enforcing this chapter;

9 (c) Two dollars and sixteen cents to the firearms range account
10 in the general fund; and

11 (d) Eighty-four cents to the concealed pistol license renewal
12 notification account created in RCW 43.79.540.

13 (7) The nonrefundable fee for replacement of lost or damaged
14 licenses is ten dollars to be paid to the issuing authority.

15 (8) Payment shall be by cash, check, or money order at the option
16 of the applicant. Additional methods of payment may be allowed at the
17 option of the issuing authority.

18 (9) (a) A licensee may renew a license if the licensee applies for
19 renewal within ninety days before or after the expiration date of the
20 license. A license so renewed shall take effect on the expiration
21 date of the prior license. A licensee renewing after the expiration
22 date of the license must pay a late renewal penalty of ten dollars in
23 addition to the renewal fee specified in subsection (6) of this
24 section. The fee shall be distributed as follows:

25 (i) Three dollars shall be deposited in the limited fish and
26 wildlife account and used exclusively first for the printing and
27 distribution of a pamphlet on the legal limits of the use of
28 firearms, firearms safety, and the preemptive nature of state law,
29 and subsequently the support of volunteer instructors in the basic
30 firearms safety training program conducted by the department of fish
31 and wildlife. The pamphlet shall be given to each applicant for a
32 license; and

33 (ii) Seven dollars shall be paid to the issuing authority for the
34 purpose of enforcing this chapter.

35 (b) Beginning with concealed pistol licenses that expire on or
36 after August 1, 2018, the department of licensing shall mail a
37 renewal notice approximately ninety days before the license
38 expiration date to the licensee at the address listed on the
39 concealed pistol license application, or to the licensee's new
40 address if the licensee has notified the department of licensing of a

1 change of address. Alternatively, if the licensee provides an email
2 address at the time of license application, the department of
3 licensing may send the renewal notice to the licensee's email
4 address. The notice must contain the date the concealed pistol
5 license will expire, the amount of renewal fee, the penalty for late
6 renewal, and instructions on how to renew the license.

7 (10) Notwithstanding the requirements of subsections (1) through
8 (9) of this section, the chief of police of the municipality or the
9 sheriff of the county of the applicant's residence may issue a
10 temporary emergency license for good cause pending review under
11 subsection (1) of this section. However, a temporary emergency
12 license issued under this subsection shall not exempt the holder of
13 the license from any records check requirement. Temporary emergency
14 licenses shall be easily distinguishable from regular licenses.

15 (11) A political subdivision of the state shall not modify the
16 requirements of this section or chapter, nor may a political
17 subdivision ask the applicant to voluntarily submit any information
18 not required by this section.

19 (12) A person who knowingly makes a false statement regarding
20 citizenship or identity on an application for a concealed pistol
21 license is guilty of false swearing under RCW 9A.72.040. In addition
22 to any other penalty provided for by law, the concealed pistol
23 license of a person who knowingly makes a false statement shall be
24 revoked, and the person shall be permanently ineligible for a
25 concealed pistol license.

26 (13) A person may apply for a concealed pistol license:

27 (a) To the municipality or to the county in which the applicant
28 resides if the applicant resides in a municipality;

29 (b) To the county in which the applicant resides if the applicant
30 resides in an unincorporated area; or

31 (c) Anywhere in the state if the applicant is a nonresident.

32 (14) Any person who, as a member of the armed forces, including
33 the national guard and armed forces reserves, is unable to renew his
34 or her license under subsections (6) and (9) of this section because
35 of the person's assignment, reassignment, or deployment for out-of-
36 state military service may renew his or her license within ninety
37 days after the person returns to this state from out-of-state
38 military service, if the person provides the following to the issuing
39 authority no later than ninety days after the person's date of
40 discharge or assignment, reassignment, or deployment back to this

1 state: (a) A copy of the person's original order designating the
2 specific period of assignment, reassignment, or deployment for out-
3 of-state military service, and (b) if appropriate, a copy of the
4 person's discharge or amended or subsequent assignment, reassignment,
5 or deployment order back to this state. A license so renewed under
6 this subsection (14) shall take effect on the expiration date of the
7 prior license. A licensee renewing after the expiration date of the
8 license under this subsection (14) shall pay only the renewal fee
9 specified in subsection (6) of this section and shall not be required
10 to pay a late renewal penalty in addition to the renewal fee.

11 (15)(a) By October 1, 2019, law enforcement agencies that issue
12 concealed pistol licenses shall develop and implement a procedure for
13 the renewal of concealed pistol licenses through a mail application
14 process, and may develop an online renewal application process, for
15 any person who, as a member of the armed forces, including the
16 national guard and armed forces reserves, is unable to renew his or
17 her license under subsections (6) and (9) of this section because of
18 the person's assignment, reassignment, or deployment for out-of-state
19 military service.

20 (b) A person applying for a license renewal under this subsection
21 shall:

22 (i) Provide a copy of the person's original order designating the
23 specific period of assignment, reassignment, or deployment for out-
24 of-state military service;

25 (ii) Apply for renewal within ninety days before or after the
26 expiration date of the license; and

27 (iii) Pay the renewal licensing fee under subsection (6) of this
28 section, and, if applicable, the late renewal penalty under
29 subsection (9) of this section.

30 (c) A license renewed under this subsection takes effect on the
31 expiration date of the prior license and is valid for a period of one
32 year.

33 **Sec. 95.** RCW 9.41.173 and 2019 c 46 s 5005 are each amended to
34 read as follows:

35 (1) In order to obtain an alien firearm license, a nonimmigrant
36 alien residing in Washington must apply to the sheriff of the county
37 in which he or she resides.

38 (2) The sheriff of the county shall within sixty days after the
39 filing of an application of a nonimmigrant alien residing in the

1 state of Washington, issue an alien firearm license to such person to
2 carry or possess a firearm for the purposes of hunting and sport
3 shooting. The license shall be good for two years. The issuing
4 authority shall not refuse to accept completed applications for alien
5 firearm licenses during regular business hours. An application for a
6 license may not be denied, unless the applicant's alien firearm
7 license is in a revoked status, or the applicant:

8 (a) Is ineligible to possess a firearm under the provisions of
9 RCW 9.41.040 or 9.41.045;

10 (b) Is subject to a court order or injunction regarding firearms
11 pursuant to chapter 7.--- RCW (the new chapter created in section 78
12 of this act), or RCW 9A.46.080, (~~(10.14.080,)~~) 10.99.040, 10.99.045,
13 26.09.050, 26.09.060, 26.10.040, (~~(26.10.115,)~~) 26.26B.020,
14 (~~(26.50.060, 26.50.070,)~~) or 26.26A.470, or any of the former RCW
15 10.14.080, 26.10.115, 26.50.060, and 26.50.070;

16 (c) Is free on bond or personal recognizance pending trial,
17 appeal, or sentencing for a felony offense; or

18 (d) Has an outstanding warrant for his or her arrest from any
19 court of competent jurisdiction for a felony or misdemeanor.

20 No license application shall be granted to a nonimmigrant alien
21 convicted of a felony unless the person has been granted relief from
22 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or
23 unless RCW 9.41.040 (3) or (4) applies.

24 (3) The sheriff shall check with the national crime information
25 center, the Washington state patrol electronic database, the health
26 care authority electronic database, and with other agencies or
27 resources as appropriate, to determine whether the applicant is
28 ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

29 (4) The license application shall bear the full name, residential
30 address, telephone number at the option of the applicant, date and
31 place of birth, race, gender, description, a complete set of
32 fingerprints, and signature of the applicant, a copy of the
33 applicant's passport and visa showing the applicant is in the country
34 legally, and a valid Washington hunting license or documentation that
35 the applicant is a member of a sport shooting club.

36 A signed application for an alien firearm license shall
37 constitute a waiver of confidentiality and written request that the
38 health care authority, mental health institutions, and other health
39 care facilities release information relevant to the applicant's

1 eligibility for an alien firearm license to an inquiring court or law
2 enforcement agency.

3 The application for an original license shall include a complete
4 set of fingerprints to be forwarded to the Washington state patrol.

5 The license and application shall contain a warning substantially
6 as follows:

7 CAUTION: Although state and local laws do not differ, federal
8 law and state law on the possession of firearms differ. If
9 you are prohibited by federal law from possessing a firearm,
10 you may be prosecuted in federal court. A state license is
11 not a defense to a federal prosecution.

12 The license shall contain a description of the major differences
13 between state and federal law and an explanation of the fact that
14 local laws and ordinances on firearms are preempted by state law and
15 must be consistent with state law. The application shall contain
16 questions about the applicant's eligibility under RCW 9.41.040 to
17 possess a firearm. The nonimmigrant alien applicant shall be required
18 to produce a passport and visa as evidence of being in the country
19 legally.

20 The license may be in triplicate or in a form to be prescribed by
21 the department of licensing. The original thereof shall be delivered
22 to the licensee, the duplicate shall within seven days be sent to the
23 director of licensing and the triplicate shall be preserved for six
24 years, by the authority issuing the license.

25 The department of licensing shall make available to law
26 enforcement and corrections agencies, in an online format, all
27 information received under this section.

28 (5) The sheriff has the authority to collect a nonrefundable fee,
29 paid upon application, for the two-year license. The fee shall be
30 fifty dollars plus additional charges imposed by the Washington state
31 patrol and the federal bureau of investigation that are passed on to
32 the applicant. No other state or local branch or unit of government
33 may impose any additional charges on the applicant for the issuance
34 of the license. The fee shall be retained by the sheriff.

35 (6) Payment shall be by cash, check, or money order at the option
36 of the applicant. Additional methods of payment may be allowed at the
37 option of the sheriff.

38 (7) A political subdivision of the state shall not modify the
39 requirements of this section, nor may a political subdivision ask the

1 applicant to voluntarily submit any information not required by this
2 section.

3 (8) A person who knowingly makes a false statement regarding
4 citizenship or identity on an application for an alien firearm
5 license is guilty of false swearing under RCW 9A.72.040. In addition
6 to any other penalty provided for by law, the alien firearm license
7 of a person who knowingly makes a false statement shall be revoked,
8 and the person shall be permanently ineligible for an alien firearm
9 license.

10 **Sec. 96.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s
11 6007 are each reenacted and amended to read as follows:

12 (1) It is unlawful for any person to enter the following places
13 when he or she knowingly possesses or knowingly has under his or her
14 control a weapon:

15 (a) The restricted access areas of a jail, or of a law
16 enforcement facility, or any place used for the confinement of a
17 person (i) arrested for, charged with, or convicted of an offense,
18 (ii) held for extradition or as a material witness, or (iii)
19 otherwise confined pursuant to an order of a court, except an order
20 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
21 include common areas of egress or ingress open to the general public;

22 (b) Those areas in any building which are used in connection with
23 court proceedings, including courtrooms, jury rooms, judge's
24 chambers, offices and areas used to conduct court business, waiting
25 areas, and corridors adjacent to areas used in connection with court
26 proceedings. The restricted areas do not include common areas of
27 ingress and egress to the building that is used in connection with
28 court proceedings, when it is possible to protect court areas without
29 restricting ingress and egress to the building. The restricted areas
30 shall be the minimum necessary to fulfill the objective of this
31 subsection (1)(b).

32 For purposes of this subsection (1)(b), "weapon" means any
33 firearm, explosive as defined in RCW 70.74.010, or any weapon of the
34 kind usually known as slungshot, sand club, or metal knuckles, or any
35 knife, dagger, dirk, or other similar weapon that is capable of
36 causing death or bodily injury and is commonly used with the intent
37 to cause death or bodily injury.

38 In addition, the local legislative authority shall provide either
39 a stationary locked box sufficient in size for pistols and key to a

1 weapon owner for weapon storage, or shall designate an official to
2 receive weapons for safekeeping, during the owner's visit to
3 restricted areas of the building. The locked box or designated
4 official shall be located within the same building used in connection
5 with court proceedings. The local legislative authority shall be
6 liable for any negligence causing damage to or loss of a weapon
7 either placed in a locked box or left with an official during the
8 owner's visit to restricted areas of the building.

9 The local judicial authority shall designate and clearly mark
10 those areas where weapons are prohibited, and shall post notices at
11 each entrance to the building of the prohibition against weapons in
12 the restricted areas;

13 (c) The restricted access areas of a public mental health
14 facility licensed or certified by the department of health for
15 inpatient hospital care and state institutions for the care of the
16 mentally ill, excluding those facilities solely for evaluation and
17 treatment. Restricted access areas do not include common areas of
18 egress and ingress open to the general public;

19 (d) That portion of an establishment classified by the state
20 liquor and cannabis board as off-limits to persons under twenty-one
21 years of age; or

22 (e) The restricted access areas of a commercial service airport
23 designated in the airport security plan approved by the federal
24 transportation security administration, including passenger screening
25 checkpoints at or beyond the point at which a passenger initiates the
26 screening process. These areas do not include airport drives, general
27 parking areas and walkways, and shops and areas of the terminal that
28 are outside the screening checkpoints and that are normally open to
29 unscreened passengers or visitors to the airport. Any restricted
30 access area shall be clearly indicated by prominent signs indicating
31 that firearms and other weapons are prohibited in the area.

32 (2) Cities, towns, counties, and other municipalities may enact
33 laws and ordinances:

34 (a) Restricting the discharge of firearms in any portion of their
35 respective jurisdictions where there is a reasonable likelihood that
36 humans, domestic animals, or property will be jeopardized. Such laws
37 and ordinances shall not abridge the right of the individual
38 guaranteed by Article I, section 24 of the state Constitution to bear
39 arms in defense of self or others; and

1 (b) Restricting the possession of firearms in any stadium or
2 convention center, operated by a city, town, county, or other
3 municipality, except that such restrictions shall not apply to:

4 (i) Any pistol in the possession of a person licensed under RCW
5 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

6 (ii) Any showing, demonstration, or lecture involving the
7 exhibition of firearms.

8 (3)(a) Cities, towns, and counties may enact ordinances
9 restricting the areas in their respective jurisdictions in which
10 firearms may be sold, but, except as provided in (b) of this
11 subsection, a business selling firearms may not be treated more
12 restrictively than other businesses located within the same zone. An
13 ordinance requiring the cessation of business within a zone shall not
14 have a shorter grandfather period for businesses selling firearms
15 than for any other businesses within the zone.

16 (b) Cities, towns, and counties may restrict the location of a
17 business selling firearms to not less than five hundred feet from
18 primary or secondary school grounds, if the business has a
19 storefront, has hours during which it is open for business, and posts
20 advertisements or signs observable to passersby that firearms are
21 available for sale. A business selling firearms that exists as of the
22 date a restriction is enacted under this subsection (3)(b) shall be
23 grandfathered according to existing law.

24 (4) Violations of local ordinances adopted under subsection (2)
25 of this section must have the same penalty as provided for by state
26 law.

27 (5) The perimeter of the premises of any specific location
28 covered by subsection (1) of this section shall be posted at
29 reasonable intervals to alert the public as to the existence of any
30 law restricting the possession of firearms on the premises.

31 (6) Subsection (1) of this section does not apply to:

32 (a) A person engaged in military activities sponsored by the
33 federal or state governments, while engaged in official duties;

34 (b) Law enforcement personnel, except that subsection (1)(b) of
35 this section does apply to a law enforcement officer who is present
36 at a courthouse building as a party to an antiharassment protection
37 order action or a domestic violence protection order action under
38 chapter ~~((10.14,))~~ 7.--- (the new chapter created in section 78 of
39 this act) or 10.99(~~(, or 26.50)~~) RCW, or an action under Title 26 RCW

1 where any party has alleged the existence of domestic violence as
2 defined in (~~RCW 26.50.010~~) section 2 of this act; or

3 (c) Security personnel while engaged in official duties.

4 (7) Subsection (1)(a), (b), (c), and (e) of this section does not
5 apply to correctional personnel or community corrections officers, as
6 long as they are employed as such, who have completed government-
7 sponsored law enforcement firearms training, except that subsection
8 (1)(b) of this section does apply to a correctional employee or
9 community corrections officer who is present at a courthouse building
10 as a party to an antiharassment protection order action or a domestic
11 violence protection order action under chapter (~~10.147~~) 7.--- (the
12 new chapter created in section 78 of this act) or 10.99(~~, or 26.50~~)
13 RCW, or an action under Title 26 RCW where any party has alleged the
14 existence of domestic violence as defined in (~~RCW 26.50.010~~)
15 section 2 of this act.

16 (8) Subsection (1)(a) of this section does not apply to a person
17 licensed pursuant to RCW 9.41.070 who, upon entering the place or
18 facility, directly and promptly proceeds to the administrator of the
19 facility or the administrator's designee and obtains written
20 permission to possess the firearm while on the premises or checks his
21 or her firearm. The person may reclaim the firearms upon leaving but
22 must immediately and directly depart from the place or facility.

23 (9) Subsection (1)(c) of this section does not apply to any
24 administrator or employee of the facility or to any person who, upon
25 entering the place or facility, directly and promptly proceeds to the
26 administrator of the facility or the administrator's designee and
27 obtains written permission to possess the firearm while on the
28 premises.

29 (10) Subsection (1)(d) of this section does not apply to the
30 proprietor of the premises or his or her employees while engaged in
31 their employment.

32 (11) Government-sponsored law enforcement firearms training must
33 be training that correctional personnel and community corrections
34 officers receive as part of their job requirement and reference to
35 such training does not constitute a mandate that it be provided by
36 the correctional facility.

37 (12) Any person violating subsection (1) of this section is
38 guilty of a gross misdemeanor.

1 (13) "Weapon" as used in this section means any firearm,
2 explosive as defined in RCW 70.74.010, or instrument or weapon listed
3 in RCW 9.41.250.

4 **Sec. 97.** RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and
5 2020 c 137 s 1 are each reenacted and amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Board" means the indeterminate sentence review board created
9 under chapter 9.95 RCW.

10 (2) "Collect," or any derivative thereof, "collect and remit," or
11 "collect and deliver," when used with reference to the department,
12 means that the department, either directly or through a collection
13 agreement authorized by RCW 9.94A.760, is responsible for monitoring
14 and enforcing the offender's sentence with regard to the legal
15 financial obligation, receiving payment thereof from the offender,
16 and, consistent with current law, delivering daily the entire payment
17 to the superior court clerk without depositing it in a departmental
18 account.

19 (3) "Commission" means the sentencing guidelines commission.

20 (4) "Community corrections officer" means an employee of the
21 department who is responsible for carrying out specific duties in
22 supervision of sentenced offenders and monitoring of sentence
23 conditions.

24 (5) "Community custody" means that portion of an offender's
25 sentence of confinement in lieu of earned release time or imposed as
26 part of a sentence under this chapter and served in the community
27 subject to controls placed on the offender's movement and activities
28 by the department.

29 (6) "Community protection zone" means the area within eight
30 hundred eighty feet of the facilities and grounds of a public or
31 private school.

32 (7) "Community restitution" means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender.

35 (8) "Confinement" means total or partial confinement.

36 (9) "Conviction" means an adjudication of guilt pursuant to Title
37 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
38 and acceptance of a plea of guilty.

1 (10) "Crime-related prohibition" means an order of a court
2 prohibiting conduct that directly relates to the circumstances of the
3 crime for which the offender has been convicted, and shall not be
4 construed to mean orders directing an offender affirmatively to
5 participate in rehabilitative programs or to otherwise perform
6 affirmative conduct. However, affirmative acts necessary to monitor
7 compliance with the order of a court may be required by the
8 department.

9 (11) "Criminal history" means the list of a defendant's prior
10 convictions and juvenile adjudications, whether in this state, in
11 federal court, or elsewhere, and any issued certificates of
12 restoration of opportunity pursuant to RCW 9.97.020.

13 (a) The history shall include, where known, for each conviction
14 (i) whether the defendant has been placed on probation and the length
15 and terms thereof; and (ii) whether the defendant has been
16 incarcerated and the length of incarceration.

17 (b) A conviction may be removed from a defendant's criminal
18 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
19 9.95.240, or a similar out-of-state statute, or if the conviction has
20 been vacated pursuant to a governor's pardon. However, when a
21 defendant is charged with a recidivist offense, "criminal history"
22 includes a vacated prior conviction for the sole purpose of
23 establishing that such vacated prior conviction constitutes an
24 element of the present recidivist offense as provided in RCW
25 9.94A.640(3)(b) and 9.96.060(6)(c).

26 (c) The determination of a defendant's criminal history is
27 distinct from the determination of an offender score. A prior
28 conviction that was not included in an offender score calculated
29 pursuant to a former version of the sentencing reform act remains
30 part of the defendant's criminal history.

31 (12) "Criminal street gang" means any ongoing organization,
32 association, or group of three or more persons, whether formal or
33 informal, having a common name or common identifying sign or symbol,
34 having as one of its primary activities the commission of criminal
35 acts, and whose members or associates individually or collectively
36 engage in or have engaged in a pattern of criminal street gang
37 activity. This definition does not apply to employees engaged in
38 concerted activities for their mutual aid and protection, or to the
39 activities of labor and bona fide nonprofit organizations or their
40 members or agents.

1 (13) "Criminal street gang associate or member" means any person
2 who actively participates in any criminal street gang and who
3 intentionally promotes, furthers, or assists in any criminal act by
4 the criminal street gang.

5 (14) "Criminal street gang-related offense" means any felony or
6 misdemeanor offense, whether in this state or elsewhere, that is
7 committed for the benefit of, at the direction of, or in association
8 with any criminal street gang, or is committed with the intent to
9 promote, further, or assist in any criminal conduct by the gang, or
10 is committed for one or more of the following reasons:

11 (a) To gain admission, prestige, or promotion within the gang;

12 (b) To increase or maintain the gang's size, membership,
13 prestige, dominance, or control in any geographical area;

14 (c) To exact revenge or retribution for the gang or any member of
15 the gang;

16 (d) To obstruct justice, or intimidate or eliminate any witness
17 against the gang or any member of the gang;

18 (e) To directly or indirectly cause any benefit, aggrandizement,
19 gain, profit, or other advantage for the gang, its reputation,
20 influence, or membership; or

21 (f) To provide the gang with any advantage in, or any control or
22 dominance over any criminal market sector, including, but not limited
23 to, manufacturing, delivering, or selling any controlled substance
24 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
25 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
26 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
27 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
28 9.68 RCW).

29 (15) "Day fine" means a fine imposed by the sentencing court that
30 equals the difference between the offender's net daily income and the
31 reasonable obligations that the offender has for the support of the
32 offender and any dependents.

33 (16) "Day reporting" means a program of enhanced supervision
34 designed to monitor the offender's daily activities and compliance
35 with sentence conditions, and in which the offender is required to
36 report daily to a specific location designated by the department or
37 the sentencing court.

38 (17) "Department" means the department of corrections.

39 (18) "Determinate sentence" means a sentence that states with
40 exactitude the number of actual years, months, or days of total

1 confinement, of partial confinement, of community custody, the number
2 of actual hours or days of community restitution work, or dollars or
3 terms of a legal financial obligation. The fact that an offender
4 through earned release can reduce the actual period of confinement
5 shall not affect the classification of the sentence as a determinate
6 sentence.

7 (19) "Disposable earnings" means that part of the earnings of an
8 offender remaining after the deduction from those earnings of any
9 amount required by law to be withheld. For the purposes of this
10 definition, "earnings" means compensation paid or payable for
11 personal services, whether denominated as wages, salary, commission,
12 bonuses, or otherwise, and, notwithstanding any other provision of
13 law making the payments exempt from garnishment, attachment, or other
14 process to satisfy a court-ordered legal financial obligation,
15 specifically includes periodic payments pursuant to pension or
16 retirement programs, or insurance policies of any type, but does not
17 include payments made under Title 50 RCW, except as provided in RCW
18 50.40.020 and 50.40.050, or Title 74 RCW.

19 (20)(a) "Domestic violence" has the same meaning as defined in
20 RCW 10.99.020 (~~and 26.50.010~~).

21 (b) "Domestic violence" also means: (i) Physical harm, bodily
22 injury, assault, or the infliction of fear of imminent physical harm,
23 bodily injury, or assault, sexual assault, or stalking, as defined in
24 RCW 9A.46.110, of one intimate partner by another intimate partner as
25 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
26 assault, or the infliction of fear of imminent physical harm, bodily
27 injury, or assault, sexual assault, or stalking, as defined in RCW
28 9A.46.110, of one family or household member by another family or
29 household member as defined in RCW 10.99.020.

30 (21) "Drug offender sentencing alternative" is a sentencing
31 option available to persons convicted of a felony offense who are
32 eligible for the option under RCW 9.94A.660.

33 (22) "Drug offense" means:

34 (a) Any felony violation of chapter 69.50 RCW except possession
35 of a controlled substance (RCW 69.50.4013) or forged prescription for
36 a controlled substance (RCW 69.50.403);

37 (b) Any offense defined as a felony under federal law that
38 relates to the possession, manufacture, distribution, or
39 transportation of a controlled substance; or

1 (c) Any out-of-state conviction for an offense that under the
2 laws of this state would be a felony classified as a drug offense
3 under (a) of this subsection.

4 (23) "Earned release" means earned release from confinement as
5 provided in RCW 9.94A.728.

6 (24) "Electronic monitoring" means tracking the location of an
7 individual through the use of technology that is capable of
8 determining or identifying the monitored individual's presence or
9 absence at a particular location including, but not limited to:

10 (a) Radio frequency signaling technology, which detects if the
11 monitored individual is or is not at an approved location and
12 notifies the monitoring agency of the time that the monitored
13 individual either leaves the approved location or tampers with or
14 removes the monitoring device; or

15 (b) Active or passive global positioning system technology, which
16 detects the location of the monitored individual and notifies the
17 monitoring agency of the monitored individual's location and which
18 may also include electronic monitoring with victim notification
19 technology that is capable of notifying a victim or protected party,
20 either directly or through a monitoring agency, if the monitored
21 individual enters within the restricted distance of a victim or
22 protected party, or within the restricted distance of a designated
23 location.

24 (25) "Escape" means:

25 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
26 the first degree (RCW 9A.76.110), escape in the second degree (RCW
27 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
28 willful failure to return from work release (RCW 72.65.070), or
29 willful failure to be available for supervision by the department
30 while in community custody (RCW 72.09.310); or

31 (b) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as an
33 escape under (a) of this subsection.

34 (26) "Felony traffic offense" means:

35 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
36 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
37 run injury-accident (RCW 46.52.020(4)), felony driving while under
38 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
39 or felony physical control of a vehicle while under the influence of
40 intoxicating liquor or any drug (RCW 46.61.504(6)); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a felony
3 traffic offense under (a) of this subsection.

4 (27) "Fine" means a specific sum of money ordered by the
5 sentencing court to be paid by the offender to the court over a
6 specific period of time.

7 (28) "First-time offender" means any person who has no prior
8 convictions for a felony and is eligible for the first-time offender
9 waiver under RCW 9.94A.650.

10 (29) "Home detention" is a subset of electronic monitoring and
11 means a program of partial confinement available to offenders wherein
12 the offender is confined in a private residence twenty-four hours a
13 day, unless an absence from the residence is approved, authorized, or
14 otherwise permitted in the order by the court or other supervising
15 agency that ordered home detention, and the offender is subject to
16 electronic monitoring.

17 (30) "Homelessness" or "homeless" means a condition where an
18 individual lacks a fixed, regular, and adequate nighttime residence
19 and who has a primary nighttime residence that is:

20 (a) A supervised, publicly or privately operated shelter designed
21 to provide temporary living accommodations;

22 (b) A public or private place not designed for, or ordinarily
23 used as, a regular sleeping accommodation for human beings; or

24 (c) A private residence where the individual stays as a transient
25 invitee.

26 (31) "Legal financial obligation" means a sum of money that is
27 ordered by a superior court of the state of Washington for legal
28 financial obligations which may include restitution to the victim,
29 statutorily imposed crime victims' compensation fees as assessed
30 pursuant to RCW 7.68.035, court costs, county or interlocal drug
31 funds, court-appointed attorneys' fees, and costs of defense, fines,
32 and any other financial obligation that is assessed to the offender
33 as a result of a felony conviction. Upon conviction for vehicular
34 assault while under the influence of intoxicating liquor or any drug,
35 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
36 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
37 financial obligations may also include payment to a public agency of
38 the expense of an emergency response to the incident resulting in the
39 conviction, subject to RCW 38.52.430.

1 (32) "Most serious offense" means any of the following felonies
2 or a felony attempt to commit any of the following felonies:

3 (a) Any felony defined under any law as a class A felony or
4 criminal solicitation of or criminal conspiracy to commit a class A
5 felony;

6 (b) Assault in the second degree;

7 (c) Assault of a child in the second degree;

8 (d) Child molestation in the second degree;

9 (e) Controlled substance homicide;

10 (f) Extortion in the first degree;

11 (g) Incest when committed against a child under age fourteen;

12 (h) Indecent liberties;

13 (i) Kidnapping in the second degree;

14 (j) Leading organized crime;

15 (k) Manslaughter in the first degree;

16 (l) Manslaughter in the second degree;

17 (m) Promoting prostitution in the first degree;

18 (n) Rape in the third degree;

19 (o) Sexual exploitation;

20 (p) Vehicular assault, when caused by the operation or driving of
21 a vehicle by a person while under the influence of intoxicating
22 liquor or any drug or by the operation or driving of a vehicle in a
23 reckless manner;

24 (q) Vehicular homicide, when proximately caused by the driving of
25 any vehicle by any person while under the influence of intoxicating
26 liquor or any drug as defined by RCW 46.61.502, or by the operation
27 of any vehicle in a reckless manner;

28 (r) Any other class B felony offense with a finding of sexual
29 motivation;

30 (s) Any other felony with a deadly weapon verdict under RCW
31 9.94A.825;

32 (t) Any felony offense in effect at any time prior to December 2,
33 1993, that is comparable to a most serious offense under this
34 subsection, or any federal or out-of-state conviction for an offense
35 that under the laws of this state would be a felony classified as a
36 most serious offense under this subsection;

37 (u) (i) A prior conviction for indecent liberties under RCW
38 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
39 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
40 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW

1 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
2 until July 1, 1988;

3 (ii) A prior conviction for indecent liberties under RCW
4 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
5 if: (A) The crime was committed against a child under the age of
6 fourteen; or (B) the relationship between the victim and perpetrator
7 is included in the definition of indecent liberties under RCW
8 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
9 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
10 1993, through July 27, 1997;

11 (v) Any out-of-state conviction for a felony offense with a
12 finding of sexual motivation if the minimum sentence imposed was ten
13 years or more; provided that the out-of-state felony offense must be
14 comparable to a felony offense under this title and Title 9A RCW and
15 the out-of-state definition of sexual motivation must be comparable
16 to the definition of sexual motivation contained in this section.

17 (33) "Nonviolent offense" means an offense which is not a violent
18 offense.

19 (34) "Offender" means a person who has committed a felony
20 established by state law and is eighteen years of age or older or is
21 less than eighteen years of age but whose case is under superior
22 court jurisdiction under RCW 13.04.030 or has been transferred by the
23 appropriate juvenile court to a criminal court pursuant to RCW
24 13.40.110. In addition, for the purpose of community custody
25 requirements under this chapter, "offender" also means a misdemeanor
26 or gross misdemeanor probationer ordered by a superior court to
27 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
28 supervised by the department pursuant to RCW 9.94A.501 and
29 9.94A.5011. Throughout this chapter, the terms "offender" and
30 "defendant" are used interchangeably.

31 (35) "Partial confinement" means confinement for no more than one
32 year in a facility or institution operated or utilized under contract
33 by the state or any other unit of government, or, if home detention,
34 electronic monitoring, or work crew has been ordered by the court or
35 home detention has been ordered by the department as part of the
36 parenting program or the graduated reentry program, in an approved
37 residence, for a substantial portion of each day with the balance of
38 the day spent in the community. Partial confinement includes work
39 release, home detention, work crew, electronic monitoring, and a
40 combination of work crew, electronic monitoring, and home detention.

1 (36) "Pattern of criminal street gang activity" means:
2 (a) The commission, attempt, conspiracy, or solicitation of, or
3 any prior juvenile adjudication of or adult conviction of, two or
4 more of the following criminal street gang-related offenses:
5 (i) Any "serious violent" felony offense as defined in this
6 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
7 Child 1 (RCW 9A.36.120);
8 (ii) Any "violent" offense as defined by this section, excluding
9 Assault of a Child 2 (RCW 9A.36.130);
10 (iii) Deliver or Possession with Intent to Deliver a Controlled
11 Substance (chapter 69.50 RCW);
12 (iv) Any violation of the firearms and dangerous weapon act
13 (chapter 9.41 RCW);
14 (v) Theft of a Firearm (RCW 9A.56.300);
15 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
16 (vii) Hate Crime (RCW 9A.36.080);
17 (viii) Harassment where a subsequent violation or deadly threat
18 is made (RCW 9A.46.020(2)(b));
19 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
20 (x) Any felony conviction by a person eighteen years of age or
21 older with a special finding of involving a juvenile in a felony
22 offense under RCW 9.94A.833;
23 (xi) Residential Burglary (RCW 9A.52.025);
24 (xii) Burglary 2 (RCW 9A.52.030);
25 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
26 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
27 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
28 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
29 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
30 9A.56.070);
31 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
32 9A.56.075);
33 (xix) Extortion 1 (RCW 9A.56.120);
34 (xx) Extortion 2 (RCW 9A.56.130);
35 (xxi) Intimidating a Witness (RCW 9A.72.110);
36 (xxii) Tampering with a Witness (RCW 9A.72.120);
37 (xxiii) Reckless Endangerment (RCW 9A.36.050);
38 (xxiv) Coercion (RCW 9A.36.070);
39 (xxv) Harassment (RCW 9A.46.020); or
40 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

1 (b) That at least one of the offenses listed in (a) of this
2 subsection shall have occurred after July 1, 2008;

3 (c) That the most recent committed offense listed in (a) of this
4 subsection occurred within three years of a prior offense listed in
5 (a) of this subsection; and

6 (d) Of the offenses that were committed in (a) of this
7 subsection, the offenses occurred on separate occasions or were
8 committed by two or more persons.

9 (37) "Persistent offender" is an offender who:

10 (a) (i) Has been convicted in this state of any felony considered
11 a most serious offense; and

12 (ii) Has, before the commission of the offense under (a) of this
13 subsection, been convicted as an offender on at least two separate
14 occasions, whether in this state or elsewhere, of felonies that under
15 the laws of this state would be considered most serious offenses and
16 would be included in the offender score under RCW 9.94A.525; provided
17 that of the two or more previous convictions, at least one conviction
18 must have occurred before the commission of any of the other most
19 serious offenses for which the offender was previously convicted; or

20 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
21 of a child in the first degree, child molestation in the first
22 degree, rape in the second degree, rape of a child in the second
23 degree, or indecent liberties by forcible compulsion; (B) any of the
24 following offenses with a finding of sexual motivation: Murder in the
25 first degree, murder in the second degree, homicide by abuse,
26 kidnapping in the first degree, kidnapping in the second degree,
27 assault in the first degree, assault in the second degree, assault of
28 a child in the first degree, assault of a child in the second degree,
29 or burglary in the first degree; or (C) an attempt to commit any
30 crime listed in this subsection (37) (b) (i); and

31 (ii) Has, before the commission of the offense under (b) (i) of
32 this subsection, been convicted as an offender on at least one
33 occasion, whether in this state or elsewhere, of an offense listed in
34 (b) (i) of this subsection or any federal or out-of-state offense or
35 offense under prior Washington law that is comparable to the offenses
36 listed in (b) (i) of this subsection. A conviction for rape of a child
37 in the first degree constitutes a conviction under (b) (i) of this
38 subsection only when the offender was sixteen years of age or older
39 when the offender committed the offense. A conviction for rape of a
40 child in the second degree constitutes a conviction under (b) (i) of

1 this subsection only when the offender was eighteen years of age or
2 older when the offender committed the offense.

3 (38) "Predatory" means: (a) The perpetrator of the crime was a
4 stranger to the victim, as defined in this section; (b) the
5 perpetrator established or promoted a relationship with the victim
6 prior to the offense and the victimization of the victim was a
7 significant reason the perpetrator established or promoted the
8 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
9 volunteer, or other person in authority in any public or private
10 school and the victim was a student of the school under his or her
11 authority or supervision. For purposes of this subsection, "school"
12 does not include home-based instruction as defined in RCW
13 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
14 authority in any recreational activity and the victim was a
15 participant in the activity under his or her authority or
16 supervision; (iii) a pastor, elder, volunteer, or other person in
17 authority in any church or religious organization, and the victim was
18 a member or participant of the organization under his or her
19 authority; or (iv) a teacher, counselor, volunteer, or other person
20 in authority providing home-based instruction and the victim was a
21 student receiving home-based instruction while under his or her
22 authority or supervision. For purposes of this subsection: (A) "Home-
23 based instruction" has the same meaning as defined in RCW
24 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
25 in authority" does not include the parent or legal guardian of the
26 victim.

27 (39) "Private school" means a school regulated under chapter
28 28A.195 or 28A.205 RCW.

29 (40) "Public school" has the same meaning as in RCW 28A.150.010.

30 (41) "Recidivist offense" means a felony offense where a prior
31 conviction of the same offense or other specified offense is an
32 element of the crime including, but not limited to:

33 (a) Assault in the fourth degree where domestic violence is
34 pleaded and proven, RCW 9A.36.041(3);

35 (b) Cyberstalking, RCW 9.61.260(3)(a);

36 (c) Harassment, RCW 9A.46.020(2)(b)(i);

37 (d) Indecent exposure, RCW 9A.88.010(2)(c);

38 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

39 (f) Telephone harassment, RCW 9.61.230(2)(a); and

1 (g) Violation of a no-contact or protection order, section 56 of
2 this act or former RCW 26.50.110(5).

3 (42) "Repetitive domestic violence offense" means any:

4 (a)(i) Domestic violence assault that is not a felony offense
5 under RCW 9A.36.041;

6 (ii) Domestic violence violation of a no-contact order under
7 chapter 10.99 RCW that is not a felony offense;

8 (iii) Domestic violence violation of a protection order under
9 chapter 26.09, 26.10, 26.26A, or 26.26B(~~, or 26.50~~) RCW or former
10 chapter 26.50 RCW, or violation of a domestic violence protection
11 order under chapter 7.--- RCW (the new chapter created in section 78
12 of this act), that is not a felony offense;

13 (iv) Domestic violence harassment offense under RCW 9A.46.020
14 that is not a felony offense; or

15 (v) Domestic violence stalking offense under RCW 9A.46.110 that
16 is not a felony offense; or

17 (b) Any federal, out-of-state, tribal court, military, county, or
18 municipal conviction for an offense that under the laws of this state
19 would be classified as a repetitive domestic violence offense under
20 (a) of this subsection.

21 (43) "Restitution" means a specific sum of money ordered by the
22 sentencing court to be paid by the offender to the court over a
23 specified period of time as payment of damages. The sum may include
24 both public and private costs.

25 (44) "Risk assessment" means the application of the risk
26 instrument recommended to the department by the Washington state
27 institute for public policy as having the highest degree of
28 predictive accuracy for assessing an offender's risk of reoffense.

29 (45) "Serious traffic offense" means:

30 (a) Nonfelony driving while under the influence of intoxicating
31 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
32 while under the influence of intoxicating liquor or any drug (RCW
33 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
34 attended vehicle (RCW 46.52.020(5)); or

35 (b) Any federal, out-of-state, county, or municipal conviction
36 for an offense that under the laws of this state would be classified
37 as a serious traffic offense under (a) of this subsection.

38 (46) "Serious violent offense" is a subcategory of violent
39 offense and means:

40 (a)(i) Murder in the first degree;

- 1 (ii) Homicide by abuse;
- 2 (iii) Murder in the second degree;
- 3 (iv) Manslaughter in the first degree;
- 4 (v) Assault in the first degree;
- 5 (vi) Kidnapping in the first degree;
- 6 (vii) Rape in the first degree;
- 7 (viii) Assault of a child in the first degree; or
- 8 (ix) An attempt, criminal solicitation, or criminal conspiracy to
- 9 commit one of these felonies; or

10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as a
12 serious violent offense under (a) of this subsection.

13 (47) "Sex offense" means:

14 (a) (i) A felony that is a violation of chapter 9A.44 RCW other
15 than RCW 9A.44.132;

16 (ii) A violation of RCW 9A.64.020;

17 (iii) A felony that is a violation of chapter 9.68A RCW other
18 than RCW 9.68A.080;

19 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
20 attempt, criminal solicitation, or criminal conspiracy to commit such
21 crimes; or

22 (v) A felony violation of RCW 9A.44.132(1) (failure to register
23 as a sex offender) if the person has been convicted of violating RCW
24 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
25 prior to June 10, 2010, on at least one prior occasion;

26 (b) Any conviction for a felony offense in effect at any time
27 prior to July 1, 1976, that is comparable to a felony classified as a
28 sex offense in (a) of this subsection;

29 (c) A felony with a finding of sexual motivation under RCW
30 9.94A.835 or 13.40.135; or

31 (d) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a sex
33 offense under (a) of this subsection.

34 (48) "Sexual motivation" means that one of the purposes for which
35 the defendant committed the crime was for the purpose of his or her
36 sexual gratification.

37 (49) "Standard sentence range" means the sentencing court's
38 discretionary range in imposing a nonappealable sentence.

39 (50) "Statutory maximum sentence" means the maximum length of
40 time for which an offender may be confined as punishment for a crime

1 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
2 defining the crime, or other statute defining the maximum penalty for
3 a crime.

4 (51) "Stranger" means that the victim did not know the offender
5 twenty-four hours before the offense.

6 (52) "Total confinement" means confinement inside the physical
7 boundaries of a facility or institution operated or utilized under
8 contract by the state or any other unit of government for twenty-four
9 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

10 (53) "Transition training" means written and verbal instructions
11 and assistance provided by the department to the offender during the
12 two weeks prior to the offender's successful completion of the work
13 ethic camp program. The transition training shall include
14 instructions in the offender's requirements and obligations during
15 the offender's period of community custody.

16 (54) "Victim" means any person who has sustained emotional,
17 psychological, physical, or financial injury to person or property as
18 a direct result of the crime charged.

19 (55) "Violent offense" means:

20 (a) Any of the following felonies:

21 (i) Any felony defined under any law as a class A felony or an
22 attempt to commit a class A felony;

23 (ii) Criminal solicitation of or criminal conspiracy to commit a
24 class A felony;

25 (iii) Manslaughter in the first degree;

26 (iv) Manslaughter in the second degree;

27 (v) Indecent liberties if committed by forcible compulsion;

28 (vi) Kidnapping in the second degree;

29 (vii) Arson in the second degree;

30 (viii) Assault in the second degree;

31 (ix) Assault of a child in the second degree;

32 (x) Extortion in the first degree;

33 (xi) Robbery in the second degree;

34 (xii) Drive-by shooting;

35 (xiii) Vehicular assault, when caused by the operation or driving
36 of 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; and

39 (xiv) Vehicular homicide, when proximately caused by the driving
40 of any vehicle by any person while under the influence of

1 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
2 the operation of any vehicle in a reckless manner;

3 (b) Any conviction for a felony offense in effect at any time
4 prior to July 1, 1976, that is comparable to a felony classified as a
5 violent offense in (a) of this subsection; and

6 (c) Any federal or out-of-state conviction for an offense that
7 under the laws of this state would be a felony classified as a
8 violent offense under (a) or (b) of this subsection.

9 (56) "Work crew" means a program of partial confinement
10 consisting of civic improvement tasks for the benefit of the
11 community that complies with RCW 9.94A.725.

12 (57) "Work ethic camp" means an alternative incarceration program
13 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
14 the cost of corrections by requiring offenders to complete a
15 comprehensive array of real-world job and vocational experiences,
16 character-building work ethics training, life management skills
17 development, substance abuse rehabilitation, counseling, literacy
18 training, and basic adult education.

19 (58) "Work release" means a program of partial confinement
20 available to offenders who are employed or engaged as a student in a
21 regular course of study at school.

22 **Sec. 98.** RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to
23 read as follows:

24 (1) Decision not to prosecute.

25 STANDARD: A prosecuting attorney may decline to prosecute, even
26 though technically sufficient evidence to prosecute exists, in
27 situations where prosecution would serve no public purpose, would
28 defeat the underlying purpose of the law in question or would result
29 in decreased respect for the law.

30 GUIDELINE/COMMENTARY:

31 Examples

32 The following are examples of reasons not to prosecute which
33 could satisfy the standard.

34 (a) Contrary to Legislative Intent - It may be proper to decline
35 to charge where the application of criminal sanctions would be
36 clearly contrary to the intent of the legislature in enacting the
37 particular statute.

38 (b) Antiquated Statute - It may be proper to decline to charge
39 where the statute in question is antiquated in that:

- 1 (i) It has not been enforced for many years; and
2 (ii) Most members of society act as if it were no longer in
3 existence; and
4 (iii) It serves no deterrent or protective purpose in today's
5 society; and
6 (iv) The statute has not been recently reconsidered by the
7 legislature.

8 This reason is not to be construed as the basis for declining
9 cases because the law in question is unpopular or because it is
10 difficult to enforce.

11 (c) De Minimis Violation - It may be proper to decline to charge
12 where the violation of law is only technical or insubstantial and
13 where no public interest or deterrent purpose would be served by
14 prosecution.

15 (d) Confinement on Other Charges - It may be proper to decline to
16 charge because the accused has been sentenced on another charge to a
17 lengthy period of confinement; and

18 (i) Conviction of the new offense would not merit any additional
19 direct or collateral punishment;

20 (ii) The new offense is either a misdemeanor or a felony which is
21 not particularly aggravated; and

22 (iii) Conviction of the new offense would not serve any
23 significant deterrent purpose.

24 (e) Pending Conviction on Another Charge - It may be proper to
25 decline to charge because the accused is facing a pending prosecution
26 in the same or another county; and

27 (i) Conviction of the new offense would not merit any additional
28 direct or collateral punishment;

29 (ii) Conviction in the pending prosecution is imminent;

30 (iii) The new offense is either a misdemeanor or a felony which
31 is not particularly aggravated; and

32 (iv) Conviction of the new offense would not serve any
33 significant deterrent purpose.

34 (f) High Disproportionate Cost of Prosecution - It may be proper
35 to decline to charge where the cost of locating or transporting, or
36 the burden on, prosecution witnesses is highly disproportionate to
37 the importance of prosecuting the offense in question. This reason
38 should be limited to minor cases and should not be relied upon in
39 serious cases.

1 (g) Improper Motives of Complainant - It may be proper to decline
2 charges because the motives of the complainant are improper and
3 prosecution would serve no public purpose, would defeat the
4 underlying purpose of the law in question or would result in
5 decreased respect for the law.

6 (h) Immunity - It may be proper to decline to charge where
7 immunity is to be given to an accused in order to prosecute another
8 where the accused's information or testimony will reasonably lead to
9 the conviction of others who are responsible for more serious
10 criminal conduct or who represent a greater danger to the public
11 interest.

12 (i) Victim Request - It may be proper to decline to charge
13 because the victim requests that no criminal charges be filed and the
14 case involves the following crimes or situations:

15 (i) Assault cases where the victim has suffered little or no
16 injury;

17 (ii) Crimes against property, not involving violence, where no
18 major loss was suffered;

19 (iii) Where doing so would not jeopardize the safety of society.

20 Care should be taken to insure that the victim's request is
21 freely made and is not the product of threats or pressure by the
22 accused.

23 The presence of these factors may also justify the decision to
24 dismiss a prosecution which has been commenced.

25 Notification

26 The prosecutor is encouraged to notify the victim, when
27 practical, and the law enforcement personnel, of the decision not to
28 prosecute.

29 (2) Decision to prosecute.

30 (a) STANDARD:

31 Crimes against persons will be filed if sufficient admissible
32 evidence exists, which, when considered with the most plausible,
33 reasonably foreseeable defense that could be raised under the
34 evidence, would justify conviction by a reasonable and objective fact
35 finder. With regard to offenses prohibited by RCW 9A.44.040,
36 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
37 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling
38 agreements or diversions intended to place the accused in a program
39 of treatment or counseling, so that treatment, if determined to be
40 beneficial, can be provided pursuant to RCW 9.94A.670.

1 Crimes against property/other crimes will be filed if the
2 admissible evidence is of such convincing force as to make it
3 probable that a reasonable and objective fact finder would convict
4 after hearing all the admissible evidence and the most plausible
5 defense that could be raised.

6 See table below for the crimes within these categories.

7 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

8 CRIMES AGAINST PERSONS

9 Aggravated Murder (RCW 10.95.020)

10 1st Degree Murder (RCW 9A.32.030)

11 2nd Degree Murder (RCW 9A.32.050)

12 1st Degree Manslaughter (RCW 9A.32.060)

13 2nd Degree Manslaughter (RCW 9A.32.070)

14 1st Degree Kidnapping (RCW 9A.40.020)

15 2nd Degree Kidnapping (RCW 9A.40.030)

16 1st Degree Assault (RCW 9A.36.011)

17 2nd Degree Assault (RCW 9A.36.021)

18 3rd Degree Assault (RCW 9A.36.031)

19 4th Degree Assault (if a violation of RCW 9A.36.041(3))

20 1st Degree Assault of a Child (RCW 9A.36.120)

21 2nd Degree Assault of a Child (RCW 9A.36.130)

22 3rd Degree Assault of a Child (RCW 9A.36.140)

23 1st Degree Rape (RCW 9A.44.040)

24 2nd Degree Rape (RCW 9A.44.050)

25 3rd Degree Rape (RCW 9A.44.060)

26 1st Degree Rape of a Child (RCW 9A.44.073)

27 2nd Degree Rape of a Child (RCW 9A.44.076)

28 3rd Degree Rape of a Child (RCW 9A.44.079)

29 1st Degree Robbery (RCW 9A.56.200)

30 2nd Degree Robbery (RCW 9A.56.210)

31 1st Degree Arson (RCW 9A.48.020)

32 1st Degree Burglary (RCW 9A.52.020)

33 1st Degree Identity Theft (RCW 9.35.020(2))

34 2nd Degree Identity Theft (RCW 9.35.020(3))

35 1st Degree Extortion (RCW 9A.56.120)

36 2nd Degree Extortion (RCW 9A.56.130)

37 1st Degree Criminal Mistreatment (RCW 9A.42.020)

38 2nd Degree Criminal Mistreatment (RCW 9A.42.030)

39 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))

1 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))
2 Indecent Liberties (RCW 9A.44.100)
3 Incest (RCW 9A.64.020)
4 Vehicular Homicide (RCW 46.61.520)
5 Vehicular Assault (RCW 46.61.522)
6 1st Degree Child Molestation (RCW 9A.44.083)
7 2nd Degree Child Molestation (RCW 9A.44.086)
8 3rd Degree Child Molestation (RCW 9A.44.089)
9 1st Degree Promoting Prostitution (RCW 9A.88.070)
10 Intimidating a Juror (RCW 9A.72.130)
11 Communication with a Minor (RCW 9.68A.090)
12 Intimidating a Witness (RCW 9A.72.110)
13 Intimidating a Public Servant (RCW 9A.76.180)
14 Bomb Threat (if against person) (RCW 9.61.160)
15 Unlawful Imprisonment (RCW 9A.40.040)
16 Promoting a Suicide Attempt (RCW 9A.36.060)
17 Criminal Mischief (if against person) (RCW 9A.84.010)
18 Stalking (RCW 9A.46.110)
19 Custodial Assault (RCW 9A.36.100)
20 Domestic Violence Court Order Violation (section 56 of this act,
21 RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050,
22 ((~~26.50.110,~~) or 26.52.070(~~, or 74.34.145~~)), or any of the former
23 RCW 26.50.110 and 74.34.145)
24 Counterfeiting (if a violation of RCW 9.16.035(4))
25 Felony Driving a Motor Vehicle While Under the Influence of
26 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
27 Felony Physical Control of a Motor Vehicle While Under the
28 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
29 CRIMES AGAINST PROPERTY/OTHER CRIMES
30 2nd Degree Arson (RCW 9A.48.030)
31 1st Degree Escape (RCW 9A.76.110)
32 2nd Degree Escape (RCW 9A.76.120)
33 2nd Degree Burglary (RCW 9A.52.030)
34 1st Degree Theft (RCW 9A.56.030)
35 2nd Degree Theft (RCW 9A.56.040)
36 1st Degree Perjury (RCW 9A.72.020)
37 2nd Degree Perjury (RCW 9A.72.030)
38 1st Degree Introducing Contraband (RCW 9A.76.140)
39 2nd Degree Introducing Contraband (RCW 9A.76.150)

1 1st Degree Possession of Stolen Property (RCW 9A.56.150)
2 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
3 Bribery (RCW 9A.68.010)
4 Bribing a Witness (RCW 9A.72.090)
5 Bribe received by a Witness (RCW 9A.72.100)
6 Bomb Threat (if against property) (RCW 9.61.160)
7 1st Degree Malicious Mischief (RCW 9A.48.070)
8 2nd Degree Malicious Mischief (RCW 9A.48.080)
9 1st Degree Reckless Burning (RCW 9A.48.040)
10 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and
11 9A.56.075)
12 Forgery (RCW 9A.60.020)
13 2nd Degree Promoting Prostitution (RCW 9A.88.080)
14 Tampering with a Witness (RCW 9A.72.120)
15 Trading in Public Office (RCW 9A.68.040)
16 Trading in Special Influence (RCW 9A.68.050)
17 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)
18 Bigamy (RCW 9A.64.010)
19 Eluding a Pursuing Police Vehicle (RCW 46.61.024)
20 Willful Failure to Return from Furlough
21 Escape from Community Custody
22 Criminal Mischief (if against property) (RCW 9A.84.010)
23 1st Degree Theft of Livestock (RCW 9A.56.080)
24 2nd Degree Theft of Livestock (RCW 9A.56.083)

25 ALL OTHER UNCLASSIFIED FELONIES

26 Selection of Charges/Degree of Charge

27 (i) The prosecutor should file charges which adequately describe
28 the nature of defendant's conduct. Other offenses may be charged only
29 if they are necessary to ensure that the charges:

30 (A) Will significantly enhance the strength of the state's case
31 at trial; or

32 (B) Will result in restitution to all victims.

33 (ii) The prosecutor should not overcharge to obtain a guilty
34 plea. Overcharging includes:

35 (A) Charging a higher degree;

36 (B) Charging additional counts.

37 This standard is intended to direct prosecutors to charge those
38 crimes which demonstrate the nature and seriousness of a defendant's
39 criminal conduct, but to decline to charge crimes which are not

1 necessary to such an indication. Crimes which do not merge as a
2 matter of law, but which arise from the same course of conduct, do
3 not all have to be charged.

4 (b) GUIDELINES/COMMENTARY:

5 (i) Police Investigation

6 A prosecuting attorney is dependent upon law enforcement agencies
7 to conduct the necessary factual investigation which must precede the
8 decision to prosecute. The prosecuting attorney shall ensure that a
9 thorough factual investigation has been conducted before a decision
10 to prosecute is made. In ordinary circumstances the investigation
11 should include the following:

12 (A) The interviewing of all material witnesses, together with the
13 obtaining of written statements whenever possible;

14 (B) The completion of necessary laboratory tests; and

15 (C) The obtaining, in accordance with constitutional
16 requirements, of the suspect's version of the events.

17 If the initial investigation is incomplete, a prosecuting
18 attorney should insist upon further investigation before a decision
19 to prosecute is made, and specify what the investigation needs to
20 include.

21 (ii) Exceptions

22 In certain situations, a prosecuting attorney may authorize
23 filing of a criminal complaint before the investigation is complete
24 if:

25 (A) Probable cause exists to believe the suspect is guilty; and

26 (B) The suspect presents a danger to the community or is likely
27 to flee if not apprehended; or

28 (C) The arrest of the suspect is necessary to complete the
29 investigation of the crime.

30 In the event that the exception to the standard is applied, the
31 prosecuting attorney shall obtain a commitment from the law
32 enforcement agency involved to complete the investigation in a timely
33 manner. If the subsequent investigation does not produce sufficient
34 evidence to meet the normal charging standard, the complaint should
35 be dismissed.

36 (iii) Investigation Techniques

37 The prosecutor should be fully advised of the investigatory
38 techniques that were used in the case investigation including:

39 (A) Polygraph testing;

1 (B) Hypnosis;
 2 (C) Electronic surveillance;
 3 (D) Use of informants.
 4 (iv) Prefiling Discussions with Defendant
 5 Discussions with the defendant or his/her representative
 6 regarding the selection or disposition of charges may occur prior to
 7 the filing of charges, and potential agreements can be reached.
 8 (v) Prefiling Discussions with Victim(s)
 9 Discussions with the victim(s) or victims' representatives
 10 regarding the selection or disposition of charges may occur before
 11 the filing of charges. The discussions may be considered by the
 12 prosecutor in charging and disposition decisions, and should be
 13 considered before reaching any agreement with the defendant regarding
 14 these decisions.

15 **Sec. 99.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to
 16 read as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN EACH
 19 SERIOUSNESS LEVEL

- 20 XVI Aggravated Murder 1 (RCW 10.95.020)
 21 XV Homicide by abuse (RCW 9A.32.055)
 22 Malicious explosion 1 (RCW
 23 70.74.280(1))
 24 Murder 1 (RCW 9A.32.030)
 25 XIV Murder 2 (RCW 9A.32.050)
 26 Trafficking 1 (RCW 9A.40.100(1))
 27 XIII Malicious explosion 2 (RCW
 28 70.74.280(2))
 29 Malicious placement of an explosive 1
 30 (RCW 70.74.270(1))
 31 XII Assault 1 (RCW 9A.36.011)
 32 Assault of a Child 1 (RCW 9A.36.120)
 33 Malicious placement of an imitation
 34 device 1 (RCW 70.74.272(1)(a))

1 Promoting Commercial Sexual Abuse of
2 a Minor (RCW 9.68A.101)
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(3))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 Vehicular Homicide, by being under the
10 influence of intoxicating liquor or
11 any drug (RCW 46.61.520)
12 Vehicular Homicide, by the operation of
13 any vehicle in a reckless manner
14 (RCW 46.61.520)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Criminal Mistreatment 1 (RCW
17 9A.42.020)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape (RCW
27 9A.76.115)
28 IX Abandonment of Dependent Person 1
29 (RCW 9A.42.060)
30 Assault of a Child 2 (RCW 9A.36.130)
31 Explosive devices prohibited (RCW
32 70.74.180)
33 Hit and Run—Death (RCW
34 46.52.020(4)(a))

1 Homicide by Watercraft, by being under
2 the influence of intoxicating liquor
3 or any drug (RCW 79A.60.050)
4 Inciting Criminal Profiteering (RCW
5 9A.82.060(1)(b))
6 Malicious placement of an explosive 2
7 (RCW 70.74.270(2))
8 Robbery 1 (RCW 9A.56.200)
9 Sexual Exploitation (RCW 9.68A.040)
10 VIII Arson 1 (RCW 9A.48.020)
11 Commercial Sexual Abuse of a Minor
12 (RCW 9.68A.100)
13 Homicide by Watercraft, by the
14 operation of any vessel in a reckless
15 manner (RCW 79A.60.050)
16 Manslaughter 2 (RCW 9A.32.070)
17 Promoting Prostitution 1 (RCW
18 9A.88.070)
19 Theft of Ammonia (RCW 69.55.010)
20 VII Air bag diagnostic systems (causing
21 bodily injury or death) (RCW
22 46.37.660(2)(b))
23 Air bag replacement requirements
24 (causing bodily injury or death)
25 (RCW 46.37.660(1)(b))
26 Burglary 1 (RCW 9A.52.020)
27 Child Molestation 2 (RCW 9A.44.086)
28 Civil Disorder Training (RCW
29 9A.48.120)
30 Dealing in depictions of minor engaged
31 in sexually explicit conduct 1
32 (RCW 9.68A.050(1))
33 Drive-by Shooting (RCW 9A.36.045)
34 False Reporting 1 (RCW
35 9A.84.040(2)(a))

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sell, install, or reinstall counterfeit,
20 nonfunctional, damaged, or
21 previously deployed airbag (RCW
22 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun or Bump-fire
30 Stock in Commission of a Felony
31 (RCW 9.41.225)

32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)

35 VI Bail Jumping with Murder 1 (RCW
36 9A.76.170(3)(a))

37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation
6 device 2 (RCW 70.74.272(1)(b))
7 Possession of Depictions of a Minor
8 Engaged in Sexually Explicit
9 Conduct 1 (RCW 9.68A.070(1))
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Theft from a Vulnerable Adult 1 (RCW
13 9A.56.400(1))
14 Unlawful Storage of Ammonia (RCW
15 69.55.020)
16 V Abandonment of Dependent Person 2
17 (RCW 9A.42.070)
18 Advancing money or property for
19 extortionate extension of credit
20 (RCW 9A.82.030)
21 Air bag diagnostic systems (RCW
22 46.37.660(2)(c))
23 Air bag replacement requirements
24 (RCW 46.37.660(1)(c))
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 2 (RCW
29 9A.42.030)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Dealing in Depictions of Minor
33 Engaged in Sexually Explicit
34 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (section 56 of this act,
3 RCW 10.99.040, 10.99.050,
4 26.09.300, 26.10.220, 26.26B.050,
5 26.50.110, 26.52.070, or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sell, install, or reinstall counterfeit,
27 nonfunctional, damaged, or
28 previously deployed airbag (RCW
29 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hate Crime (RCW 9A.36.080)
27 Hit and Run—Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel—Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9.35.020(2))
32 Indecent Exposure to Person Under Age
33 Fourteen (subsequent sex offense)
34 (RCW 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 False Reporting 2 (RCW
32 9A.84.040(2)(b))

33 Harassment (RCW 9A.46.020)

34 Intimidating a Public Servant (RCW
35 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Manufacture of Untraceable Firearm
6 with Intent to Sell (RCW 9.41.190)
7 Manufacture or Assembly of an
8 Undetectable Firearm or
9 Untraceable Firearm (RCW
10 9.41.325)
11 Mortgage Fraud (RCW 19.144.080)
12 Negligently Causing Substantial Bodily
13 Harm By Use of a Signal
14 Preemption Device (RCW
15 46.37.674)
16 Organized Retail Theft 1 (RCW
17 9A.56.350(2))
18 Perjury 2 (RCW 9A.72.030)
19 Possession of Incendiary Device (RCW
20 9.40.120)
21 Possession of Machine Gun, Bump-Fire
22 Stock, Undetectable Firearm, or
23 Short-Barreled Shotgun or Rifle
24 (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Retail Theft with Special Circumstances
28 1 (RCW 9A.56.360(2))
29 Securities Act violation (RCW
30 21.20.400)
31 Tampering with a Witness (RCW
32 9A.72.120)
33 Telephone Harassment (subsequent
34 conviction or threat of death) (RCW
35 9.61.230(2))
36 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with the Intent to Resell 1 (RCW
2 9A.56.340(2))
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1 (RCW
6 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Fish or
10 Shellfish 1 (RCW 77.140.060(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 II Commercial Fishing Without a License
27 1 (RCW 77.15.500(3)(b))
28 Computer Trespass 1 (RCW 9A.90.040)
29 Counterfeiting (RCW 9.16.035(3))
30 Electronic Data Service Interference
31 (RCW 9A.90.060)
32 Electronic Data Tampering 1 (RCW
33 9A.90.080)
34 Electronic Data Theft (RCW 9A.90.100)
35 Engaging in Fish Dealing Activity
36 Unlicensed 1 (RCW 77.15.620(3))

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)
7 Health Care False Claims (RCW
8 48.80.030)
9 Identity Theft 2 (RCW 9.35.020(3))
10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)
12 Malicious Mischief 1 (RCW 9A.48.070)
13 Organized Retail Theft 2 (RCW
14 9A.56.350(3))
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 Possession of a Stolen Vehicle (RCW
18 9A.56.068)
19 Retail Theft with Special Circumstances
20 2 (RCW 9A.56.360(3))
21 Scrap Processing, Recycling, or
22 Supplying Without a License
23 (second or subsequent offense)
24 (RCW 19.290.100)
25 Theft 1 (RCW 9A.56.030)
26 Theft of a Motor Vehicle (RCW
27 9A.56.065)
28 Theft of Rental, Leased, Lease-
29 purchased, or Loaned Property
30 (valued at five thousand dollars or
31 more) (RCW 9A.56.096(5)(a))
32 Theft with the Intent to Resell 2 (RCW
33 9A.56.340(3))
34 Trafficking in Insurance Claims (RCW
35 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Participation of Non-Indians
5 in Indian Fishery (RCW
6 77.15.570(2))
7 Unlawful Practice of Law (RCW
8 2.48.180)
9 Unlawful Purchase or Use of a License
10 (RCW 77.15.650(3)(b))
11 Unlawful Trafficking in Fish, Shellfish,
12 or Wildlife 2 (RCW
13 77.15.260(3)(a))
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism 1 (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW 9A.48.080)
26 Mineral Trespass (RCW 78.44.330)
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Reckless Burning 1 (RCW 9A.48.040)
30 Spotlighting Big Game 1 (RCW
31 77.15.450(3)(b))
32 Suspension of Department Privileges 1
33 (RCW 77.15.670(3)(b))
34 Taking Motor Vehicle Without
35 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)
2 Theft from a Vulnerable Adult 2 (RCW
3 9A.56.400(2))
4 Theft of Rental, Leased, Lease-
5 purchased, or Loaned Property
6 (valued at seven hundred fifty
7 dollars or more but less than five
8 thousand dollars) (RCW
9 9A.56.096(5)(b))
10 Transaction of insurance business
11 beyond the scope of licensure
12 (RCW 48.17.063)
13 Unlawful Fish and Shellfish Catch
14 Accounting (RCW 77.15.630(3)(b))
15 Unlawful Issuance of Checks or Drafts
16 (RCW 9A.56.060)
17 Unlawful Possession of Fictitious
18 Identification (RCW 9A.56.320)
19 Unlawful Possession of Instruments of
20 Financial Fraud (RCW 9A.56.320)
21 Unlawful Possession of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Possession of a Personal
24 Identification Device (RCW
25 9A.56.320)
26 Unlawful Production of Payment
27 Instruments (RCW 9A.56.320)
28 Unlawful Releasing, Planting,
29 Possessing, or Placing Deleterious
30 Exotic Wildlife (RCW
31 77.15.250(2)(b))
32 Unlawful Trafficking in Food Stamps
33 (RCW 9.91.142)
34 Unlawful Use of Food Stamps (RCW
35 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Unlawful Use of Prohibited Aquatic

4 Animal Species (RCW

5 77.15.253(3))

6 Vehicle Prowl 1 (RCW 9A.52.095)

7 Violating Commercial Fishing Area or

8 Time 1 (RCW 77.15.550(3)(b))

9 **Sec. 100.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to
10 read as follows:

11 The offender score is measured on the horizontal axis of the
12 sentencing grid. The offender score rules are as follows:

13 The offender score is the sum of points accrued under this
14 section rounded down to the nearest whole number.

15 (1) A prior conviction is a conviction which exists before the
16 date of sentencing for the offense for which the offender score is
17 being computed. Convictions entered or sentenced on the same date as
18 the conviction for which the offender score is being computed shall
19 be deemed "other current offenses" within the meaning of RCW
20 9.94A.589.

21 (2)(a) Class A and sex prior felony convictions shall always be
22 included in the offender score.

23 (b) Class B prior felony convictions other than sex offenses
24 shall not be included in the offender score, if since the last date
25 of release from confinement (including full-time residential
26 treatment) pursuant to a felony conviction, if any, or entry of
27 judgment and sentence, the offender had spent ten consecutive years
28 in the community without committing any crime that subsequently
29 results in a conviction.

30 (c) Except as provided in (e) of this subsection, class C prior
31 felony convictions other than sex offenses shall not be included in
32 the offender score if, since the last date of release from
33 confinement (including full-time residential treatment) pursuant to a
34 felony conviction, if any, or entry of judgment and sentence, the
35 offender had spent five consecutive years in the community without
36 committing any crime that subsequently results in a conviction.

37 (d) Except as provided in (e) of this subsection, serious traffic
38 convictions shall not be included in the offender score if, since the

1 last date of release from confinement (including full-time
2 residential treatment) pursuant to a conviction, if any, or entry of
3 judgment and sentence, the offender spent five years in the community
4 without committing any crime that subsequently results in a
5 conviction.

6 (e) If the present conviction is felony driving while under the
7 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
8 felony physical control of a vehicle while under the influence of
9 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
10 crimes for the offense as defined by RCW 46.61.5055(14) shall be
11 included in the offender score, and prior convictions for felony
12 driving while under the influence of intoxicating liquor or any drug
13 (RCW 46.61.502(6)) or felony physical control of a vehicle while
14 under the influence of intoxicating liquor or any drug (RCW
15 46.61.504(6)) shall always be included in the offender score. All
16 other convictions of the defendant shall be scored according to this
17 section.

18 (f) Prior convictions for a repetitive domestic violence offense,
19 as defined in RCW 9.94A.030, shall not be included in the offender
20 score if, since the last date of release from confinement or entry of
21 judgment and sentence, the offender had spent ten consecutive years
22 in the community without committing any crime that subsequently
23 results in a conviction.

24 (g) This subsection applies to both adult and juvenile prior
25 convictions.

26 (3) Out-of-state convictions for offenses shall be classified
27 according to the comparable offense definitions and sentences
28 provided by Washington law. Federal convictions for offenses shall be
29 classified according to the comparable offense definitions and
30 sentences provided by Washington law. If there is no clearly
31 comparable offense under Washington law or the offense is one that is
32 usually considered subject to exclusive federal jurisdiction, the
33 offense shall be scored as a class C felony equivalent if it was a
34 felony under the relevant federal statute.

35 (4) Score prior convictions for felony anticipatory offenses
36 (attempts, criminal solicitations, and criminal conspiracies) the
37 same as if they were convictions for completed offenses.

38 (5) (a) In the case of multiple prior convictions, for the purpose
39 of computing the offender score, count all convictions separately,
40 except:

1 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a),
2 to encompass the same criminal conduct, shall be counted as one
3 offense, the offense that yields the highest offender score. The
4 current sentencing court shall determine with respect to other prior
5 adult offenses for which sentences were served concurrently or prior
6 juvenile offenses for which sentences were served consecutively,
7 whether those offenses shall be counted as one offense or as separate
8 offenses using the "same criminal conduct" analysis found in RCW
9 9.94A.589(1)(a), and if the court finds that they shall be counted as
10 one offense, then the offense that yields the highest offender score
11 shall be used. The current sentencing court may presume that such
12 other prior offenses were not the same criminal conduct from
13 sentences imposed on separate dates, or in separate counties or
14 jurisdictions, or in separate complaints, indictments, or
15 informations;

16 (ii) In the case of multiple prior convictions for offenses
17 committed before July 1, 1986, for the purpose of computing the
18 offender score, count all adult convictions served concurrently as
19 one offense, and count all juvenile convictions entered on the same
20 date as one offense. Use the conviction for the offense that yields
21 the highest offender score.

22 (b) As used in this subsection (5), "served concurrently" means
23 that: (i) The latter sentence was imposed with specific reference to
24 the former; (ii) the concurrent relationship of the sentences was
25 judicially imposed; and (iii) the concurrent timing of the sentences
26 was not the result of a probation or parole revocation on the former
27 offense.

28 (6) If the present conviction is one of the anticipatory offenses
29 of criminal attempt, solicitation, or conspiracy, count each prior
30 conviction as if the present conviction were for a completed offense.
31 When these convictions are used as criminal history, score them the
32 same as a completed crime.

33 (7) If the present conviction is for a nonviolent offense and not
34 covered by subsection (11), (12), or (13) of this section, count one
35 point for each adult prior felony conviction and one point for each
36 juvenile prior violent felony conviction and 1/2 point for each
37 juvenile prior nonviolent felony conviction.

38 (8) If the present conviction is for a violent offense and not
39 covered in subsection (9), (10), (11), (12), or (13) of this section,
40 count two points for each prior adult and juvenile violent felony

1 conviction, one point for each prior adult nonviolent felony
2 conviction, and 1/2 point for each prior juvenile nonviolent felony
3 conviction.

4 (9) If the present conviction is for a serious violent offense,
5 count three points for prior adult and juvenile convictions for
6 crimes in this category, two points for each prior adult and juvenile
7 violent conviction (not already counted), one point for each prior
8 adult nonviolent felony conviction, and 1/2 point for each prior
9 juvenile nonviolent felony conviction.

10 (10) If the present conviction is for Burglary 1, count prior
11 convictions as in subsection (8) of this section; however count two
12 points for each prior adult Burglary 2 or residential burglary
13 conviction, and one point for each prior juvenile Burglary 2 or
14 residential burglary conviction.

15 (11) If the present conviction is for a felony traffic offense
16 count two points for each adult or juvenile prior conviction for
17 Vehicular Homicide or Vehicular Assault; for each felony offense
18 count one point for each adult and 1/2 point for each juvenile prior
19 conviction; for each serious traffic offense, other than those used
20 for an enhancement pursuant to RCW 46.61.520(2), count one point for
21 each adult and 1/2 point for each juvenile prior conviction; count
22 one point for each adult and 1/2 point for each juvenile prior
23 conviction for operation of a vessel while under the influence of
24 intoxicating liquor or any drug.

25 (12) If the present conviction is for homicide by watercraft or
26 assault by watercraft count two points for each adult or juvenile
27 prior conviction for homicide by watercraft or assault by watercraft;
28 for each felony offense count one point for each adult and 1/2 point
29 for each juvenile prior conviction; count one point for each adult
30 and 1/2 point for each juvenile prior conviction for driving under
31 the influence of intoxicating liquor or any drug, actual physical
32 control of a motor vehicle while under the influence of intoxicating
33 liquor or any drug, or operation of a vessel while under the
34 influence of intoxicating liquor or any drug.

35 (13) If the present conviction is for manufacture of
36 methamphetamine count three points for each adult prior manufacture
37 of methamphetamine conviction and two points for each juvenile
38 manufacture of methamphetamine offense. If the present conviction is
39 for a drug offense and the offender has a criminal history that
40 includes a sex offense or serious violent offense, count three points

1 for each adult prior felony drug offense conviction and two points
2 for each juvenile drug offense. All other adult and juvenile felonies
3 are scored as in subsection (8) of this section if the current drug
4 offense is violent, or as in subsection (7) of this section if the
5 current drug offense is nonviolent.

6 (14) If the present conviction is for Escape from Community
7 Custody, RCW 72.09.310, count only prior escape convictions in the
8 offender score. Count adult prior escape convictions as one point and
9 juvenile prior escape convictions as 1/2 point.

10 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
11 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
12 and juvenile prior convictions as 1/2 point.

13 (16) If the present conviction is for Burglary 2 or residential
14 burglary, count priors as in subsection (7) of this section; however,
15 count two points for each adult and juvenile prior Burglary 1
16 conviction, two points for each adult prior Burglary 2 or residential
17 burglary conviction, and one point for each juvenile prior Burglary 2
18 or residential burglary conviction.

19 (17) If the present conviction is for a sex offense, count priors
20 as in subsections (7) through (11) and (13) through (16) of this
21 section; however count three points for each adult and juvenile prior
22 sex offense conviction.

23 (18) If the present conviction is for failure to register as a
24 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
25 subsections (7) through (11) and (13) through (16) of this section;
26 however count three points for each adult and juvenile prior sex
27 offense conviction, excluding prior convictions for failure to
28 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which
29 shall count as one point.

30 (19) If the present conviction is for an offense committed while
31 the offender was under community custody, add one point. For purposes
32 of this subsection, community custody includes community placement or
33 postrelease supervision, as defined in chapter 9.94B RCW.

34 (20) If the present conviction is for Theft of a Motor Vehicle,
35 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
36 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
37 priors as in subsections (7) through (18) of this section; however
38 count one point for prior convictions of Vehicle Prowling 2, and
39 three points for each adult and juvenile prior Theft 1 (of a motor
40 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property

1 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
2 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
3 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
4 Vehicle Without Permission 2 conviction.

5 (21) If the present conviction is for a felony domestic violence
6 offense where domestic violence as defined in RCW 9.94A.030 was
7 pleaded and proven, count priors as in subsections (7) through (20)
8 of this section; however, count points as follows:

9 (a) Count two points for each adult prior conviction where
10 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
11 after August 1, 2011, for any of the following offenses: A felony
12 violation of a no-contact or protection order (section 56 of this act
13 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
14 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
15 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
16 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
17 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
18 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
19 Arson 2 (RCW 9A.48.030);

20 (b) Count two points for each adult prior conviction where
21 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
22 after July 23, 2017, for any of the following offenses: Assault of a
23 child in the first degree, RCW 9A.36.120; Assault of a child in the
24 second degree, RCW 9A.36.130; Assault of a child in the third degree,
25 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
26 9A.42.020; or Criminal Mistreatment in the second degree, RCW
27 9A.42.030;

28 (c) Count one point for each second and subsequent juvenile
29 conviction where domestic violence as defined in RCW 9.94A.030 was
30 pleaded and proven after August 1, 2011, for the offenses listed in
31 (a) of this subsection; and

32 (d) Count one point for each adult prior conviction for a
33 repetitive domestic violence offense as defined in RCW 9.94A.030,
34 where domestic violence as defined in RCW 9.94A.030, was pleaded and
35 proven after August 1, 2011.

36 (22) The fact that a prior conviction was not included in an
37 offender's offender score or criminal history at a previous
38 sentencing shall have no bearing on whether it is included in the
39 criminal history or offender score for the current offense. Prior
40 convictions that were not counted in the offender score or included

1 in criminal history under repealed or previous versions of the
2 sentencing reform act shall be included in criminal history and shall
3 count in the offender score if the current version of the sentencing
4 reform act requires including or counting those convictions. Prior
5 convictions that were not included in criminal history or in the
6 offender score shall be included upon any resentencing to ensure
7 imposition of an accurate sentence.

8 **Sec. 101.** RCW 9.94A.637 and 2019 c 331 s 2 are each amended to
9 read as follows:

10 (1) When an offender has completed all requirements of the
11 sentence, including any and all legal financial obligations, and
12 while under the custody or supervision of the department, the
13 secretary or the secretary's designee shall notify the sentencing
14 court, which shall discharge the offender and provide the offender
15 with a certificate of discharge by issuing the certificate to the
16 offender in person or by mailing the certificate to the offender's
17 last known address. A certificate of discharge issued under this
18 subsection (1) is effective on the date the offender completed all
19 conditions of his or her sentence.

20 (2)(a) When an offender has reached the end of his or her
21 supervision with the department and has completed all the
22 requirements of the sentence except his or her legal financial
23 obligations, the secretary's designee shall provide the county clerk
24 with a notice that the offender has completed all nonfinancial
25 requirements of the sentence. The notice must list the specific
26 sentence requirements that have been completed, so that it is clear
27 to the sentencing court that the offender is entitled to discharge
28 upon completion of the legal financial obligations of the sentence.

29 (b) When the department has provided the county clerk with notice
30 under (a) of this subsection showing that an offender has completed
31 all the requirements of the sentence and the offender subsequently
32 satisfies all legal financial obligations under the sentence, the
33 county clerk shall promptly notify the sentencing court. Upon receipt
34 of the notice under this subsection (2)(b), the court shall discharge
35 the offender and provide the offender with a certificate of
36 discharge. A certificate of discharge issued under this subsection
37 (2) is effective on the date the offender completed all conditions of
38 his or her sentence.

1 (3) In the absence of a certificate of discharge issued under
2 subsection (1) or (2) of this section, the offender may file a motion
3 with the sentencing court for a certificate of discharge. The
4 sentencing court shall issue a certificate of discharge upon
5 verification of completion of all sentencing conditions, including
6 any and all legal financial obligations. A certificate of discharge
7 issued under this subsection (3) is effective on the date the
8 offender completed all conditions of his or her sentence.

9 (4) In the absence of a certificate of discharge issued under
10 subsection (1), (2), or (3) of this section, the offender may file a
11 motion with the sentencing court for a certificate of discharge and
12 shall provide verification of completion of all nonfinancial
13 conditions of his or her sentence, unless the court finds good cause
14 to waive this requirement. A certificate of discharge issued under
15 this subsection (4) is effective on the later of: (a) Five years
16 after completion of community custody, or if the offender was not
17 required to serve community custody, after the completion of full and
18 partial confinement; or (b) the date any and all legal financial
19 obligations were satisfied.

20 (5) The court shall issue a certificate of discharge by issuing
21 the certificate to the offender in person or by mailing the
22 certificate to the offender's last known address.

23 (6) (a) A no-contact order is not a requirement of the offender's
24 sentence. An offender who has completed all requirements of the
25 sentence, including any and all legal financial obligations, is
26 eligible for a certificate of discharge even if the offender has an
27 existing no-contact order that excludes or prohibits the offender
28 from having contact with a specified person or entity or coming
29 within a set distance of any specified location.

30 In the case of an eligible offender who has a no-contact order as
31 part of the judgment and sentence, the offender may petition the
32 sentencing court to issue a certificate of discharge and a separate
33 no-contact order, which must include paying the appropriate filing
34 fee for the separate no-contact order. This filing fee does not apply
35 to an offender seeking a certificate of discharge when the offender
36 has a no-contact order separate from the judgment and sentence.

37 The court shall reissue the no-contact order separately under a
38 new civil cause number for the remaining term and under the same
39 conditions as contained in the judgment and sentence.

1 (b) The clerk of the court shall send a copy of the new no-
2 contact order to the individuals or entities protected by the no-
3 contact order, along with an explanation of the reason for the
4 change, if there is an address available in the court file. If no
5 address is available, the clerk of the court shall forward a copy of
6 the order to the prosecutor, who shall send a copy of the no-contact
7 order with an explanation of the reason for the change to the last
8 known address of the protected individuals or entities.

9 (c) The clerk of the court shall forward a copy of the order to
10 the appropriate law enforcement agency specified in the order on or
11 before the next judicial day. The clerk shall also include a cover
12 sheet that indicates the case number of the judgment and sentence
13 that has been discharged. Upon receipt of the copy of the order and
14 cover sheet, the law enforcement agency shall enter the order into
15 any computer-based criminal intelligence information system available
16 in this state used by law enforcement agencies to list outstanding
17 warrants. The order shall remain in this system until it expires. The
18 new order, and case number of the discharged judgment and sentence,
19 shall be linked in the criminal intelligence information system for
20 purposes of enforcing the no-contact order.

21 (d) A separately issued no-contact order may be enforced under
22 chapter ((26.50)) 7.--- RCW (the new chapter created in section 78 of
23 this act).

24 (e) A separate no-contact order issued under this subsection (6)
25 is not a modification of the offender's sentence.

26 (7) Every signed certificate and order of discharge shall be
27 filed with the county clerk of the sentencing county. In addition,
28 the court shall send to the department a copy of every signed
29 certificate and order of discharge for offender sentences under the
30 authority of the department. The county clerk shall enter into a
31 database maintained by the administrator for the courts the names of
32 all felons who have been issued certificates of discharge, the date
33 of discharge, and the date of conviction and offense.

34 (8) An offender who is not convicted of a violent offense or a
35 sex offense and is sentenced to a term involving community
36 supervision may be considered for a discharge of sentence by the
37 sentencing court prior to the completion of community supervision,
38 provided that the offender has completed at least one-half of the
39 term of community supervision and has met all other sentence
40 requirements.

1 (9) The discharge shall have the effect of restoring all civil
2 rights not already restored by RCW 29A.08.520, and the certificate of
3 discharge shall so state. Nothing in this section prohibits the use
4 of an offender's prior record for purposes of determining sentences
5 for later offenses as provided in this chapter. Nothing in this
6 section affects or prevents use of the offender's prior conviction in
7 a later criminal prosecution either as an element of an offense or
8 for impeachment purposes. A certificate of discharge is not based on
9 a finding of rehabilitation.

10 (10) Unless otherwise ordered by the sentencing court, a
11 certificate of discharge shall not terminate the offender's
12 obligation to comply with an order that excludes or prohibits the
13 offender from having contact with a specified person or coming within
14 a set distance of any specified location that was contained in the
15 judgment and sentence. An offender who violates such an order after a
16 certificate of discharge has been issued shall be subject to
17 prosecution according to the chapter under which the order was
18 originally issued.

19 (11) Upon release from custody, the offender may apply to the
20 department for counseling and help in adjusting to the community.
21 This voluntary help may be provided for up to one year following the
22 release from custody.

23 **Sec. 102.** RCW 9.94A.660 and 2020 c 252 s 1 are each amended to
24 read as follows:

25 (1) An offender is eligible for the special drug offender
26 sentencing alternative if:

27 (a) The offender is convicted of a felony that is not a violent
28 offense and the violation does not involve a sentence enhancement
29 under RCW 9.94A.533 (3) or (4);

30 (b) The offender is convicted of a felony that is not a felony
31 driving while under the influence of intoxicating liquor or any drug
32 under RCW 46.61.502(6) or felony physical control of a vehicle while
33 under the influence of intoxicating liquor or any drug under RCW
34 46.61.504(6);

35 (c) The offender has no current or prior convictions for a sex
36 offense for which the offender is currently or may be required to
37 register pursuant to RCW 9A.44.130;

1 (d) The offender has no prior convictions in this state, and no
2 prior convictions for an equivalent out-of-state or federal offense,
3 for the following offenses during the following time frames:

4 (i) Robbery in the second degree that did not involve the use of
5 a firearm and was not reduced from robbery in the first degree within
6 seven years before conviction of the current offense; or

7 (ii) Any other violent offense within ten years before conviction
8 of the current offense;

9 (e) For a violation of the uniform controlled substances act
10 under chapter 69.50 RCW or a criminal solicitation to commit such a
11 violation under chapter 9A.28 RCW, the offense involved only a small
12 quantity of the particular controlled substance as determined by the
13 judge upon consideration of such factors as the weight, purity,
14 packaging, sale price, and street value of the controlled substance;

15 (f) The offender has not been found by the United States attorney
16 general to be subject to a deportation detainer or order and does not
17 become subject to a deportation order during the period of the
18 sentence; and

19 (g) The offender has not received a drug offender sentencing
20 alternative more than once in the prior ten years before the current
21 offense.

22 (2) A motion for a special drug offender sentencing alternative
23 may be made by the court, the offender, or the state.

24 (3) If the sentencing court determines that the offender is
25 eligible for an alternative sentence under this section and that the
26 alternative sentence is appropriate, the court shall waive imposition
27 of a sentence within the standard sentence range and impose a
28 sentence consisting of either a prison-based alternative under RCW
29 9.94A.662 or a residential substance use disorder treatment-based
30 alternative under RCW 9.94A.664. The residential substance use
31 disorder treatment-based alternative is only available if the
32 midpoint of the standard range is twenty-six months or less.

33 (4) (a) To assist the court in making its determination, the court
34 may order the department to complete either or both a risk assessment
35 report and a substance use disorder screening report as provided in
36 RCW 9.94A.500.

37 (b) To assist the court in making its determination in domestic
38 violence cases, the court shall order the department to complete a
39 presentence investigation and a chemical dependency screening report

1 as provided in RCW 9.94A.500, unless otherwise specifically waived by
2 the court.

3 (5) If the court is considering imposing a sentence under the
4 residential substance use disorder treatment-based alternative, the
5 court may order an examination of the offender by the department. The
6 examination must be performed by an agency certified by the
7 department of health to provide substance use disorder services. The
8 examination shall, at a minimum, address the following issues:

9 (a) Whether the offender suffers from a substance use disorder;

10 (b) Whether the substance use disorder is such that there is a
11 probability that criminal behavior will occur in the future;

12 (c) Whether effective treatment for the offender's substance use
13 disorder is available from a provider that has been licensed or
14 certified by the department of health, and where applicable, whether
15 effective domestic violence perpetrator treatment is available from a
16 state-certified domestic violence treatment provider pursuant to
17 (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this act); and

18 (d) Whether the offender and the community will benefit from the
19 use of the alternative.

20 (6) When a court imposes a sentence of community custody under
21 this section:

22 (a) The court may impose conditions as provided in RCW 9.94A.703
23 and may impose other affirmative conditions as the court considers
24 appropriate. In addition, an offender may be required to pay thirty
25 dollars per month while on community custody to offset the cost of
26 monitoring for alcohol or controlled substances, or in cases of
27 domestic violence for monitoring with global positioning system
28 technology for compliance with a no-contact order.

29 (b) The department may impose conditions and sanctions as
30 authorized in RCW 9.94A.704 and 9.94A.737.

31 (7)(a) The court may bring any offender sentenced under this
32 section back into court at any time on its own initiative to evaluate
33 the offender's progress in treatment or to determine if any
34 violations of the conditions of the sentence have occurred.

35 (b) If the offender is brought back to court, the court may
36 modify the conditions of the community custody or impose sanctions
37 under (c) of this subsection.

38 (c) The court may order the offender to serve a term of total
39 confinement within the standard range of the offender's current
40 offense at any time during the period of community custody if the

1 offender violates the conditions or requirements of the sentence or
2 if the offender is failing to make satisfactory progress in
3 treatment.

4 (d) An offender ordered to serve a term of total confinement
5 under (c) of this subsection shall receive credit for time previously
6 served in total or partial confinement and inpatient treatment under
7 this section, and shall receive fifty percent credit for time
8 previously served in community custody under this section.

9 (8) In serving a term of community custody imposed upon failure
10 to complete, or administrative termination from, the special drug
11 offender sentencing alternative program, the offender shall receive
12 no credit for time served in community custody prior to termination
13 of the offender's participation in the program.

14 (9) An offender sentenced under this section shall be subject to
15 all rules relating to earned release time with respect to any period
16 served in total confinement.

17 (10) The Washington state institute for public policy shall
18 submit a report to the governor and the appropriate committees of the
19 legislature by November 1, 2022, analyzing the effectiveness of the
20 drug offender sentencing alternative in reducing recidivism among
21 various offender populations. An additional report is due November 1,
22 2028, and every five years thereafter. The Washington state institute
23 for public policy may coordinate with the department and the caseload
24 forecast council in tracking data and preparing the report.

25 **Sec. 103.** RCW 9.94A.662 and 2020 c 252 s 2 are each amended to
26 read as follows:

27 (1) The court may only order a prison-based special drug offender
28 sentencing alternative if the high end of the standard sentence range
29 for the current offense is greater than one year.

30 (2) A sentence for a prison-based special drug offender
31 sentencing alternative shall include:

32 (a) A period of total confinement in a state facility for one-
33 half the midpoint of the standard sentence range or twelve months,
34 whichever is greater;

35 (b) One-half the midpoint of the standard sentence range as a
36 term of community custody, which must include appropriate substance
37 use disorder treatment in a program that has been approved by the
38 department of health, and for co-occurring drug and domestic violence
39 cases, must also include an appropriate domestic violence treatment

1 program by a state-certified domestic violence treatment provider
2 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this
3 act);

4 (c) Crime-related prohibitions, including a condition not to use
5 illegal controlled substances;

6 (d) A requirement to submit to urinalysis or other testing to
7 monitor that status; and

8 (e) A term of community custody pursuant to RCW 9.94A.701 to be
9 imposed upon the failure to complete or administrative termination
10 from the special drug offender sentencing alternative program.

11 (3)(a) During incarceration in the state facility, offenders
12 sentenced under this section shall undergo a comprehensive substance
13 use disorder assessment and receive, within available resources,
14 treatment services appropriate for the offender. The substance use
15 disorder treatment services shall be licensed by the department of
16 health.

17 (b) When applicable for cases involving domestic violence,
18 domestic violence treatment must be provided by a state-certified
19 domestic violence treatment provider pursuant to (~~chapter 26.50~~)
20 RCW 26.50.150 (as recodified by this act) during the term of
21 community custody.

22 (4) If the department finds that conditions of community custody
23 have been willfully violated, the offender may be reclassified to
24 serve the remaining balance of the original sentence. An offender who
25 fails to complete the program or who is administratively terminated
26 from the program shall be reclassified to serve the unexpired term of
27 his or her sentence as ordered by the sentencing court.

28 (5) If an offender sentenced to the prison-based alternative
29 under this section is found by the United States attorney general to
30 be subject to a deportation order, a hearing shall be held by the
31 department unless waived by the offender, and, if the department
32 finds that the offender is subject to a valid deportation order, the
33 department may administratively terminate the offender from the
34 program and reclassify the offender to serve the remaining balance of
35 the original sentence.

36 **Sec. 104.** RCW 9.94A.703 and 2018 c 201 s 9004 are each amended
37 to read as follows:

1 When a court sentences a person to a term of community custody,
2 the court shall impose conditions of community custody as provided in
3 this section.

4 (1) **Mandatory conditions.** As part of any term of community
5 custody, the court shall:

6 (a) Require the offender to inform the department of court-
7 ordered treatment upon request by the department;

8 (b) Require the offender to comply with any conditions imposed by
9 the department under RCW 9.94A.704;

10 (c) If the offender was sentenced under RCW 9.94A.507 for an
11 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
12 was under eighteen years of age at the time of the offense, prohibit
13 the offender from residing in a community protection zone;

14 (d) If the offender was sentenced under RCW 9A.36.120, prohibit
15 the offender from serving in any paid or volunteer capacity where he
16 or she has control or supervision of minors under the age of
17 thirteen.

18 (2) **Waivable conditions.** Unless waived by the court, as part of
19 any term of community custody, the court shall order an offender to:

20 (a) Report to and be available for contact with the assigned
21 community corrections officer as directed;

22 (b) Work at department-approved education, employment, or
23 community restitution, or any combination thereof;

24 (c) Refrain from possessing or consuming controlled substances
25 except pursuant to lawfully issued prescriptions;

26 (d) Pay supervision fees as determined by the department; and

27 (e) Obtain prior approval of the department for the offender's
28 residence location and living arrangements.

29 (3) **Discretionary conditions.** As part of any term of community
30 custody, the court may order an offender to:

31 (a) Remain within, or outside of, a specified geographical
32 boundary;

33 (b) Refrain from direct or indirect contact with the victim of
34 the crime or a specified class of individuals;

35 (c) Participate in crime-related treatment or counseling
36 services;

37 (d) Participate in rehabilitative programs or otherwise perform
38 affirmative conduct reasonably related to the circumstances of the
39 offense, the offender's risk of reoffending, or the safety of the
40 community;

1 (e) Refrain from possessing or consuming alcohol; or

2 (f) Comply with any crime-related prohibitions.

3 (4) **Special conditions.**

4 (a) In sentencing an offender convicted of a crime of domestic
5 violence, as defined in RCW 10.99.020, if the offender has a minor
6 child, or if the victim of the offense for which the offender was
7 convicted has a minor child, the court may order the offender to
8 participate in a domestic violence perpetrator program approved under
9 RCW 26.50.150 (as recodified by this act).

10 (b) (i) In sentencing an offender convicted of an alcohol or drug-
11 related traffic offense, the court shall require the offender to
12 complete a diagnostic evaluation by a substance use disorder
13 treatment program approved by the department of social and health
14 services or a qualified probation department, defined under RCW
15 46.61.516, that has been approved by the department of social and
16 health services. If the offense was pursuant to chapter 46.61 RCW,
17 the report shall be forwarded to the department of licensing. If the
18 offender is found to have an alcohol or drug problem that requires
19 treatment, the offender shall complete treatment in an approved
20 substance use disorder treatment program as defined in chapter 71.24
21 RCW. If the offender is found not to have an alcohol or drug problem
22 that requires treatment, the offender shall complete a course in an
23 alcohol and drug information school licensed or certified by the
24 department of health under chapter 70.96A RCW. The offender shall pay
25 all costs for any evaluation, education, or treatment required by
26 this section, unless the offender is eligible for an existing program
27 offered or approved by the department of social and health services.

28 (ii) For purposes of this section, "alcohol or drug-related
29 traffic offense" means the following: Driving while under the
30 influence as defined by RCW 46.61.502, actual physical control while
31 under the influence as defined by RCW 46.61.504, vehicular homicide
32 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by
33 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW
34 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

35 (iii) This subsection (4)(b) does not require the department of
36 social and health services to add new treatment or assessment
37 facilities nor affect its use of existing programs and facilities
38 authorized by law.

1 **Sec. 105.** RCW 9.96.060 and 2020 c 29 s 18 are each amended to
2 read as follows:

3 (1) When vacating a conviction under this section, the court
4 effectuates the vacation by: (a)(i) Permitting the applicant to
5 withdraw the applicant's plea of guilty and to enter a plea of not
6 guilty; or (ii) if the applicant has been convicted after a plea of
7 not guilty, the court setting aside the verdict of guilty; and (b)
8 the court dismissing the information, indictment, complaint, or
9 citation against the applicant and vacating the judgment and
10 sentence.

11 (2) Every person convicted of a misdemeanor or gross misdemeanor
12 offense may apply to the sentencing court for a vacation of the
13 applicant's record of conviction for the offense. If the court finds
14 the applicant meets the requirements of this subsection, the court
15 may in its discretion vacate the record of conviction. Except as
16 provided in subsections (3), (4), and (5) of this section, an
17 applicant may not have the record of conviction for a misdemeanor or
18 gross misdemeanor offense vacated if any one of the following is
19 present:

20 (a) The applicant has not completed all of the terms of the
21 sentence for the offense;

22 (b) There are any criminal charges against the applicant pending
23 in any court of this state or another state, or in any federal or
24 tribal court, at the time of application;

25 (c) The offense was a violent offense as defined in RCW 9.94A.030
26 or an attempt to commit a violent offense;

27 (d) The offense was a violation of RCW 46.61.502 (driving while
28 under the influence), 46.61.504 (actual physical control while under
29 the influence), 9.91.020 (operating a railroad, etc. while
30 intoxicated), or the offense is considered a "prior offense" under
31 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug
32 violation within ten years of the date of arrest for the prior
33 offense or less than ten years has elapsed since the date of the
34 arrest for the prior offense;

35 (e) The offense was any misdemeanor or gross misdemeanor
36 violation, including attempt, of chapter 9.68 RCW (obscenity and
37 pornography), chapter 9.68A RCW (sexual exploitation of children), or
38 chapter 9A.44 RCW (sex offenses), except for failure to register as a
39 sex offender under RCW 9A.44.132;

1 (f) The applicant was convicted of a misdemeanor or gross
2 misdemeanor offense as defined in RCW 10.99.020, or the court
3 determines after a review of the court file that the offense was
4 committed by one family or household member against another or by one
5 intimate partner against another, or the court, after considering the
6 damage to person or property that resulted in the conviction, any
7 prior convictions for crimes defined in RCW 10.99.020, or for
8 comparable offenses in another state or in federal court, and the
9 totality of the records under review by the court regarding the
10 conviction being considered for vacation, determines that the offense
11 involved domestic violence, and any one of the following factors
12 exist:

13 (i) The applicant has not provided written notification of the
14 vacation petition to the prosecuting attorney's office that
15 prosecuted the offense for which vacation is sought, or has not
16 provided that notification to the court;

17 (ii) The applicant has two or more domestic violence convictions
18 stemming from different incidents. For purposes of this subsection,
19 however, if the current application is for more than one conviction
20 that arose out of a single incident, none of those convictions counts
21 as a previous conviction;

22 (iii) The applicant has signed an affidavit under penalty of
23 perjury affirming that the applicant has not previously had a
24 conviction for a domestic violence offense, and a criminal history
25 check reveals that the applicant has had such a conviction; or

26 (iv) Less than five years have elapsed since the person completed
27 the terms of the original conditions of the sentence, including any
28 financial obligations and successful completion of any treatment
29 ordered as a condition of sentencing;

30 (g) For any offense other than those described in (f) of this
31 subsection, less than three years have passed since the person
32 completed the terms of the sentence, including any financial
33 obligations;

34 (h) The offender has been convicted of a new crime in this state,
35 another state, or federal or tribal court in the three years prior to
36 the vacation application; or

37 (i) The applicant is currently restrained by a domestic violence
38 protection order, a no-contact order, an antiharassment order, or a
39 civil restraining order which restrains one party from contacting the
40 other party or was previously restrained by such an order and was

1 found to have committed one or more violations of the order in the
2 five years prior to the vacation application.

3 (3) Subject to RCW 9.96.070, every person convicted of
4 prostitution under RCW 9A.88.030 who committed the offense as a
5 result of being a victim of trafficking, RCW 9A.40.100, promoting
6 prostitution in the first degree, RCW 9A.88.070, promoting commercial
7 sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons
8 under the trafficking victims protection act of 2000, 22 U.S.C. Sec.
9 7101 et seq. may apply to the sentencing court for vacation of the
10 applicant's record of conviction for the prostitution offense. An
11 applicant may not have the record of conviction for prostitution
12 vacated if any one of the following is present:

13 (a) There are any criminal charges against the applicant pending
14 in any court of this state or another state, or in any federal court,
15 for any crime other than prostitution; or

16 (b) The offender has been convicted of another crime, except
17 prostitution, in this state, another state, or federal court since
18 the date of conviction. The limitation in this subsection (3)(b) does
19 not apply to convictions where the offender proves by a preponderance
20 of the evidence that he or she committed the crime as a result of
21 being a victim of trafficking, RCW 9A.40.100, promoting prostitution
22 in the first degree, RCW 9A.88.070, promoting commercial sexual abuse
23 of a minor, RCW 9.68A.101, or trafficking in persons under the
24 trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et
25 seq., according to the requirements provided in RCW 9.96.070 for each
26 respective conviction.

27 (4) Every person convicted prior to January 1, 1975, of violating
28 any statute or rule regarding the regulation of fishing activities,
29 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,
30 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240
31 who claimed to be exercising a treaty Indian fishing right, may apply
32 to the sentencing court for vacation of the applicant's record of the
33 misdemeanor, gross misdemeanor, or felony conviction for the offense.
34 If the person is deceased, a member of the person's family or an
35 official representative of the tribe of which the person was a member
36 may apply to the court on behalf of the deceased person.
37 Notwithstanding the requirements of RCW 9.94A.640, the court shall
38 vacate the record of conviction if:

39 (a) The applicant is a member of a tribe that may exercise treaty
40 Indian fishing rights at the location where the offense occurred; and

1 (b) The state has been enjoined from taking enforcement action of
2 the statute or rule to the extent that it interferes with a treaty
3 Indian fishing right as determined under *United States v. Washington*,
4 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
5 899 (D. Oregon 1969), and any posttrial orders of those courts, or
6 any other state supreme court or federal court decision.

7 (5) Every person convicted of a misdemeanor marijuana offense,
8 who was twenty-one years of age or older at the time of the offense,
9 may apply to the sentencing court for a vacation of the applicant's
10 record of conviction for the offense. A misdemeanor marijuana offense
11 includes, but is not limited to: Any offense under RCW 69.50.4014,
12 from July 1, 2004, onward, and its predecessor statutes, including
13 RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW
14 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense
15 under an equivalent municipal ordinance. If an applicant qualifies
16 under this subsection, the court shall vacate the record of
17 conviction.

18 (6)(a) Except as provided in (c) of this subsection, once the
19 court vacates a record of conviction under this section, the person
20 shall be released from all penalties and disabilities resulting from
21 the offense and the fact that the person has been convicted of the
22 offense shall not be included in the person's criminal history for
23 purposes of determining a sentence in any subsequent conviction. For
24 all purposes, including responding to questions on employment or
25 housing applications, a person whose conviction has been vacated
26 under this section may state that he or she has never been convicted
27 of that crime. However, nothing in this section affects the
28 requirements for restoring a right to possess a firearm under RCW
29 9.41.040. Except as provided in (b) of this subsection, nothing in
30 this section affects or prevents the use of an offender's prior
31 conviction in a later criminal prosecution.

32 (b) When a court vacates a record of domestic violence as defined
33 in RCW 10.99.020 under this section, the state may not use the
34 vacated conviction in a later criminal prosecution unless the
35 conviction was for: (i) Violating the provisions of a restraining
36 order, no-contact order, or protection order restraining or enjoining
37 the person or restraining the person from going on to the grounds of
38 or entering a residence, workplace, school, or day care, or
39 prohibiting the person from knowingly coming within, or knowingly
40 remaining within, a specified distance of a location, a protected

1 party's person, or a protected party's vehicle (RCW 10.99.040,
2 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,
3 ~~((26.50.060, 26.50.070, 26.50.130,))~~ or 26.52.070(~~(, or 74.34.145))~~),
4 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
5 74.34.145); ~~((or))~~ (ii) stalking (RCW 9A.46.110); or (iii) a domestic
6 violence protection order or vulnerable adult protection order
7 entered under chapter 7.--- RCW (the new chapter created in section
8 78 of this act). A vacated conviction under this section is not
9 considered a conviction of such an offense for the purposes of 27
10 C.F.R. 478.11.

11 (c) A conviction vacated on or after July 28, 2019, qualifies as
12 a prior conviction for the purpose of charging a present recidivist
13 offense as defined in RCW 9.94A.030 occurring on or after July 28,
14 2019.

15 (7) The clerk of the court in which the vacation order is entered
16 shall immediately transmit the order vacating the conviction to the
17 Washington state patrol identification section and to the local
18 police agency, if any, which holds criminal history information for
19 the person who is the subject of the conviction. The Washington state
20 patrol and any such local police agency shall immediately update
21 their records to reflect the vacation of the conviction, and shall
22 transmit the order vacating the conviction to the federal bureau of
23 investigation. A conviction that has been vacated under this section
24 may not be disseminated or disclosed by the state patrol or local law
25 enforcement agency to any person, except other criminal justice
26 enforcement agencies.

27 **Sec. 106.** RCW 9A.36.041 and 2020 c 29 s 7 are each amended to
28 read as follows:

29 (1) A person is guilty of assault in the fourth degree if, under
30 circumstances not amounting to assault in the first, second, or third
31 degree, or custodial assault, he or she assaults another.

32 (2) Assault in the fourth degree is a gross misdemeanor, except
33 as provided in subsection (3) of this section.

34 (3)(a) Assault in the fourth degree occurring after July 23,
35 2017, and before March 18, 2020, where domestic violence is pleaded
36 and proven, is a class C felony if the person has two or more prior
37 adult convictions within ten years for any of the following offenses
38 occurring after July 23, 2017, where domestic violence was pleaded
39 and proven:

- 1 (i) Repetitive domestic violence offense as defined in RCW
2 9.94A.030;
- 3 (ii) Crime of harassment as defined by RCW 9A.46.060;
- 4 (iii) Assault in the third degree;
- 5 (iv) Assault in the second degree;
- 6 (v) Assault in the first degree; or
- 7 (vi) A municipal, tribal, federal, or out-of-state offense
8 comparable to any offense under (a)(i) through (v) of this
9 subsection.

10 For purposes of this subsection (3)(a), "family or household
11 members" for purposes of the definition of "domestic violence" means
12 spouses, domestic partners, former spouses, former domestic partners,
13 persons who have a child in common regardless of whether they have
14 been married or have lived together at any time, persons sixteen
15 years of age or older who are presently residing together or who have
16 resided together in the past and who have or have had a dating
17 relationship, and persons sixteen years of age or older with whom a
18 person sixteen years of age or older has or has had a dating
19 relationship. "Family or household member" also includes an "intimate
20 partner" as defined in RCW (~~(26.50.010)~~) 10.99.020.

21 (b) Assault in the fourth degree occurring on or after March 18,
22 2020, where domestic violence against an "intimate partner" as
23 defined in RCW (~~(26.50.010)~~) 10.99.020 is pleaded and proven, is a
24 class C felony if the person has two or more prior adult convictions
25 within ten years for any of the following offenses occurring after
26 July 23, 2017, where domestic violence against an "intimate partner"
27 as defined in RCW (~~(26.50.010)~~) 10.99.020 or domestic violence
28 against a "family or household member" as defined in (a) of this
29 subsection was pleaded and proven:

- 30 (i) Repetitive domestic violence offense as defined in RCW
31 9.94A.030;
- 32 (ii) Crime of harassment as defined by RCW 9A.46.060;
- 33 (iii) Assault in the third degree;
- 34 (iv) Assault in the second degree;
- 35 (v) Assault in the first degree; or
- 36 (vi) A municipal, tribal, federal, or out-of-state offense
37 comparable to any offense under (b)(i) through (v) of this
38 subsection.

1 **Sec. 107.** RCW 9A.40.104 and 2017 c 230 s 3 are each amended to
2 read as follows:

3 (1) Because of the likelihood of repeated harassment and
4 intimidation directed at those who have been victims of trafficking
5 as described in RCW 9A.40.100, before any defendant charged with or
6 arrested, for a crime involving trafficking, is released from
7 custody, or at any time the case remains unresolved, the court may
8 prohibit that person from having any contact with the victim whether
9 directly or through third parties.

10 At the initial preliminary appearance, the court shall determine
11 whether to extend any existing prohibition on the defendant's contact
12 with the victim. If there is no outstanding restraining or protective
13 order prohibiting that person from having contact with the victim,
14 the court may issue, by telephone, a no-contact order prohibiting the
15 person charged or arrested from having contact with the victim or
16 from knowingly coming within, or knowingly remaining within, a
17 specified distance of a location. The court may also consider the
18 provisions of RCW 9.41.800 or other conditions of pretrial release
19 according to the procedures established by court rule for preliminary
20 appearance or an arraignment.

21 (2) At the time of arraignment the court shall determine whether
22 a no-contact order shall be issued or extended. So long as the court
23 finds probable cause, the court may issue or extend a no-contact
24 order. The no-contact order shall terminate if the defendant is
25 acquitted or the charges are dismissed.

26 (3)(a) Willful violation of a court order issued under this
27 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

28 (b) The written order shall contain the court's directives and
29 shall bear the legend: Violation of this order is a criminal offense
30 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
31 78 of this act) and the violator is subject to arrest; any assault,
32 drive-by shooting, or reckless endangerment that is a violation of
33 this order is a felony.

34 (4) Upon a motion with notice to all parties and after a hearing,
35 the court may terminate or modify the terms of an existing no-contact
36 order, including terms entered pursuant to RCW 9.41.800 related to
37 firearms or other dangerous weapons or to concealed pistol licenses.

38 (5)(a) A defendant's motion to terminate or modify a no-contact
39 order must include a declaration setting forth facts supporting the
40 requested order for termination or modification. The court shall deny

1 the motion unless it finds that adequate cause for hearing the motion
2 is established by the declarations. If the court finds that the
3 defendant established adequate cause, the court shall set a date for
4 hearing the defendant's motion.

5 (b) The court may terminate or modify the terms of a no-contact
6 order, including terms entered pursuant to RCW 9.41.800 related to
7 firearms or other dangerous weapons or to concealed pistol licenses,
8 if the defendant proves by a preponderance of the evidence that there
9 has been a material change in circumstances such that the defendant
10 is not likely to engage in or attempt to engage in physical or
11 nonphysical contact with the victim if the order is terminated or
12 modified. The victim bears no burden of proving that he or she has a
13 current reasonable fear of harm by the defendant.

14 (c) A defendant may file a motion to terminate or modify pursuant
15 to this section no more than once in every twelve-month period that
16 the order is in effect, starting from the date of the order and
17 continuing through any renewal.

18 (6) Whenever a no-contact order is issued, modified, or
19 terminated under this section, the clerk of the court shall forward a
20 copy of the order on or before the next judicial day to the
21 appropriate law enforcement agency specified in the order. Upon
22 receipt of the copy of the order the law enforcement agency shall
23 enter the order for one year or until the expiration date specified
24 on the order into any computer-based criminal intelligence
25 information system available in this state used by law enforcement
26 agencies to list outstanding warrants. Entry into the computer-based
27 criminal intelligence information system constitutes notice to all
28 law enforcement agencies of the existence of the order. The order is
29 fully enforceable in any jurisdiction in the state. Upon receipt of
30 notice that an order has been terminated, the law enforcement agency
31 shall remove the order from the computer-based criminal intelligence
32 information system.

33 **Sec. 108.** RCW 9A.46.040 and 2013 c 84 s 27 are each amended to
34 read as follows:

35 (1) Because of the likelihood of repeated harassment directed at
36 those who have been victims of harassment in the past, when any
37 defendant charged with a crime involving harassment is released from
38 custody before trial on bail or personal recognizance, the court

1 authorizing the release may issue an order pursuant to this chapter
2 and require that the defendant:

3 (a) Stay away from the home, school, business, or place of
4 employment of the victim or victims of the alleged offense or other
5 location, as shall be specifically named by the court in the order;

6 (b) Refrain from contacting, intimidating, threatening, or
7 otherwise interfering with the victim or victims of the alleged
8 offense and such other persons, including but not limited to members
9 of the family or household of the victim, as shall be specifically
10 named by the court in the order.

11 (2) Willful violation of a court order issued under this section
12 or an equivalent local ordinance is a gross misdemeanor. The written
13 order releasing the defendant shall contain the court's directives
14 and shall bear the legend: Violation of this order is a criminal
15 offense under this chapter (~~9A.46 RCW~~). A certified copy of the
16 order shall be provided to the victim by the clerk of the court.

17 (3) If the defendant is charged with the crime of stalking or any
18 other stalking-related offense under RCW 9A.46.060, and the court
19 issues an order protecting the victim, the court shall issue a
20 stalking no-contact order pursuant to (~~chapter 7.92~~) RCW 7.92.160
21 (as recodified by this act).

22 **Sec. 109.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to
23 read as follows:

24 As used in this chapter, "harassment" may include but is not
25 limited to any of the following crimes:

- 26 (1) Harassment (RCW 9A.46.020);
- 27 (2) Hate crime (RCW 9A.36.080);
- 28 (3) Telephone harassment (RCW 9.61.230);
- 29 (4) Assault in the first degree (RCW 9A.36.011);
- 30 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 31 (6) Assault in the second degree (RCW 9A.36.021);
- 32 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 33 (8) Assault in the fourth degree (RCW 9A.36.041);
- 34 (9) Reckless endangerment (RCW 9A.36.050);
- 35 (10) Extortion in the first degree (RCW 9A.56.120);
- 36 (11) Extortion in the second degree (RCW 9A.56.130);
- 37 (12) Coercion (RCW 9A.36.070);
- 38 (13) Burglary in the first degree (RCW 9A.52.020);
- 39 (14) Burglary in the second degree (RCW 9A.52.030);

- 1 (15) Criminal trespass in the first degree (RCW 9A.52.070);
2 (16) Criminal trespass in the second degree (RCW 9A.52.080);
3 (17) Malicious mischief in the first degree (RCW 9A.48.070);
4 (18) Malicious mischief in the second degree (RCW 9A.48.080);
5 (19) Malicious mischief in the third degree (RCW 9A.48.090);
6 (20) Kidnapping in the first degree (RCW 9A.40.020);
7 (21) Kidnapping in the second degree (RCW 9A.40.030);
8 (22) Unlawful imprisonment (RCW 9A.40.040);
9 (23) Rape in the first degree (RCW 9A.44.040);
10 (24) Rape in the second degree (RCW 9A.44.050);
11 (25) Rape in the third degree (RCW 9A.44.060);
12 (26) Indecent liberties (RCW 9A.44.100);
13 (27) Rape of a child in the first degree (RCW 9A.44.073);
14 (28) Rape of a child in the second degree (RCW 9A.44.076);
15 (29) Rape of a child in the third degree (RCW 9A.44.079);
16 (30) Child molestation in the first degree (RCW 9A.44.083);
17 (31) Child molestation in the second degree (RCW 9A.44.086);
18 (32) Child molestation in the third degree (RCW 9A.44.089);
19 (33) Stalking (RCW 9A.46.110);
20 (34) Cyberstalking (RCW 9.61.260);
21 (35) Residential burglary (RCW 9A.52.025);
22 (36) Violation of a temporary, permanent, or final protective
23 order issued pursuant to chapter ~~((7.90))~~ 9A.44, 9A.46, ~~((10.14,))~~
24 10.99, or 26.09~~((, or 26.50))~~ RCW or any of the former chapters 7.90,
25 10.14, and 26.50 RCW, or violation of a domestic violence protection
26 order, sexual assault protection order, or antiharassment protection
27 order issued under chapter 7.--- RCW (the new chapter created in
28 section 78 of this act);
29 (37) Unlawful discharge of a laser in the first degree (RCW
30 9A.49.020); and
31 (38) Unlawful discharge of a laser in the second degree (RCW
32 9A.49.030).

33 **Sec. 110.** RCW 9A.46.085 and 2013 c 84 s 28 are each amended to
34 read as follows:

35 (1) A defendant arrested for stalking as defined by RCW 9A.46.110
36 shall be required to appear in person before a magistrate within one
37 judicial day after the arrest.

1 (2) At the time of appearance provided in subsection (1) of this
2 section the court shall determine the necessity of imposing a
3 stalking no-contact order under this chapter (~~(7.92-RCW)~~).

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

6 (4) The stalking no-contact order shall be issued and entered
7 with the appropriate law enforcement agency pursuant to the
8 procedures outlined in this chapter (~~(7.92-RCW)~~).

9 **Sec. 111.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to
10 read as follows:

11 (1) A person commits the crime of stalking if, without lawful
12 authority and under circumstances not amounting to a felony attempt
13 of another crime:

14 (a) He or she intentionally and repeatedly harasses or repeatedly
15 follows another person; and

16 (b) The person being harassed or followed is placed in fear that
17 the stalker intends to injure the person, another person, or property
18 of the person or of another person. The feeling of fear must be one
19 that a reasonable person in the same situation would experience under
20 all the circumstances; and

21 (c) The stalker either:

22 (i) Intends to frighten, intimidate, or harass the person; or

23 (ii) Knows or reasonably should know that the person is afraid,
24 intimidated, or harassed even if the stalker did not intend to place
25 the person in fear or intimidate or harass the person.

26 (2)(a) It is not a defense to the crime of stalking under
27 subsection (1)(c)(i) of this section that the stalker was not given
28 actual notice that the person did not want the stalker to contact or
29 follow the person; and

30 (b) It is not a defense to the crime of stalking under subsection
31 (1)(c)(ii) of this section that the stalker did not intend to
32 frighten, intimidate, or harass the person.

33 (3) It shall be a defense to the crime of stalking that the
34 defendant is a licensed private investigator acting within the
35 capacity of his or her license as provided by chapter 18.165 RCW.

36 (4) Attempts to contact or follow the person after being given
37 actual notice that the person does not want to be contacted or
38 followed constitutes prima facie evidence that the stalker intends to
39 intimidate or harass the person. "Contact" includes, in addition to

1 any other form of contact or communication, the sending of an
2 electronic communication to the person.

3 (5) (a) Except as provided in (b) of this subsection, a person who
4 stalks another person is guilty of a gross misdemeanor.

5 (b) A person who stalks another is guilty of a class B felony if
6 any of the following applies: (i) The stalker has previously been
7 convicted in this state or any other state of any crime of
8 harassment, as defined in RCW 9A.46.060, of the same victim or
9 members of the victim's family or household or any person
10 specifically named in a protective order; (ii) the stalking violates
11 any protective order protecting the person being stalked; (iii) the
12 stalker has previously been convicted of a gross misdemeanor or
13 felony stalking offense under this section for stalking another
14 person; (iv) the stalker was armed with a deadly weapon, as defined
15 in RCW 9.94A.825, while stalking the person; (v) (A) the stalker's
16 victim is or was a law enforcement officer; judge; juror; attorney;
17 victim advocate; legislator; community corrections' officer; an
18 employee, contract staff person, or volunteer of a correctional
19 agency; court employee, court clerk, or courthouse facilitator; or an
20 employee of the child protective, child welfare, or adult protective
21 services division within the department of social and health
22 services; and (B) the stalker stalked the victim to retaliate against
23 the victim for an act the victim performed during the course of
24 official duties or to influence the victim's performance of official
25 duties; or (vi) the stalker's victim is a current, former, or
26 prospective witness in an adjudicative proceeding, and the stalker
27 stalked the victim to retaliate against the victim as a result of the
28 victim's testimony or potential testimony.

29 (6) As used in this section:

30 (a) "Correctional agency" means a person working for the
31 department of natural resources in a correctional setting or any
32 state, county, or municipally operated agency with the authority to
33 direct the release of a person serving a sentence or term of
34 confinement and includes but is not limited to the department of
35 corrections, the indeterminate sentence review board, and the
36 department of social and health services.

37 (b) "Course of conduct" means a pattern of conduct composed of a
38 series of acts over a period of time, however short, evidencing a
39 continuity of purpose. "Course of conduct" includes, in addition to
40 any other form of communication, contact, or conduct, the sending of

1 an electronic communication, but does not include constitutionally
2 protected free speech. Constitutionally protected activity is not
3 included within the meaning of "course of conduct."

4 (c) "Follows" means deliberately maintaining visual or physical
5 proximity to a specific person over a period of time. A finding that
6 the alleged stalker repeatedly and deliberately appears at the
7 person's home, school, place of employment, business, or any other
8 location to maintain visual or physical proximity to the person is
9 sufficient to find that the alleged stalker follows the person. It is
10 not necessary to establish that the alleged stalker follows the
11 person while in transit from one location to another.

12 ~~((c))~~ (d) "Harasses" means ((unlawful harassment as defined in
13 RCW 10.14.020)) a knowing and willful course of conduct directed at a
14 specific person which seriously alarms, annoys, harasses, or is
15 detrimental to such person, and which serves no legitimate or lawful
16 purpose. The course of conduct shall be such as would cause a
17 reasonable person to suffer substantial emotional distress, and shall
18 actually cause substantial emotional distress to the petitioner, or
19 when the course of conduct would cause a reasonable parent to fear
20 for the well-being of his or her child.

21 ~~((d))~~ (e) "Protective order" means any temporary or permanent
22 court order prohibiting or limiting violence against, harassment of,
23 contact or communication with, or physical proximity to another
24 person.

25 ~~((e))~~ (f) "Repeatedly" means on two or more separate occasions.

26 **Sec. 112.** RCW 9A.88.170 and 2017 c 230 s 7 are each amended to
27 read as follows:

28 (1) Because of the likelihood of repeated harassment and
29 intimidation directed at those who have been victims of promoting
30 prostitution in the first degree under RCW 9A.88.070 or promoting
31 prostitution in the second degree under RCW 9A.88.080, before any
32 defendant charged with or arrested, for a crime involving promoting
33 prostitution is released from custody, or at any time the case
34 remains unresolved, the court may prohibit that person from having
35 any contact with the victim whether directly or through third
36 parties. If there is no outstanding restraining or protective order
37 prohibiting that person from having contact with the victim, the
38 court may issue, by telephone, a no-contact order prohibiting the
39 person charged or arrested from having contact with the victim or

1 from knowingly coming within, or knowingly remaining within, a
2 specified distance of a location. The court may also consider the
3 provisions of RCW 9.41.800 or other conditions of pretrial release
4 according to the procedures established by court rule for preliminary
5 appearance or an arraignment.

6 (2) At the time of arraignment, the court shall determine whether
7 a no-contact order shall be issued or extended. So long as the court
8 finds probable cause, the court may issue or extend a no-contact
9 order. The no-contact order shall terminate if the defendant is
10 acquitted or the charges are dismissed.

11 (3)(a) Willful violation of a court order issued under this
12 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

13 (b) The written order shall contain the court's directives and
14 shall bear the legend: Violation of this order is a criminal offense
15 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
16 78 of this act) and the violator is subject to arrest; any assault,
17 drive-by shooting, or reckless endangerment that is a violation of
18 this order is a felony.

19 (4) Upon a motion with notice to all parties and after a hearing,
20 the court may terminate or modify the terms of an existing no-contact
21 order, including terms entered pursuant to RCW 9.41.800 related to
22 firearms or other dangerous weapons or to concealed pistol licenses.

23 (5)(a) A defendant's motion to terminate or modify a no-contact
24 order must include a declaration setting forth facts supporting the
25 requested order for termination or modification. The court shall deny
26 the motion unless it finds that adequate cause for hearing the motion
27 is established by the declarations. If the court finds that the
28 defendant established adequate cause, the court shall set a date for
29 hearing the defendant's motion.

30 (b) The court may terminate or modify the terms of a no-contact
31 order, including terms entered pursuant to RCW 9.41.800 related to
32 firearms or other dangerous weapons or to concealed pistol licenses,
33 if the defendant proves by a preponderance of the evidence that there
34 has been a material change in circumstances such that the defendant
35 is not likely to engage in or attempt to engage in physical or
36 nonphysical contact with the victim if the order is terminated or
37 modified. The victim bears no burden of proving that he or she has a
38 current reasonable fear of harm by the defendant.

39 (c) A defendant may file a motion to terminate or modify pursuant
40 to this section no more than once in every twelve-month period that

1 the order is in effect, starting from the date of the order and
2 continuing through any renewal.

3 (6) Whenever a no-contact order is issued, modified, or
4 terminated under this section, the clerk of the court shall forward a
5 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. Upon receipt of
15 notice that an order has been terminated, the law enforcement agency
16 shall remove the order from the computer-based criminal intelligence
17 information system.

18 **Sec. 113.** RCW 9A.88.180 and 2017 c 230 s 8 are each amended to
19 read as follows:

20 (1) If a defendant is found guilty of the crime of promoting
21 prostitution in the first degree under RCW 9A.88.070 or promoting
22 prostitution in the second degree under RCW 9A.88.080, and a
23 condition of the sentence restricts the defendant's ability to have
24 contact with the victim or witnesses, the condition must be recorded
25 and a written certified copy of that order must be provided to the
26 victim or witnesses by the clerk of the court. Willful violation of a
27 court order issued under this section is punishable under ((RCW
28 ~~26.50.110~~)) section 56 of this act. The written order must contain
29 the court's directives and shall bear the legend: Violation of this
30 order is a criminal offense under chapter ((26.50)) 7.--- RCW (the
31 new chapter created in section 78 of this act) and the violator is
32 subject to arrest; any assault, drive-by shooting, or reckless
33 endangerment that is a violation of this order is a felony.

34 (2) Whenever a no-contact order is issued under this section, the
35 clerk of the court shall forward a copy of the order on or before the
36 next judicial day to the appropriate law enforcement agency specified
37 in the order. Upon receipt of the copy of the order, the law
38 enforcement agency shall enter the order for one year or until the
39 expiration date specified on the order into any computer-based

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

9 **Sec. 114.** RCW 10.01.240 and 2019 c 263 s 202 are each amended to
10 read as follows:

11 Whenever a prosecutor, or the attorney general or assistants
12 acting pursuant to RCW 10.01.190, institutes or conducts a criminal
13 proceeding involving domestic violence as defined in RCW 10.99.020,
14 the prosecutor, or attorney general or assistants, shall specify
15 whether the victim and defendant are intimate partners or family or
16 household members within the meaning of (~~RCW 26.50.010~~) section 2
17 of this act.

18 **Sec. 115.** RCW 10.05.020 and 2019 c 263 s 703 are each amended to
19 read as follows:

20 (1) Except as provided in subsection (2) of this section, the
21 petitioner shall allege under oath in the petition that the wrongful
22 conduct charged is the result of or caused by substance use disorders
23 or mental problems or domestic violence behavior problems for which
24 the person is in need of treatment and unless treated the probability
25 of future recurrence is great, along with a statement that the person
26 agrees to pay the cost of a diagnosis and treatment of the alleged
27 problem or problems if financially able to do so. The petition shall
28 also contain a case history and written assessment prepared by an
29 approved substance use disorder treatment program as designated in
30 chapter 71.24 RCW if the petition alleges a substance use disorder,
31 by an approved mental health center if the petition alleges a mental
32 problem, or by a state-certified domestic violence treatment provider
33 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this
34 act) if the petition alleges a domestic violence behavior problem.

35 (2) In the case of a petitioner charged with a misdemeanor or
36 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall
37 allege under oath in the petition that the petitioner is the natural
38 or adoptive parent of the alleged victim; that the wrongful conduct

1 charged is the result of parenting problems for which the petitioner
2 is in need of services; that the petitioner is in need of child
3 welfare services under chapter 74.13 RCW to improve his or her
4 parenting skills in order to better provide his or her child or
5 children with the basic necessities of life; that the petitioner
6 wants to correct his or her conduct to reduce the likelihood of harm
7 to his or her minor children; that in the absence of child welfare
8 services the petitioner may be unable to reduce the likelihood of
9 harm to his or her minor children; and that the petitioner has
10 cooperated with the department of social and health services to
11 develop a plan to receive appropriate child welfare services; along
12 with a statement that the person agrees to pay the cost of the
13 services if he or she is financially able to do so. The petition
14 shall also contain a case history and a written service plan from the
15 department of social and health services.

16 (3) Before entry of an order deferring prosecution, a petitioner
17 shall be advised of his or her rights as an accused and execute, as a
18 condition of receiving treatment, a statement that contains: (a) An
19 acknowledgment of his or her rights; (b) an acknowledgment and waiver
20 of the right to testify, the right to a speedy trial, the right to
21 call witnesses to testify, the right to present evidence in his or
22 her defense, and the right to a jury trial; (c) a stipulation to the
23 admissibility and sufficiency of the facts contained in the written
24 police report; and (d) an acknowledgment that the statement will be
25 entered and used to support a finding of guilty if the court finds
26 cause to revoke the order granting deferred prosecution. The
27 petitioner shall also be advised that he or she may, if he or she
28 proceeds to trial and is found guilty, be allowed to seek suspension
29 of some or all of the fines and incarceration that may be ordered
30 upon the condition that he or she seek treatment and, further, that
31 he or she may seek treatment from public and private agencies at any
32 time without regard to whether or not he or she is found guilty of
33 the offense charged. He or she shall also be advised that the court
34 will not accept a petition for deferred prosecution from a person
35 who: (i) Sincerely believes that he or she is innocent of the
36 charges; (ii) sincerely believes that he or she does not, in fact,
37 suffer from alcoholism, drug addiction, mental problems, or domestic
38 violence behavior problems; or (iii) in the case of a petitioner
39 charged under chapter 9A.42 RCW, sincerely believes that he or she
40 does not need child welfare services.

1 (4) Before entering an order deferring prosecution, the court
2 shall make specific findings that: (a) The petitioner has stipulated
3 to the admissibility and sufficiency of the facts as contained in the
4 written police report; (b) the petitioner has acknowledged the
5 admissibility of the stipulated facts in any criminal hearing on the
6 underlying offense or offenses held subsequent to revocation of the
7 order granting deferred prosecution; (c) the petitioner has
8 acknowledged and waived the right to testify, the right to a speedy
9 trial, the right to call witnesses to testify, the right to present
10 evidence in his or her defense, and the right to a jury trial; and
11 (d) the petitioner's statements were made knowingly and voluntarily.
12 Such findings shall be included in the order granting deferred
13 prosecution.

14 **Sec. 116.** RCW 10.05.030 and 2019 c 263 s 704 are each amended to
15 read as follows:

16 The arraigining judge upon consideration of the petition and with
17 the concurrence of the prosecuting attorney may continue the
18 arraignment and refer such person for a diagnostic investigation and
19 evaluation to:

20 (1) An approved substance use disorder treatment program as
21 designated in chapter 71.24 RCW if the petition alleges a substance
22 use disorder;

23 (2) An approved mental health center if the petition alleges a
24 mental problem;

25 (3) The department of social and health services if the petition
26 is brought under RCW 10.05.020(2); or

27 (4) An approved state-certified domestic violence treatment
28 provider pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified
29 by this act) if the petition alleges a domestic violence behavior
30 problem.

31 **Sec. 117.** RCW 10.22.010 and 2020 c 29 s 9 are each amended to
32 read as follows:

33 When a defendant is prosecuted in a criminal action for a
34 misdemeanor, other than a violation of RCW 9A.48.105, for which the
35 person injured by the act constituting the offense has a remedy by a
36 civil action, the offense may be compromised as provided in RCW
37 10.22.020, except when it was committed:

- 1 (1) By or upon an officer while in the execution of the duties of
2 his or her office;
3 (2) Riotously;
4 (3) With an intent to commit a felony; or
5 (4) By one family or household member against another or by one
6 intimate partner against another as defined in RCW ~~((26.50.010))~~
7 10.99.020 and was a crime of domestic violence as defined in RCW
8 10.99.020.

9 **Sec. 118.** RCW 10.31.100 and 2020 c 29 s 10 are each amended to
10 read as follows:

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

18 (1) Any police officer having probable cause to believe that a
19 person has committed or is committing a misdemeanor or gross
20 misdemeanor, involving physical harm or threats of harm to any person
21 or property or the unlawful taking of property or involving the use
22 or possession of cannabis, or involving the acquisition, possession,
23 or consumption of alcohol by a person under the age of twenty-one
24 years under RCW 66.44.270, or involving criminal trespass under RCW
25 9A.52.070 or 9A.52.080, shall have the authority to arrest the
26 person.

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

31 (a) ~~((An))~~ A domestic violence protection order, a sexual assault
32 protection order, a stalking protection order, or a vulnerable adult
33 protection order has been issued, of which the person has knowledge,
34 under chapter 7.--- RCW (the new chapter created in section 78 of
35 this act), or an order has been issued, of which the person has
36 knowledge, under RCW 26.44.063, or chapter ~~((7.92, 7.90,))~~ 9A.40,
37 9A.46, 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, ~~((26.50,))~~ or
38 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW,
39 restraining the person and the person has violated the terms of the

1 order restraining the person from acts or threats of violence, or
2 restraining the person from going onto the grounds of, or entering, a
3 residence, workplace, school, or day care, or prohibiting the person
4 from knowingly coming within, or knowingly remaining within, a
5 specified distance of a location, a protected party's person, or a
6 protected party's vehicle, or, in the case of an order issued under
7 RCW 26.44.063, imposing any other restrictions or conditions upon the
8 person;

9 (b) An extreme risk protection order has been issued against the
10 person under chapter 7.--- RCW (the new chapter created in section 78
11 of this act) or former RCW 7.94.040, the person has knowledge of the
12 order, and the person has violated the terms of the order prohibiting
13 the person from having in his or her custody or control, purchasing,
14 possessing, accessing, or receiving a firearm or concealed pistol
15 license;

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

30 (d) The person is eighteen years or older and within the
31 preceding four hours has assaulted a family or household member or
32 intimate partner as defined in RCW (~~26.50.010~~) 10.99.020 and the
33 officer believes: (i) A felonious assault has occurred; (ii) an
34 assault has occurred which has resulted in bodily injury to the
35 victim, whether the injury is observable by the responding officer or
36 not; or (iii) that any physical action has occurred which was
37 intended to cause another person reasonably to fear imminent serious
38 bodily injury or death. Bodily injury means physical pain, illness,
39 or an impairment of physical condition. When the officer has probable
40 cause to believe that family or household members or intimate

1 partners have assaulted each other, the officer is not required to
2 arrest both persons. The officer shall arrest the person whom the
3 officer believes to be the primary physical aggressor. In making this
4 determination, the officer shall make every reasonable effort to
5 consider: (A) The intent to protect victims of domestic violence
6 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
7 or serious threats creating fear of physical injury; and (C) the
8 history of domestic violence of each person involved, including
9 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

27 (4) A law enforcement officer investigating at the scene of a
28 motor vehicle accident may arrest the driver of a motor vehicle
29 involved in the accident if the officer has probable cause to believe
30 that the driver has committed, in connection with the accident, a
31 violation of any traffic law or regulation.

32 (5) (a) A law enforcement officer investigating at the scene of a
33 motor vessel accident may arrest the operator of a motor vessel
34 involved in the accident if the officer has probable cause to believe
35 that the operator has committed, in connection with the accident, a
36 criminal violation of chapter 79A.60 RCW.

37 (b) A law enforcement officer investigating at the scene of a
38 motor vessel accident may issue a citation for an infraction to the
39 operator of a motor vessel involved in the accident if the officer
40 has probable cause to believe that the operator has committed, in

1 connection with the accident, a violation of any boating safety law
2 of chapter 79A.60 RCW.

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

6 (7) An officer may act upon the request of a law enforcement
7 officer, in whose presence a traffic infraction was committed, to
8 stop, detain, arrest, or issue a notice of traffic infraction to the
9 driver who is believed to have committed the infraction. The request
10 by the witnessing officer shall give an officer the authority to take
11 appropriate action under the laws of the state of Washington.

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

15 (9) A police officer may arrest and take into custody, pending
16 release on bail, personal recognizance, or court order, a person
17 without a warrant when the officer has probable cause to believe that
18 an antiharassment protection order has been issued of which the
19 person has knowledge under chapter 7.--- RCW (the new chapter created
20 in section 78 of this act) or former chapter 10.14 RCW and the person
21 has violated the terms of that order.

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

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

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

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

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

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

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

7 (16)(a) Except as provided in (b) of this subsection, a police
8 officer shall arrest and keep in custody, until release by a judicial
9 officer on bail, personal recognizance, or court order, a person
10 without a warrant when the officer has probable cause to believe that
11 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
12 local ordinance and the police officer: (i) Has knowledge that the
13 person has a prior offense as defined in RCW 46.61.5055 within ten
14 years; or (ii) has knowledge, based on a review of the information
15 available to the officer at the time of arrest, that the person is
16 charged with or is awaiting arraignment for an offense that would
17 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
18 conviction.

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

22 **Sec. 119.** RCW 10.66.010 and 2020 c 29 s 11 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter:

26 (1) "Applicant" means any person who owns, occupies, or has a
27 substantial interest in property, or who is a neighbor to property
28 which is adversely affected by drug trafficking, including:

29 (a) A "family or household member" or "intimate partner" as
30 defined (~~by RCW 26.50.010~~) in section 2 of this act, who has a
31 possessory interest in a residence as an owner or tenant, at least as
32 great as a known drug trafficker's interest;

33 (b) An owner or lessor;

34 (c) An owner, tenant, or resident who lives or works in a
35 designated PADT area; or

36 (d) A city or prosecuting attorney for any jurisdiction in this
37 state where drug trafficking is occurring.

1 (2) "Drug" or "drugs" means a controlled substance as defined in
2 chapter 69.50 RCW or an "imitation controlled substance" as defined
3 in RCW 69.52.020.

4 (3) "Known drug trafficker" means any person who has been
5 convicted of a drug offense in this state, another state, or federal
6 court who subsequently has been arrested for a drug offense in this
7 state. For purposes of this definition, "drug offense" means a felony
8 violation of chapter 69.50 or 69.52 RCW or equivalent law in another
9 jurisdiction that involves the manufacture, distribution, or
10 possession with intent to manufacture or distribute of a controlled
11 substance or imitation controlled substance.

12 (4) "Off-limits orders" means an order issued by a superior or
13 district court in the state of Washington that enjoins known drug
14 traffickers from entering or remaining in a designated PADT area.

15 (5) "Protected against drug trafficking area" or "PADT area"
16 means any specifically described area, public or private, contained
17 in an off-limits order. The perimeters of a PADT area shall be
18 defined using street names and numbers and shall include all real
19 property contained therein, where drug sales, possession of drugs,
20 pedestrian or vehicular traffic attendant to drug activity, or other
21 activity associated with drug offenses confirms a pattern associated
22 with drug trafficking. The area may include the full width of
23 streets, alleys and sidewalks on the perimeter, common areas,
24 planting strips, or parks and parking areas within the area described
25 using the streets as boundaries.

26 **Sec. 120.** RCW 10.95.020 and 2020 c 29 s 12 are each amended to
27 read as follows:

28 A person is guilty of aggravated first degree murder, a class A
29 felony, if he or she commits first degree murder as defined by RCW
30 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
31 following aggravating circumstances exist:

32 (1) The victim was a law enforcement officer, corrections
33 officer, or firefighter who was performing his or her official duties
34 at the time of the act resulting in death and the victim was known or
35 reasonably should have been known by the person to be such at the
36 time of the killing;

37 (2) At the time of the act resulting in the death, the person was
38 serving a term of imprisonment, had escaped, or was on authorized or

1 unauthorized leave in or from a state facility or program for the
2 incarceration or treatment of persons adjudicated guilty of crimes;

3 (3) At the time of the act resulting in death, the person was in
4 custody in a county or county-city jail as a consequence of having
5 been adjudicated guilty of a felony;

6 (4) The person committed the murder pursuant to an agreement that
7 he or she would receive money or any other thing of value for
8 committing the murder;

9 (5) The person solicited another person to commit the murder and
10 had paid or had agreed to pay money or any other thing of value for
11 committing the murder;

12 (6) The person committed the murder to obtain or maintain his or
13 her membership or to advance his or her position in the hierarchy of
14 an organization, association, or identifiable group;

15 (7) The murder was committed during the course of or as a result
16 of a shooting where the discharge of the firearm, as defined in RCW
17 9.41.010, is either from a motor vehicle or from the immediate area
18 of a motor vehicle that was used to transport the shooter or the
19 firearm, or both, to the scene of the discharge;

20 (8) The victim was:

21 (a) A judge; juror or former juror; prospective, current, or
22 former witness in an adjudicative proceeding; prosecuting attorney;
23 deputy prosecuting attorney; defense attorney; a member of the
24 indeterminate sentence review board; or a probation or parole
25 officer; and

26 (b) The murder was related to the exercise of official duties
27 performed or to be performed by the victim;

28 (9) The person committed the murder to conceal the commission of
29 a crime or to protect or conceal the identity of any person
30 committing a crime, including, but specifically not limited to, any
31 attempt to avoid prosecution as a persistent offender as defined in
32 RCW 9.94A.030;

33 (10) There was more than one victim and the murders were part of
34 a common scheme or plan or the result of a single act of the person;

35 (11) The murder was committed in the course of, in furtherance
36 of, or in immediate flight from one of the following crimes:

37 (a) Robbery in the first or second degree;

38 (b) Rape in the first or second degree;

39 (c) Burglary in the first or second degree or residential
40 burglary;

1 (d) Kidnapping in the first degree; or

2 (e) Arson in the first degree;

3 (12) The victim was regularly employed or self-employed as a
4 newsreporter and the murder was committed to obstruct or hinder the
5 investigative, research, or reporting activities of the victim;

6 (13) At the time the person committed the murder, there existed a
7 court order, issued in this or any other state, which prohibited the
8 person from either contacting the victim, molesting the victim, or
9 disturbing the peace of the victim, and the person had knowledge of
10 the existence of that order;

11 (14) At the time the person committed the murder, the person and
12 the victim were "family or household members" or "intimate partners"
13 as defined in RCW (~~26.50.010~~) 10.99.020, and the person had
14 previously engaged in a pattern or practice of three or more of the
15 following crimes committed upon the victim within a five-year period,
16 regardless of whether a conviction resulted:

17 (a) Harassment as defined in RCW 9A.46.020; or

18 (b) Any criminal assault.

19 **Sec. 121.** RCW 10.99.020 and 2020 c 296 s 5 are each reenacted
20 and amended to read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "Agency" means a general authority Washington law enforcement
24 agency as defined in RCW 10.93.020.

25 (2) "Association" means the Washington association of sheriffs
26 and police chiefs.

27 (3) "Dating relationship" has the same meaning as in (~~RCW~~
28 ~~26.50.010~~) section 2 of this act.

29 (4) "Domestic violence" includes but is not limited to any of the
30 following crimes when committed either by (a) one family or household
31 member against another family or household member, or (b) one
32 intimate partner against another intimate partner:

33 (i) Assault in the first degree (RCW 9A.36.011);

34 (ii) Assault in the second degree (RCW 9A.36.021);

35 (iii) Assault in the third degree (RCW 9A.36.031);

36 (iv) Assault in the fourth degree (RCW 9A.36.041);

37 (v) Drive-by shooting (RCW 9A.36.045);

38 (vi) Reckless endangerment (RCW 9A.36.050);

39 (vii) Coercion (RCW 9A.36.070);

- 1 (viii) Burglary in the first degree (RCW 9A.52.020);
2 (ix) Burglary in the second degree (RCW 9A.52.030);
3 (x) Criminal trespass in the first degree (RCW 9A.52.070);
4 (xi) Criminal trespass in the second degree (RCW 9A.52.080);
5 (xii) Malicious mischief in the first degree (RCW 9A.48.070);
6 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
7 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
8 (xv) Kidnapping in the first degree (RCW 9A.40.020);
9 (xvi) Kidnapping in the second degree (RCW 9A.40.030);
10 (xvii) Unlawful imprisonment (RCW 9A.40.040);
11 (xviii) Violation of the provisions of a restraining order, no-
12 contact order, or protection order restraining or enjoining the
13 person or restraining the person from going onto the grounds of or
14 entering a residence, workplace, school, or day care, or prohibiting
15 the person from knowingly coming within, or knowingly remaining
16 within, a specified distance of a location, a protected party's
17 person, or a protected party's vehicle (chapter 7.--- RCW (the new
18 chapter created in section 78 of this act), or RCW 10.99.040,
19 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,
20 (~~26.50.060, 26.50.070, 26.50.130,~~) or 26.52.070(~~(, or 74.34.145)~~),
21 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
22 74.34.145);
23 (xix) Rape in the first degree (RCW 9A.44.040);
24 (xx) Rape in the second degree (RCW 9A.44.050);
25 (xxi) Residential burglary (RCW 9A.52.025);
26 (xxii) Stalking (RCW 9A.46.110); and
27 (xxiii) Interference with the reporting of domestic violence (RCW
28 9A.36.150).
29 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.
30 (6) "Employee" means any person currently employed with an
31 agency.
32 (7) "Family or household members" means (~~the same as in RCW~~
33 ~~26.50.010~~): (a) Adult persons related by blood or marriage; (b)
34 adult persons who are presently residing together or who have resided
35 together in the past; and (c) persons who have a biological or legal
36 parent-child relationship, including stepparents and stepchildren and
37 grandparents and grandchildren.
38 (8) "Intimate partners" means (~~the same as in RCW 26.50.010~~):
39 (a) Spouses or domestic partners; (b) former spouses or former
40 domestic partners; (c) persons who have a child in common regardless

1 of whether they have been married or have lived together at any time;
2 (d) adult persons presently or previously residing together who have
3 or have had a dating relationship; (e) persons 16 years of age or
4 older who are presently residing together or who have resided
5 together in the past and who have or have had a dating relationship;
6 or (f) persons 16 years of age or older with whom a person 16 years
7 of age or older has or has had a dating relationship.

8 (9) "Sworn employee" means a general authority Washington peace
9 officer as defined in RCW 10.93.020, any person appointed under RCW
10 35.21.333, and any person appointed or elected to carry out the
11 duties of the sheriff under chapter 36.28 RCW.

12 (10) "Victim" means a family or household member or an intimate
13 partner who has been subjected to domestic violence.

14 **Sec. 122.** RCW 10.99.040 and 2019 c 367 s 4 are each amended to
15 read as follows:

16 (1) Because of the serious nature of domestic violence, the court
17 in domestic violence actions:

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

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

22 (c) Shall waive any requirement that the victim's location be
23 disclosed to any person, other than the attorney of a criminal
24 defendant, upon a showing that there is a possibility of further
25 violence: PROVIDED, That the court may order a criminal defense
26 attorney not to disclose to his or her client the victim's location;
27 and

28 (d) Shall identify by any reasonable means on docket sheets those
29 criminal actions arising from acts of domestic violence.

30 (2)(a) Because of the likelihood of repeated violence directed at
31 those who have been victims of domestic violence in the past, when
32 any person charged with or arrested for a crime involving domestic
33 violence is released from custody before arraignment or trial on bail
34 or personal recognizance, the court authorizing the release may
35 prohibit that person from having any contact with the victim. The
36 jurisdiction authorizing the release shall determine whether that
37 person should be prohibited from having any contact with the victim.
38 If there is no outstanding restraining or protective order
39 prohibiting that person from having contact with the victim, the

1 court authorizing release may issue, by telephone, a no-contact order
2 prohibiting the person charged or arrested from having contact with
3 the victim or from knowingly coming within, or knowingly remaining
4 within, a specified distance of a location.

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

9 (c) The no-contact order shall also be issued in writing as soon
10 as possible, and shall state that it may be extended as provided in
11 subsection (3) of this section. By January 1, 2011, the
12 administrative office of the courts shall develop a pattern form for
13 all no-contact orders issued under this chapter. A no-contact order
14 issued under this chapter must substantially comply with the pattern
15 form developed by the administrative office of the courts.

16 (3)(a) At the time of arraignment the court shall determine
17 whether a no-contact order shall be issued or extended. So long as
18 the court finds probable cause, the court may issue or extend a no-
19 contact order even if the defendant fails to appear at arraignment.
20 The no-contact order shall terminate if the defendant is acquitted or
21 the charges are dismissed.

22 (b) In issuing the order, the court shall consider all
23 information documented in the incident report concerning the person's
24 possession of and access to firearms and whether law enforcement took
25 temporary custody of firearms at the time of the arrest. The court
26 may as a condition of release prohibit the defendant from possessing
27 or accessing firearms and order the defendant to immediately
28 surrender all firearms and any concealed pistol license to a law
29 enforcement agency upon release.

30 (c) If a no-contact order is issued or extended, the court may
31 also include in the conditions of release a requirement that the
32 defendant submit to electronic monitoring as defined in RCW
33 9.94A.030. If electronic monitoring is ordered, the court shall
34 specify who shall provide the monitoring services, and the terms
35 under which the monitoring shall be performed. Upon conviction, the
36 court may require as a condition of the sentence that the defendant
37 reimburse the providing agency for the costs of the electronic
38 monitoring.

1 (4) (a) Willful violation of a court order issued under subsection
2 (2), (3), or (7) of this section is punishable under ((RCW
3 ~~26.50.110~~) section 56 of this act.

4 (b) The written order releasing the person charged or arrested
5 shall contain the court's directives and shall bear the legend:
6 "Violation of this order is a criminal offense under chapter
7 ((~~26.50~~) 7.--- RCW (the new chapter created in section 78 of this
8 act) and will subject a violator to arrest; any assault, drive-by
9 shooting, or reckless endangerment that is a violation of this order
10 is a felony. You can be arrested even if any person protected by the
11 order invites or allows you to violate the order's prohibitions. You
12 have the sole responsibility to avoid or refrain from violating the
13 order's provisions. Only the court can change the order."

14 (c) A certified copy of the order shall be provided to the
15 victim.

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

19 (6) Whenever a no-contact order is issued, modified, or
20 terminated under subsection (2) or (3) of this section, the clerk of
21 the court shall forward a copy of the order on or before the next
22 judicial day to the appropriate law enforcement agency specified in
23 the order. Upon receipt of the copy of the order the law enforcement
24 agency shall enter the order for one year or until the expiration
25 date specified on the order into any computer-based criminal
26 intelligence information system available in this state used by law
27 enforcement agencies to list outstanding warrants. Entry into the
28 computer-based criminal intelligence information system constitutes
29 notice to all law enforcement agencies of the existence of the order.
30 The order is fully enforceable in any jurisdiction in the state. Upon
31 receipt of notice that an order has been terminated under subsection
32 (3) of this section, the law enforcement agency shall remove the
33 order from the computer-based criminal intelligence information
34 system.

35 (7) All courts shall develop policies and procedures by January
36 1, 2011, to grant victims a process to modify or rescind a no-contact
37 order issued under this chapter. The administrative office of the
38 courts shall develop a model policy to assist the courts in
39 implementing the requirements of this subsection.

1 **Sec. 123.** RCW 10.99.050 and 2019 c 263 s 303 are each amended to
2 read as follows:

3 (1) When a defendant is found guilty of a crime and a condition
4 of the sentence restricts the defendant's ability to have contact
5 with the victim, such condition shall be recorded and a written
6 certified copy of that order shall be provided to the victim.

7 (2)(a) Willful violation of a court order issued under this
8 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

9 (b) The written order shall contain the court's directives and
10 shall bear the legend: Violation of this order is a criminal offense
11 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
12 78 of this act) and will subject a violator to arrest; any assault,
13 drive-by shooting, or reckless endangerment that is a violation of
14 this order is a felony.

15 (c) An order issued pursuant to this section in conjunction with
16 a misdemeanor or gross misdemeanor sentence or juvenile disposition
17 remains in effect for a fixed period of time determined by the court,
18 which may not exceed five years from the date of sentencing or
19 disposition.

20 (d) An order issued pursuant to this section in conjunction with
21 a felony sentence or juvenile disposition remains in effect for a
22 fixed period of time determined by the court, which may not exceed
23 the adult maximum sentence established in RCW 9A.20.021.

24 (3) Whenever an order prohibiting contact is issued pursuant to
25 this section, the clerk of the court shall forward a copy of the
26 order on or before the next judicial day to the appropriate law
27 enforcement agency specified in the order. Upon receipt of the copy
28 of the order the law enforcement agency shall enter the order for one
29 year or until the expiration date specified on the order into any
30 computer-based criminal intelligence information system available in
31 this state used by law enforcement agencies to list outstanding
32 warrants. Entry into the computer-based criminal intelligence
33 information system constitutes notice to all law enforcement agencies
34 of the existence of the order. The order is fully enforceable in any
35 jurisdiction in the state.

36 (4) If an order prohibiting contact issued pursuant to this
37 section is modified or terminated, the clerk of the court shall
38 notify the law enforcement agency specified in the order on or before
39 the next judicial day. Upon receipt of notice that an order has been

1 terminated, the law enforcement agency shall remove the order from
2 any computer-based criminal intelligence system.

3 **Sec. 124.** RCW 10.99.090 and 2005 c 274 s 209 are each amended to
4 read as follows:

5 (1) By December 1, 2004, the association shall develop a written
6 model policy on domestic violence committed or allegedly committed by
7 sworn employees of agencies. In developing the policy, the
8 association shall convene a work group consisting of representatives
9 from the following entities and professions:

10 (a) Statewide organizations representing state and local
11 enforcement officers;

12 (b) A statewide organization providing training and education for
13 agencies having the primary responsibility of serving victims of
14 domestic violence with emergency shelter and other services; and

15 (c) Any other organization or profession the association
16 determines to be appropriate.

17 (2) Members of the work group shall serve without compensation.

18 (3) The model policy shall provide due process for employees and,
19 at a minimum, meet the following standards:

20 (a) Provide prehire screening procedures reasonably calculated to
21 disclose whether an applicant for a sworn employee position:

22 (i) Has committed or, based on credible sources, has been accused
23 of committing an act of domestic violence;

24 (ii) Is currently being investigated for an allegation of child
25 abuse or neglect or has previously been investigated for founded
26 allegations of child abuse or neglect; or

27 (iii) Is currently or has previously been subject to any order
28 under RCW 26.44.063, this chapter, former chapter 10.14 RCW or former
29 chapter 26.50 RCW, or to a domestic violence protection order or
30 antiharassment protection order under chapter 7.--- RCW (the new
31 chapter created in section 78 of this act), or any equivalent order
32 issued by another state or tribal court;

33 (b) Provide for the mandatory, immediate response to acts or
34 allegations of domestic violence committed or allegedly committed by
35 a sworn employee of an agency;

36 (c) Provide to a sworn employee, upon the request of the sworn
37 employee or when the sworn employee has been alleged to have
38 committed an act of domestic violence, information on programs under
39 RCW 26.50.150 (as recodified by this act);

1 (d) Provide for the mandatory, immediate reporting by employees
2 when an employee becomes aware of an allegation of domestic violence
3 committed or allegedly committed by a sworn employee of the agency
4 employing the sworn employee;

5 (e) Provide procedures to address reporting by an employee who is
6 the victim of domestic violence committed or allegedly committed by a
7 sworn employee of an agency;

8 (f) Provide for the mandatory, immediate self-reporting by a
9 sworn employee to his or her employing agency when an agency in any
10 jurisdiction has responded to a domestic violence call in which the
11 sworn employee committed or allegedly committed an act of domestic
12 violence;

13 (g) Provide for the mandatory, immediate self-reporting by a
14 sworn employee to his or her employing agency if the employee is
15 currently being investigated for an allegation of child abuse or
16 neglect or has previously been investigated for founded allegations
17 of child abuse or neglect, or is currently or has previously been
18 subject to any order under RCW 26.44.063, this chapter, former
19 chapter 10.14 RCW or former chapter 26.50 RCW, or to a domestic
20 violence protection order or antiharassment protection order under
21 chapter 7.--- RCW (the new chapter created in section 78 of this
22 act), or any equivalent order issued by another state or tribal
23 court;

24 (h) Provide for the performance of prompt separate and impartial
25 administrative and criminal investigations of acts or allegations of
26 domestic violence committed or allegedly committed by a sworn
27 employee of an agency;

28 (i) Provide for appropriate action to be taken during an
29 administrative or criminal investigation of acts or allegations of
30 domestic violence committed or allegedly committed by a sworn
31 employee of an agency. The policy shall provide procedures to
32 address, in a manner consistent with applicable law and the agency's
33 ability to maintain public safety within its jurisdiction, whether to
34 relieve the sworn employee of agency-issued weapons and other agency-
35 issued property and whether to suspend the sworn employee's power of
36 arrest or other police powers pending resolution of any
37 investigation;

38 (j) Provide for prompt and appropriate discipline or sanctions
39 when, after an agency investigation, it is determined that a sworn
40 employee has committed an act of domestic violence;

1 (k) Provide that, when there has been an allegation of domestic
2 violence committed or allegedly committed by a sworn employee, the
3 agency immediately make available to the alleged victim the following
4 information:

5 (i) The agency's written policy on domestic violence committed or
6 allegedly committed by sworn employees;

7 (ii) Information, including but not limited to contact
8 information, about public and private nonprofit domestic violence
9 advocates and services; and

10 (iii) Information regarding relevant confidentiality policies
11 related to the victim's information;

12 (l) Provide procedures for the timely response, consistent with
13 chapters 42.56 and 10.97 RCW, to an alleged victim's inquiries into
14 the status of the administrative investigation and the procedures the
15 agency will follow in an investigation of domestic violence committed
16 or allegedly committed by a sworn employee;

17 (m) Provide procedures requiring an agency to immediately notify
18 the employing agency of a sworn employee when the notifying agency
19 becomes aware of acts or allegations of domestic violence committed
20 or allegedly committed by the sworn employee within the jurisdiction
21 of the notifying agency; and

22 (n) Provide procedures for agencies to access and share domestic
23 violence training within their jurisdiction and with other
24 jurisdictions.

25 (4) By June 1, 2005, every agency shall adopt and implement a
26 written policy on domestic violence committed or allegedly committed
27 by sworn employees of the agency that meet the minimum standards
28 specified in this section. In lieu of developing its own policy, the
29 agency may adopt the model policy developed by the association under
30 this section. In developing its own policy, or before adopting the
31 model policy, the agency shall consult public and private nonprofit
32 domestic violence advocates and any other organizations and
33 professions the agency finds appropriate.

34 (5)(a) Except as provided in this section, not later than June
35 30, 2006, every sworn employee of an agency shall be trained by the
36 agency on the agency's policy required under this section.

37 (b) Sworn employees hired by an agency on or after March 1, 2006,
38 shall, within six months of beginning employment, be trained by the
39 agency on the agency's policy required under this section.

1 (6) (a) By June 1, 2005, every agency shall provide a copy of its
2 policy developed under this section to the association and shall
3 provide a statement notifying the association of whether the agency
4 has complied with the training required under this section. The copy
5 and statement shall be provided in electronic format unless the
6 agency is unable to do so. The agency shall provide the association
7 with any revisions to the policy upon adoption.

8 (b) The association shall maintain a copy of each agency's policy
9 and shall provide to the governor and legislature not later than
10 January 1, 2006, a list of those agencies that have not developed and
11 submitted policies and those agencies that have not stated their
12 compliance with the training required under this section.

13 (c) The association shall, upon request and within its resources,
14 provide technical assistance to agencies in developing their
15 policies.

16 **Sec. 125.** RCW 11.130.257 and 2020 c 312 s 112 are each amended
17 to read as follows:

18 (1) In a proceeding under this chapter either party may file a
19 motion for temporary support of children entitled to support. The
20 motion shall be accompanied by an affidavit setting forth the factual
21 basis for the motion and the amount requested.

22 (2) In a proceeding under this chapter either party may file a
23 motion for a temporary restraining order or preliminary injunction,
24 providing relief proper in the circumstances, and restraining or
25 enjoining another party from:

26 (a) Molesting or disturbing the peace of the other party or of
27 any child;

28 (b) Entering the family home or the home of the other party upon
29 a showing of the necessity therefor;

30 (c) Knowingly coming within, or knowingly remaining within, a
31 specified distance from a specified location; and

32 (d) Removing a child from the jurisdiction of the court.

33 (3) Either party may request a domestic violence protection order
34 (~~under chapter 26.50 RCW~~) or an antiharassment protection order
35 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section
36 78 of this act) on a temporary basis by filing an appropriate
37 separate civil cause of action. The petitioner shall inform the court
38 of the existence of the action under this title. The court shall set
39 all future protection hearings on the guardianship calendar to be

1 heard concurrent with the action under this title and the clerk shall
2 relate the cases in the case management system. The court may grant
3 any of the relief provided in (~~RCW 26.50.060~~) section 39 of this
4 act except relief pertaining to residential provisions for the
5 children which provisions shall be provided for under this chapter(~~(7~~
6 ~~and any of the relief provided in RCW 10.14.080)~~). Ex parte orders
7 issued under this subsection shall be effective for a fixed period
8 not to exceed fourteen days, or upon court order, not to exceed
9 twenty-four days if necessary to ensure that all temporary motions in
10 the case can be heard at the same time.

11 (4) In issuing the order, the court shall consider the provisions
12 of RCW 9.41.800, and shall order the respondent to surrender, and
13 prohibit the respondent from possessing, all firearms, dangerous
14 weapons, and any concealed pistol license as required in RCW
15 9.41.800. Such orders may only be made in the civil protection case
16 related to the action under this title.

17 (5) The court may issue a temporary restraining order without
18 requiring notice to the other party only if it finds on the basis of
19 the moving affidavit or other evidence that irreparable injury could
20 result if an order is not issued until the time for responding has
21 elapsed.

22 (6) The court may issue a temporary restraining order or
23 preliminary injunction and an order for temporary support in such
24 amounts and on such terms as are just and proper in the
25 circumstances.

26 (7) A temporary order, temporary restraining order, or
27 preliminary injunction:

28 (a) Does not prejudice the rights of a party or any child which
29 are to be adjudicated at subsequent hearings in the proceeding;

30 (b) May be revoked or modified;

31 (c) Terminates when the final order is entered or when the motion
32 is dismissed;

33 (d) May be entered in a proceeding for the modification of an
34 existing order.

35 (8) A support debt owed to the state for public assistance
36 expenditures which has been charged against a party pursuant to RCW
37 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
38 extinguished by, the final decree or order, unless the office of
39 support enforcement has been given notice of the final proceeding and
40 an opportunity to present its claim for the support debt to the court

1 and has failed to file an affidavit as provided in this subsection.
2 Notice of the proceeding shall be served upon the office of support
3 enforcement personally, or by certified mail, and shall be given no
4 fewer than thirty days prior to the date of the final proceeding. An
5 original copy of the notice shall be filed with the court either
6 before service or within a reasonable time thereafter. The office of
7 support enforcement may present its claim, and thereby preserve the
8 support debt, by filing an affidavit setting forth the amount of the
9 debt with the court, and by mailing a copy of the affidavit to the
10 parties or their attorney prior to the date of the final proceeding.

11 **Sec. 126.** RCW 11.130.335 and 2020 c 312 s 206 are each amended
12 to read as follows:

13 (1) A guardian for an adult does not have the power to revoke or
14 amend a power of attorney for health care or power of attorney for
15 finances executed by the adult. If a power of attorney for health
16 care is in effect, unless there is a court order to the contrary, a
17 health care decision of an agent takes precedence over that of the
18 guardian and the guardian shall cooperate with the agent to the
19 extent feasible. If a power of attorney for finances is in effect,
20 unless there is a court order to the contrary, a decision by the
21 agent which the agent is authorized to make under the power of
22 attorney for finances takes precedence over that of the guardian and
23 the guardian shall cooperate with the agent to the extent feasible.
24 The court has authority to revoke or amend any power of attorney
25 executed by the adult.

26 (2) A guardian for an adult shall not initiate the commitment of
27 the adult to an evaluation and treatment facility except in
28 accordance with the provisions of chapter 10.77, 71.05, or 72.23 RCW.

29 (3) Unless authorized by the court in accordance with subsection
30 (4) of this section within the past thirty days, a guardian for an
31 adult may not consent to any of the following procedures for the
32 adult:

- 33 (a) Therapy or other procedure to induce convulsion;
- 34 (b) Surgery solely for the purpose of psychosurgery; or
- 35 (c) Other psychiatric or mental health procedures that restrict
36 physical freedom of movement or the rights set forth in RCW
37 71.05.217.

38 (4) The court may order a procedure listed in subsection (3) of
39 this section only after giving notice to the adult's attorney and

1 holding a hearing. If the adult does not have an attorney, the court
2 must appoint an attorney for the adult prior to entering an order
3 under this subsection.

4 (5) Persons under a guardianship, conservatorship, or other
5 protective arrangements—Right to associate with persons of their
6 choosing.

7 (a) Except as otherwise provided in this section, an adult
8 subject to a guardianship, conservatorship, or other protective
9 arrangement retains the right to associate with other persons of the
10 adult's choosing. This right includes, but is not limited to, the
11 right to freely communicate and interact with other persons, whether
12 through in-person visits, telephone calls, electronic communication,
13 personal mail, or other means. If the adult subject to a
14 guardianship, conservatorship, or other protective arrangement is
15 unable to express consent for communication, visitation, or
16 interaction with another person, or is otherwise unable to make a
17 decision regarding association with another person, the guardian,
18 conservator, or person acting under a protective arrangement, whether
19 full or limited, must:

20 (i) Personally inform the adult subject to a guardianship,
21 conservatorship, or other protective arrangement of the decision
22 under consideration, using plain language, in a manner calculated to
23 maximize the understanding of the adult;

24 (ii) Maximize the adult's participation in the decision-making
25 process to the greatest extent possible, consistent with the adult's
26 abilities; and

27 (iii) Give substantial weight to the adult's preferences, both
28 expressed and historical.

29 (b) A guardian or limited guardian, a conservator or limited
30 conservator, or a person acting under a protective arrangement may
31 not restrict an adult's right to communicate, visit, interact, or
32 otherwise associate with persons of the adult's choosing, unless:

33 (i) The restriction is specifically authorized by the court in
34 the court order establishing or modifying the guardianship or limited
35 guardianship, the conservatorship or limited conservatorship, or the
36 protective arrangement under this chapter;

37 (ii) The restriction is pursuant to a protection order issued
38 under chapter ((74.34 or 26.50)) 7.--- RCW (the new chapter created
39 in section 78 of this act), or other law, that limits contact between

1 the adult under a guardianship, conservatorship, or other protective
2 arrangement and other persons;

3 (iii)(A) The guardian or limited guardian, the conservator or
4 limited conservator, or the person acting under the protective
5 arrangement has good cause to believe that there is an immediate need
6 to restrict the adult's right to communicate, visit, interact, or
7 otherwise associate with persons of the adult's choosing in order to
8 protect the adult from abuse, neglect, abandonment, or financial
9 exploitation, as those terms are defined in RCW 74.34.020, or to
10 protect the adult from activities that unnecessarily impose
11 significant distress on the adult; and

12 (B) Within fourteen calendar days of imposing the restriction
13 under (b)(iii)(A) of this subsection, the guardian or limited
14 guardian, the conservator or limited conservator, or (~~the~~) the
15 person acting under the protective arrangement files a petition for a
16 vulnerable adult protection order under chapter (~~74.34~~) 7.--- RCW
17 (the new chapter created in section 78 of this act). The immediate
18 need restriction may remain in place until the court has heard and
19 issued an order or decision on the petition; or

20 (iv) The restriction is pursuant to participation in the
21 community protection program under chapter 71A.12 RCW.

22 (6) A vulnerable adult protection order under chapter (~~74.34~~)
23 7.--- RCW (the new chapter created in section 78 of this act) issued
24 to protect the adult under a guardianship, conservatorship, or other
25 protective arrangement as described in subsection (5)(b)(iii)(B) of
26 this section:

27 (a) Must include written findings of fact and conclusions of law;

28 (b) May not be more restrictive than necessary to protect the
29 adult from abuse, neglect, abandonment, or financial exploitation as
30 those terms are defined in (~~RCW 74.34.020~~) section 2 of this act;
31 and

32 (c) May not deny communication, visitation, interaction, or other
33 association between the adult and another person unless the court
34 finds that placing reasonable time, place, or manner restrictions is
35 unlikely to sufficiently protect the adult from abuse, neglect,
36 abandonment, or financial exploitation as those terms are defined in
37 (~~RCW 74.34.020~~) section 2 of this act.

38 **Sec. 127.** RCW 12.04.140 and 1992 c 111 s 10 are each amended to
39 read as follows:

1 Except as provided under (~~RCW 26.50.020~~) section 14 of this
2 act, no action shall be commenced by any person under the age of
3 eighteen years, except by his guardian, or until a next friend for
4 such a person shall have been appointed. Whenever requested, the
5 justice shall appoint some suitable person, who shall consent thereto
6 in writing, to be named by such plaintiff, to act as his or her next
7 friend in such action, who shall be responsible for the costs
8 therein.

9 **Sec. 128.** RCW 12.04.150 and 1992 c 111 s 11 are each amended to
10 read as follows:

11 After service and return of process against a defendant under the
12 age of eighteen years, the action shall not be further prosecuted,
13 until a guardian for such defendant shall have been appointed, except
14 as provided under (~~RCW 26.50.020~~) section 14 of this act. Upon the
15 request of such defendant, the justice shall appoint some person who
16 shall consent thereto in writing, to be guardian of the defendant in
17 defense of the action; and if the defendant shall not appear on the
18 return day of the process, or if he or she neglect or refuse to
19 nominate such guardian, the justice may, at the request of the
20 plaintiff, appoint any discreet person as such guardian. The consent
21 of the guardian or next friend shall be filed with the justice; and
22 such guardian for the defendant shall not be liable for any costs in
23 the action.

24 **Sec. 129.** RCW 19.220.010 and 2006 c 138 s 24 are each amended to
25 read as follows:

26 (1) Each international matchmaking organization doing business in
27 Washington state shall disseminate to a recruit, upon request, state
28 background check information and personal history information
29 relating to any Washington state resident about whom any information
30 is provided to the recruit, in the recruit's native language. The
31 organization shall notify all recruits that background check and
32 personal history information is available upon request. The notice
33 that background check and personal history information is available
34 upon request shall be in the recruit's native language and shall be
35 displayed in a manner that separates it from other information, is
36 highly noticeable, and in lettering not less than one-quarter of an
37 inch high.

1 (2) If an international matchmaking organization receives a
2 request for information from a recruit pursuant to subsection (1) of
3 this section, the organization shall notify the Washington state
4 resident of the request. Upon receiving notification, the Washington
5 state resident shall obtain from the state patrol and provide to the
6 organization the complete transcript of any background check
7 information provided pursuant to RCW 43.43.760 based on a submission
8 of fingerprint impressions and provided pursuant to RCW 43.43.838 and
9 shall provide to the organization his or her personal history
10 information. The organization shall require the resident to affirm
11 that personal history information is complete and accurate. The
12 organization shall refrain from knowingly providing any further
13 services to the recruit or the Washington state resident in regards
14 to facilitating future interaction between the recruit and the
15 Washington state resident until the organization has obtained the
16 requested information and provided it to the recruit.

17 (3) This section does not apply to a traditional matchmaking
18 organization of a religious nature that otherwise operates in
19 compliance with the laws of the countries of the recruits of such
20 organization and the laws of the United States nor to any
21 organization that does not charge a fee to any party for the service
22 provided.

23 (4) As used in this section:

24 (a) "International matchmaking organization" means a corporation,
25 partnership, business, or other legal entity, whether or not
26 organized under the laws of the United States or any state, that does
27 business in the United States and for profit offers to Washington
28 state residents, including aliens lawfully admitted for permanent
29 residence and residing in Washington state, dating, matrimonial, or
30 social referral services involving citizens of a foreign country or
31 countries who are not residing in the United States, by: (i) An
32 exchange of names, telephone numbers, addresses, or statistics; (ii)
33 selection of photographs; or (iii) a social environment provided by
34 the organization in a country other than the United States.

35 (b) "Personal history information" means a declaration of the
36 person's current marital status, the number of previous marriages,
37 annulments, and dissolutions for the person, and whether any previous
38 marriages occurred as a result of receiving services from an
39 international matchmaking organization; founded allegations of child
40 abuse or neglect; and any existing orders under chapter ~~((7.90,~~

1 ~~10.14,~~) 7.--- (the new chapter created in section 78 of this act) or
2 10.99 RCW, or any of the former chapters 7.90, 10.14, and 26.50 RCW.
3 Personal history information shall include information from the state
4 of Washington and any information from other states or countries.

5 (c) "Recruit" means a noncitizen, nonresident person, recruited
6 by an international matchmaking organization for the purpose of
7 providing dating, matrimonial, or social referral services.

8 **Sec. 130.** RCW 26.09.003 and 2007 c 496 s 102 are each amended to
9 read as follows:

10 The legislature reaffirms the intent of the current law as
11 expressed in RCW 26.09.002. However, after review, the legislature
12 finds that there are certain components of the existing law which do
13 not support the original legislative intent. In order to better
14 implement the existing legislative intent the legislature finds that
15 incentives for parties to reduce family conflict and additional
16 alternative dispute resolution options can assist in reducing the
17 number of contested trials. Furthermore, the legislature finds that
18 the identification of domestic violence as defined in (~~RCW~~
19 ~~26.50.010~~) section 2 of this act and the treatment needs of the
20 parties to dissolutions are necessary to improve outcomes for
21 children. When judicial officers have the discretion to tailor
22 individualized resolutions, the legislative intent expressed in RCW
23 26.09.002 can more readily be achieved. Judicial officers should have
24 the discretion and flexibility to assess each case based on the
25 merits of the individual cases before them.

26 **Sec. 131.** RCW 26.09.015 and 2020 c 29 s 13 are each amended to
27 read as follows:

28 (1) In any proceeding under this chapter, the matter may be set
29 for mediation of the contested issues before, or concurrent with, the
30 setting of the matter for hearing. The purpose of the mediation
31 proceeding shall be to reduce acrimony which may exist between the
32 parties and to develop an agreement assuring the child's close and
33 continuing contact with both parents after the marriage or the
34 domestic partnership is dissolved. The mediator shall use his or her
35 best efforts to effect a settlement of the dispute.

36 (2)(a) Each superior court may make available a mediator. The
37 court shall use the most cost-effective mediation services that are
38 readily available unless there is good cause to access alternative

1 providers. The mediator may be a member of the professional staff of
2 a family court or mental health services agency, or may be any other
3 person or agency designated by the court. In order to provide
4 mediation services, the court is not required to institute a family
5 court.

6 (b) In any proceeding involving issues relating to residential
7 time or other matters governed by a parenting plan, the matter may be
8 set for mediation of the contested issues before, or concurrent with,
9 the setting of the matter for hearing. Counties may, and to the
10 extent state funding is provided therefor counties shall, provide
11 both predecree and postdecree mediation at reduced or waived fee to
12 the parties within one year of the filing of the dissolution
13 petition.

14 (3) (a) Mediation proceedings under this chapter shall be governed
15 in all respects by chapter 7.07 RCW, except as follows:

16 (i) Mediation communications in postdecree mediations mandated by
17 a parenting plan are admissible in subsequent proceedings for the
18 limited purpose of proving:

19 (A) Abuse, neglect, abandonment, exploitation, or unlawful
20 harassment, as defined in RCW 9A.46.020(1), of a child;

21 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1),
22 of a family or household member or intimate partner, each as defined
23 in RCW (~~26.50.010~~) 10.99.020; or

24 (C) That a parent used or frustrated the dispute resolution
25 process without good reason for purposes of RCW 26.09.184(4) (d).

26 (ii) If a postdecree mediation-arbitration proceeding is required
27 pursuant to a parenting plan and the same person acts as both
28 mediator and arbitrator, mediation communications in the mediation
29 phase of such a proceeding may be admitted during the arbitration
30 phase, and shall be admissible in the judicial review of such a
31 proceeding under RCW 26.09.184(4) (e) to the extent necessary for such
32 review to be effective.

33 (b) None of the exceptions under (a) (i) and (ii) of this
34 subsection shall subject a mediator to compulsory process to testify
35 except by court order for good cause shown, taking into consideration
36 the need for the mediator's testimony and the interest in the
37 mediator maintaining an appearance of impartiality. If a mediation
38 communication is not privileged under (a) (i) of this subsection or
39 that portion of (a) (ii) of this subsection pertaining to judicial
40 review, only the portion of the communication necessary for the

1 application of the exception may be admitted, and such admission of
2 evidence shall not render any other mediation communication
3 discoverable or admissible except as may be provided in chapter 7.07
4 RCW.

5 (4) The mediator shall assess the needs and interests of the
6 child or children involved in the controversy and may interview the
7 child or children if the mediator deems such interview appropriate or
8 necessary.

9 (5) Any agreement reached by the parties as a result of mediation
10 shall be reported to the court and to counsel for the parties by the
11 mediator on the day set for mediation or any time thereafter
12 designated by the court.

13 **Sec. 132.** RCW 26.09.050 and 2008 c 6 s 1008 are each amended to
14 read as follows:

15 (1) In entering a decree of dissolution of marriage or domestic
16 partnership, legal separation, or declaration of invalidity, the
17 court shall determine the marital or domestic partnership status of
18 the parties, make provision for a parenting plan for any minor child
19 of the marriage or domestic partnership, make provision for the
20 support of any child of the marriage or domestic partnership entitled
21 to support, consider or approve provision for the maintenance of
22 either spouse or either domestic partner, make provision for the
23 disposition of property and liabilities of the parties, make
24 provision for the allocation of the children as federal tax
25 exemptions, make provision for any necessary continuing restraining
26 orders including the provisions contained in RCW 9.41.800, make
27 provision for the issuance within this action of the restraint
28 provisions of a domestic violence protection order (~~under chapter~~
29 ~~26.50 RCW~~) or an antiharassment protection order under chapter
30 ~~((10.14))~~ 7.--- RCW (the new chapter created in section 78 of this
31 act), and make provision for the change of name of any party.

32 (2) Restraining orders issued under this section restraining or
33 enjoining the person from molesting or disturbing another party, or
34 from going onto the grounds of or entering the home, workplace, or
35 school of the other party or the day care or school of any child, or
36 prohibiting the person from knowingly coming within, or knowingly
37 remaining within, a specified distance of a location, a protected
38 party's person, or a protected party's vehicle, shall prominently
39 bear on the front page of the order the legend: VIOLATION OF THIS

1 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
2 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 78 of
3 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

4 (3) The court shall order that any restraining order bearing a
5 criminal offense legend, any domestic violence protection order, or
6 any antiharassment protection order granted under this section, in
7 addition to the law enforcement information sheet or proof of service
8 of the order, be forwarded by the clerk of the court on or before the
9 next judicial day to the appropriate law enforcement agency specified
10 in the order. Upon receipt of the order, the law enforcement agency
11 shall enter the order into any computer-based criminal intelligence
12 information system available in this state used by law enforcement
13 agencies to list outstanding warrants. The order is fully enforceable
14 in any county in the state.

15 (4) If a restraining order issued pursuant to this section is
16 modified or terminated, the clerk of the court shall notify the law
17 enforcement agency specified in the order on or before the next
18 judicial day. Upon receipt of notice that an order has been
19 terminated, the law enforcement agency shall remove the order from
20 any computer-based criminal intelligence system.

21 **Sec. 133.** RCW 26.09.060 and 2019 c 245 s 17 are each amended to
22 read as follows:

23 (1) In a proceeding for:

24 (a) Dissolution of marriage or domestic partnership, legal
25 separation, or a declaration of invalidity; or

26 (b) Disposition of property or liabilities, maintenance, or
27 support following dissolution of the marriage or the domestic
28 partnership by a court which lacked personal jurisdiction over the
29 absent spouse or absent domestic partner; either party may move for
30 temporary maintenance or for temporary support of children entitled
31 to support. The motion shall be accompanied by an affidavit setting
32 forth the factual basis for the motion and the amounts requested.

33 (2) As a part of a motion for temporary maintenance or support or
34 by independent motion accompanied by affidavit, either party may
35 request the court to issue a temporary restraining order or
36 preliminary injunction, providing relief proper in the circumstances,
37 and restraining or enjoining any person from:

38 (a) Transferring, removing, encumbering, concealing, or in any
39 way disposing of any property except in the usual course of business

1 or for the necessities of life, and, if so restrained or enjoined,
2 requiring him or her to notify the moving party of any proposed
3 extraordinary expenditures made after the order is issued;

4 (b) Molesting or disturbing the peace of the other party or of
5 any child;

6 (c) 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 upon
8 a showing of the necessity therefor;

9 (d) Knowingly coming within, or knowingly remaining within, a
10 specified distance from a specified location, a protected party's
11 person, or a protected party's vehicle; and

12 (e) Removing a child from the jurisdiction of the court.

13 (3) Either party may request a domestic violence protection order
14 (~~under chapter 26.50 RCW~~) or an antiharassment protection order
15 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section
16 78 of this act) on a temporary basis. The court may grant any of the
17 relief provided in (~~RCW 26.50.060~~) section 39 of this act except
18 relief pertaining to residential provisions for the children which
19 provisions shall be provided for under this chapter(~~, and any of the~~
20 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this
21 subsection shall be effective for a fixed period not to exceed
22 fourteen days, or upon court order, not to exceed twenty-four days if
23 necessary to ensure that all temporary motions in the case can be
24 heard at the same time.

25 (4) In issuing the order, the court shall consider the provisions
26 of RCW 9.41.800, and shall order the respondent to surrender, and
27 prohibit the respondent from possessing, all firearms, dangerous
28 weapons, and any concealed pistol license as required in RCW
29 9.41.800.

30 (5) The court may issue a temporary restraining order without
31 requiring notice to the other party only if it finds on the basis of
32 the moving affidavit or other evidence that irreparable injury could
33 result if an order is not issued until the time for responding has
34 elapsed.

35 (6) The court may issue a temporary restraining order or
36 preliminary injunction and an order for temporary maintenance or
37 support in such amounts and on such terms as are just and proper in
38 the circumstances. The court may in its discretion waive the filing
39 of the bond or the posting of security.

1 (7) Restraining orders issued under this section restraining the
2 person from molesting or disturbing another party, or from going onto
3 the grounds of or entering the home, workplace, or school of the
4 other party or the day care or school of any child, or prohibiting
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, shall prominently bear on the
8 front page of the order the legend: VIOLATION OF THIS ORDER WITH
9 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER
10 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 78 of this
11 act) AND WILL SUBJECT A VIOLATOR TO ARREST.

12 (8) The court shall order that any temporary restraining order
13 bearing a criminal offense legend, any domestic violence protection
14 order, or any antiharassment protection order granted under this
15 section be forwarded by the clerk of the court on or before the next
16 judicial day to the appropriate law enforcement agency specified in
17 the order. Upon receipt of the order, the law enforcement agency
18 shall enter the order into any computer-based criminal intelligence
19 information system available in this state used by law enforcement
20 agencies to list outstanding warrants. Entry into the computer-based
21 criminal intelligence information system constitutes notice to all
22 law enforcement agencies of the existence of the order. The order is
23 fully enforceable in any county in the state.

24 (9) If a restraining order issued pursuant to this section is
25 modified or terminated, the clerk of the court shall notify the law
26 enforcement agency specified in the order on or before the next
27 judicial day. Upon receipt of notice that an order has been
28 terminated, the law enforcement agency shall remove the order from
29 any computer-based criminal intelligence system.

30 (10) A temporary order, temporary restraining order, or
31 preliminary injunction:

32 (a) Does not prejudice the rights of a party or any child which
33 are to be adjudicated at subsequent hearings in the proceeding;

34 (b) May be revoked or modified;

35 (c) Terminates when the final decree is entered, except as
36 provided under subsection (11) of this section, or when the petition
37 for dissolution, legal separation, or declaration of invalidity is
38 dismissed;

39 (d) May be entered in a proceeding for the modification of an
40 existing decree.

1 (11) Delinquent support payments accrued under an order for
2 temporary support remain collectible and are not extinguished when a
3 final decree is entered unless the decree contains specific language
4 to the contrary. A support debt under a temporary order owed to the
5 state for public assistance expenditures shall not be extinguished by
6 the final decree if:

7 (a) The obligor was given notice of the state's interest under
8 chapter 74.20A RCW; or

9 (b) The temporary order directs the obligor to make support
10 payments to the office of support enforcement or the Washington state
11 support registry.

12 **Sec. 134.** RCW 26.09.191 and 2020 c 311 s 8 are each amended to
13 read as follows:

14 (1) The permanent parenting plan shall not require mutual
15 decision-making or designation of a dispute resolution process other
16 than court action if it is found that a parent has engaged in any of
17 the following conduct: (a) Willful abandonment that continues for an
18 extended period of time or substantial refusal to perform parenting
19 functions; (b) physical, sexual, or a pattern of emotional abuse of a
20 child; or (c) a history of acts of domestic violence as defined in
21 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual
22 assault that causes grievous bodily harm or the fear of such harm or
23 that results in a pregnancy.

24 (2)(a) The parent's residential time with the child shall be
25 limited if it is found that the parent has engaged in any of the
26 following conduct: (i) Willful abandonment that continues for an
27 extended period of time or substantial refusal to perform parenting
28 functions; (ii) physical, sexual, or a pattern of emotional abuse of
29 a child; (iii) a history of acts of domestic violence as defined in
30 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual
31 assault that causes grievous bodily harm or the fear of such harm or
32 that results in a pregnancy; or (iv) the parent has been convicted as
33 an adult of a sex offense under:

34 (A) RCW 9A.44.076 if, because of the difference in age between
35 the offender and the victim, no rebuttable presumption exists under
36 (d) of this subsection;

37 (B) RCW 9A.44.079 if, because of the difference in age between
38 the offender and the victim, no rebuttable presumption exists under
39 (d) of this subsection;

1 (C) RCW 9A.44.086 if, because of the difference in age between
2 the offender and the victim, no rebuttable presumption exists under
3 (d) of this subsection;

4 (D) RCW 9A.44.089;

5 (E) RCW 9A.44.093;

6 (F) RCW 9A.44.096;

7 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
8 between the offender and the victim, no rebuttable presumption exists
9 under (d) of this subsection;

10 (H) Chapter 9.68A RCW;

11 (I) Any predecessor or antecedent statute for the offenses listed
12 in (a) (iv) (A) through (H) of this subsection;

13 (J) Any statute from any other jurisdiction that describes an
14 offense analogous to the offenses listed in (a) (iv) (A) through (H) of
15 this subsection.

16 This subsection (2) (a) shall not apply when (c) or (d) of this
17 subsection applies.

18 (b) The parent's residential time with the child shall be limited
19 if it is found that the parent resides with a person who has engaged
20 in any of the following conduct: (i) Physical, sexual, or a pattern
21 of emotional abuse of a child; (ii) a history of acts of domestic
22 violence as defined in (~~RCW 26.50.010(3)~~) section 2 of this act or
23 an assault or sexual assault that causes grievous bodily harm or the
24 fear of such harm or that results in a pregnancy; or (iii) the person
25 has been convicted as an adult or as a juvenile has been adjudicated
26 of a sex offense under:

27 (A) RCW 9A.44.076 if, because of the difference in age between
28 the offender and the victim, no rebuttable presumption exists under
29 (e) of this subsection;

30 (B) RCW 9A.44.079 if, because of the difference in age between
31 the offender and the victim, no rebuttable presumption exists under
32 (e) of this subsection;

33 (C) RCW 9A.44.086 if, because of the difference in age between
34 the offender and the victim, no rebuttable presumption exists under
35 (e) of this subsection;

36 (D) RCW 9A.44.089;

37 (E) RCW 9A.44.093;

38 (F) RCW 9A.44.096;

1 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
2 between the offender and the victim, no rebuttable presumption exists
3 under (e) of this subsection;

4 (H) Chapter 9.68A RCW;

5 (I) Any predecessor or antecedent statute for the offenses listed
6 in (b) (iii) (A) through (H) of this subsection;

7 (J) Any statute from any other jurisdiction that describes an
8 offense analogous to the offenses listed in (b) (iii) (A) through (H)
9 of this subsection.

10 This subsection (2) (b) shall not apply when (c) or (e) of this
11 subsection applies.

12 (c) If a parent has been found to be a sexual predator under
13 chapter 71.09 RCW or under an analogous statute of any other
14 jurisdiction, the court shall restrain the parent from contact with a
15 child that would otherwise be allowed under this chapter. If a parent
16 resides with an adult or a juvenile who has been found to be a sexual
17 predator under chapter 71.09 RCW or under an analogous statute of any
18 other jurisdiction, the court shall restrain the parent from contact
19 with the parent's child except contact that occurs outside that
20 person's presence.

21 (d) There is a rebuttable presumption that a parent who has been
22 convicted as an adult of a sex offense listed in (d) (i) through (ix)
23 of this subsection poses a present danger to a child. Unless the
24 parent rebuts this presumption, the court shall restrain the parent
25 from contact with a child that would otherwise be allowed under this
26 chapter:

27 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
28 was at least five years older than the other person;

29 (ii) RCW 9A.44.073;

30 (iii) RCW 9A.44.076, provided that the person convicted was at
31 least eight years older than the victim;

32 (iv) RCW 9A.44.079, provided that the person convicted was at
33 least eight years older than the victim;

34 (v) RCW 9A.44.083;

35 (vi) RCW 9A.44.086, provided that the person convicted was at
36 least eight years older than the victim;

37 (vii) RCW 9A.44.100;

38 (viii) Any predecessor or antecedent statute for the offenses
39 listed in (d) (i) through (vii) of this subsection;

1 (ix) Any statute from any other jurisdiction that describes an
2 offense analogous to the offenses listed in (d)(i) through (vii) of
3 this subsection.

4 (e) There is a rebuttable presumption that a parent who resides
5 with a person who, as an adult, has been convicted, or as a juvenile
6 has been adjudicated, of the sex offenses listed in (e)(i) through
7 (ix) of this subsection places a child at risk of abuse or harm when
8 that parent exercises residential time in the presence of the
9 convicted or adjudicated person. Unless the parent rebuts the
10 presumption, the court shall restrain the parent from contact with
11 the parent's child except for contact that occurs outside of the
12 convicted or adjudicated person's presence:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at
19 least eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at
22 least eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses
25 listed in (e)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (e)(i) through (vii) of
28 this subsection.

29 (f) The presumption established in (d) of this subsection may be
30 rebutted only after a written finding that the child was not
31 conceived and subsequently born as a result of a sexual assault
32 committed by the parent requesting residential time and that:

33 (i) If the child was not the victim of the sex offense committed
34 by the parent requesting residential time, (A) contact between the
35 child and the offending parent is appropriate and poses minimal risk
36 to the child, and (B) the offending parent has successfully engaged
37 in treatment for sex offenders or is engaged in and making progress
38 in such treatment, if any was ordered by a court, and the treatment
39 provider believes such contact is appropriate and poses minimal risk
40 to the child; or

1 (ii) If the child was the victim of the sex offense committed by
2 the parent requesting residential time, (A) contact between the child
3 and the offending parent is appropriate and poses minimal risk to the
4 child, (B) if the child is in or has been in therapy for victims of
5 sexual abuse, the child's counselor believes such contact between the
6 child and the offending parent is in the child's best interest, and
7 (C) the offending parent has successfully engaged in treatment for
8 sex offenders or is engaged in and making progress in such treatment,
9 if any was ordered by a court, and the treatment provider believes
10 such contact is appropriate and poses minimal risk to the child.

11 (g) The presumption established in (e) of this subsection may be
12 rebutted only after a written finding that the child was not
13 conceived and subsequently born as a result of a sexual assault
14 committed by the parent requesting residential time and that:

15 (i) If the child was not the victim of the sex offense committed
16 by the person who is residing with the parent requesting residential
17 time, (A) contact between the child and the parent residing with the
18 convicted or adjudicated person is appropriate and that parent is
19 able to protect the child in the presence of the convicted or
20 adjudicated person, and (B) the convicted or adjudicated person has
21 successfully engaged in treatment for sex offenders or is engaged in
22 and making progress in such treatment, if any was ordered by a court,
23 and the treatment provider believes such contact is appropriate and
24 poses minimal risk to the child; or

25 (ii) If the child was the victim of the sex offense committed by
26 the person who is residing with the parent requesting residential
27 time, (A) contact between the child and the parent in the presence of
28 the convicted or adjudicated person is appropriate and poses minimal
29 risk to the child, (B) if the child is in or has been in therapy for
30 victims of sexual abuse, the child's counselor believes such contact
31 between the child and the parent residing with the convicted or
32 adjudicated person in the presence of the convicted or adjudicated
33 person is in the child's best interest, and (C) the convicted or
34 adjudicated person has successfully engaged in treatment for sex
35 offenders or is engaged in and making progress in such treatment, if
36 any was ordered by a court, and the treatment provider believes
37 contact between the parent and child in the presence of the convicted
38 or adjudicated person is appropriate and poses minimal risk to the
39 child.

1 (h) If the court finds that the parent has met the burden of
2 rebutting the presumption under (f) of this subsection, the court may
3 allow a parent who has been convicted as an adult of a sex offense
4 listed in (d)(i) through (ix) of this subsection to have residential
5 time with the child supervised by a neutral and independent adult and
6 pursuant to an adequate plan for supervision of such residential
7 time. The court shall not approve of a supervisor for contact between
8 the child and the parent unless the court finds, based on the
9 evidence, that the supervisor is willing and capable of protecting
10 the child from harm. The court shall revoke court approval of the
11 supervisor upon finding, based on the evidence, that the supervisor
12 has failed to protect the child or is no longer willing or capable of
13 protecting the child.

14 (i) If the court finds that the parent has met the burden of
15 rebutting the presumption under (g) of this subsection, the court may
16 allow a parent residing with a person who has been adjudicated as a
17 juvenile of a sex offense listed in (e)(i) through (ix) of this
18 subsection to have residential time with the child in the presence of
19 the person adjudicated as a juvenile, supervised by a neutral and
20 independent adult and pursuant to an adequate plan for supervision of
21 such residential time. The court shall not approve of a supervisor
22 for contact between the child and the parent unless the court finds,
23 based on the evidence, that the supervisor is willing and capable of
24 protecting the child from harm. The court shall revoke court approval
25 of the supervisor upon finding, based on the evidence, that the
26 supervisor has failed to protect the child or is no longer willing or
27 capable of protecting the child.

28 (j) If the court finds that the parent has met the burden of
29 rebutting the presumption under (g) of this subsection, the court may
30 allow a parent residing with a person who, as an adult, has been
31 convicted of a sex offense listed in (e)(i) through (ix) of this
32 subsection to have residential time with the child in the presence of
33 the convicted person supervised by a neutral and independent adult
34 and pursuant to an adequate plan for supervision of such residential
35 time. The court shall not approve of a supervisor for contact between
36 the child and the parent unless the court finds, based on the
37 evidence, that the supervisor is willing and capable of protecting
38 the child from harm. The court shall revoke court approval of the
39 supervisor upon finding, based on the evidence, that the supervisor

1 has failed to protect the child or is no longer willing or capable of
2 protecting the child.

3 (k) A court shall not order unsupervised contact between the
4 offending parent and a child of the offending parent who was sexually
5 abused by that parent. A court may order unsupervised contact between
6 the offending parent and a child who was not sexually abused by the
7 parent after the presumption under (d) of this subsection has been
8 rebutted and supervised residential time has occurred for at least
9 two years with no further arrests or convictions of sex offenses
10 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
11 9.68A RCW and (i) the sex offense of the offending parent was not
12 committed against a child of the offending parent, and (ii) the court
13 finds that unsupervised contact between the child and the offending
14 parent is appropriate and poses minimal risk to the child, after
15 consideration of the testimony of a state-certified therapist, mental
16 health counselor, or social worker with expertise in treating child
17 sexual abuse victims who has supervised at least one period of
18 residential time between the parent and the child, and after
19 consideration of evidence of the offending parent's compliance with
20 community supervision requirements, if any. If the offending parent
21 was not ordered by a court to participate in treatment for sex
22 offenders, then the parent shall obtain a psychosexual evaluation
23 conducted by a certified sex offender treatment provider or a
24 certified affiliate sex offender treatment provider indicating that
25 the offender has the lowest likelihood of risk to reoffend before the
26 court grants unsupervised contact between the parent and a child.

27 (l) A court may order unsupervised contact between the parent and
28 a child which may occur in the presence of a juvenile adjudicated of
29 a sex offense listed in (e)(i) through (ix) of this subsection who
30 resides with the parent after the presumption under (e) of this
31 subsection has been rebutted and supervised residential time has
32 occurred for at least two years during which time the adjudicated
33 juvenile has had no further arrests, adjudications, or convictions of
34 sex offenses involving children under chapter 9A.44 RCW, RCW
35 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that
36 unsupervised contact between the child and the parent that may occur
37 in the presence of the adjudicated juvenile is appropriate and poses
38 minimal risk to the child, after consideration of the testimony of a
39 state-certified therapist, mental health counselor, or social worker
40 with expertise in treatment of child sexual abuse victims who has

1 supervised at least one period of residential time between the parent
2 and the child in the presence of the adjudicated juvenile, and after
3 consideration of evidence of the adjudicated juvenile's compliance
4 with community supervision or parole requirements, if any. If the
5 adjudicated juvenile was not ordered by a court to participate in
6 treatment for sex offenders, then the adjudicated juvenile shall
7 obtain a psychosexual evaluation conducted by a certified sex
8 offender treatment provider or a certified affiliate sex offender
9 treatment provider indicating that the adjudicated juvenile has the
10 lowest likelihood of risk to reoffend before the court grants
11 unsupervised contact between the parent and a child which may occur
12 in the presence of the adjudicated juvenile who is residing with the
13 parent.

14 (m)(i) The limitations imposed by the court under (a) or (b) of
15 this subsection shall be reasonably calculated to protect the child
16 from the physical, sexual, or emotional abuse or harm that could
17 result if the child has contact with the parent requesting
18 residential time. The limitations shall also be reasonably calculated
19 to provide for the safety of the parent who may be at risk of
20 physical, sexual, or emotional abuse or harm that could result if the
21 parent has contact with the parent requesting residential time. The
22 limitations the court may impose include, but are not limited to:
23 Supervised contact between the child and the parent or completion of
24 relevant counseling or treatment. If the court expressly finds based
25 on the evidence that limitations on the residential time with the
26 child will not adequately protect the child from the harm or abuse
27 that could result if the child has contact with the parent requesting
28 residential time, the court shall restrain the parent requesting
29 residential time from all contact with the child.

30 (ii) The court shall not enter an order under (a) of this
31 subsection allowing a parent to have contact with a child if the
32 parent has been found by clear and convincing evidence in a civil
33 action or by a preponderance of the evidence in a dependency action
34 to have sexually abused the child, except upon recommendation by an
35 evaluator or therapist for the child that the child is ready for
36 contact with the parent and will not be harmed by the contact. The
37 court shall not enter an order allowing a parent to have contact with
38 the child in the offender's presence if the parent resides with a
39 person who has been found by clear and convincing evidence in a civil
40 action or by a preponderance of the evidence in a dependency action

1 to have sexually abused a child, unless the court finds that the
2 parent accepts that the person engaged in the harmful conduct and the
3 parent is willing to and capable of protecting the child from harm
4 from the person.

5 (iii) The court shall not enter an order under (a) of this
6 subsection allowing a parent to have contact with a child if the
7 parent has been found by clear and convincing evidence pursuant to
8 RCW 26.26A.465 to have committed sexual assault, as defined in RCW
9 26.26A.465, against the child's parent, and that the child was born
10 within three hundred twenty days of the sexual assault.

11 (iv) If the court limits residential time under (a) or (b) of
12 this subsection to require supervised contact between the child and
13 the parent, the court shall not approve of a supervisor for contact
14 between a child and a parent who has engaged in physical, sexual, or
15 a pattern of emotional abuse of the child unless the court finds
16 based upon the evidence that the supervisor accepts that the harmful
17 conduct occurred and is willing to and capable of protecting the
18 child from harm. The court shall revoke court approval of the
19 supervisor upon finding, based on the evidence, that the supervisor
20 has failed to protect the child or is no longer willing to or capable
21 of protecting the child.

22 (n) If the court expressly finds based on the evidence that
23 contact between the parent and the child will not cause physical,
24 sexual, or emotional abuse or harm to the child and that the
25 probability that the parent's or other person's harmful or abusive
26 conduct will recur is so remote that it would not be in the child's
27 best interests to apply the limitations of (a), (b), and (m)(i) and
28 (iv) of this subsection, or if the court expressly finds that the
29 parent's conduct did not have an impact on the child, then the court
30 need not apply the limitations of (a), (b), and (m)(i) and (iv) of
31 this subsection. The weight given to the existence of a protection
32 order issued under chapter 7.--- RCW (the new chapter created in
33 section 78 of this act) or former chapter 26.50 RCW as to domestic
34 violence is within the discretion of the court. This subsection shall
35 not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and
36 (m)(ii) of this subsection apply.

37 (3) A parent's involvement or conduct may have an adverse effect
38 on the child's best interests, and the court may preclude or limit
39 any provisions of the parenting plan, if any of the following factors
40 exist:

- 1 (a) A parent's neglect or substantial nonperformance of parenting
2 functions;
- 3 (b) A long-term emotional or physical impairment which interferes
4 with the parent's performance of parenting functions as defined in
5 RCW 26.09.004;
- 6 (c) A long-term impairment resulting from drug, alcohol, or other
7 substance abuse that interferes with the performance of parenting
8 functions;
- 9 (d) The absence or substantial impairment of emotional ties
10 between the parent and the child;
- 11 (e) The abusive use of conflict by the parent which creates the
12 danger of serious damage to the child's psychological development.
13 Abusive use of conflict includes, but is not limited to, abusive
14 litigation as defined in RCW 26.51.020. If the court finds a parent
15 has engaged in abusive litigation, the court may impose any
16 restrictions or remedies set forth in chapter 26.51 RCW in addition
17 to including a finding in the parenting plan. Litigation that is
18 aggressive or improper but that does not meet the definition of
19 abusive litigation shall not constitute a basis for a finding under
20 this section. A report made in good faith to law enforcement, a
21 medical professional, or child protective services of sexual,
22 physical, or mental abuse of a child shall not constitute a basis for
23 a finding of abusive use of conflict;
- 24 (f) A parent has withheld from the other parent access to the
25 child for a protracted period without good cause; or
- 26 (g) Such other factors or conduct as the court expressly finds
27 adverse to the best interests of the child.
- 28 (4) In cases involving allegations of limiting factors under
29 subsection (2)(a)(ii) and (iii) of this section, both parties shall
30 be screened to determine the appropriateness of a comprehensive
31 assessment regarding the impact of the limiting factor on the child
32 and the parties.
- 33 (5) In entering a permanent parenting plan, the court shall not
34 draw any presumptions from the provisions of the temporary parenting
35 plan.
- 36 (6) In determining whether any of the conduct described in this
37 section has occurred, the court shall apply the civil rules of
38 evidence, proof, and procedure.
- 39 (7) For the purposes of this section:

1 (a) "A parent's child" means that parent's natural child, adopted
2 child, or stepchild; and

3 (b) "Social worker" means a person with a master's or further
4 advanced degree from a social work educational program accredited and
5 approved as provided in RCW 18.320.010.

6 **Sec. 135.** RCW 26.09.300 and 2000 c 119 s 21 are each amended to
7 read as follows:

8 (1) Whenever a restraining order is issued under this chapter,
9 and the person to be restrained knows of the order, a violation of
10 the provisions restricting the person from acts or threats of
11 violence or of a provision restraining the person from going onto the
12 grounds of or entering the residence, workplace, school, or day care
13 of another, or prohibiting the person from knowingly coming within,
14 or knowingly remaining within, a specified distance of a location, a
15 protected party's person, or a protected party's vehicle, is
16 punishable under (~~RCW 26.50.110~~) section 56 of 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;

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.

9 (5) It is a defense to prosecution under subsection (1) of this
10 section that the court order was issued contrary to law or court
11 rule.

12 (6) No peace officer may be held criminally or civilly liable for
13 making an arrest under subsection (4) of this section if the officer
14 acts in good faith and without malice.

15 **Sec. 136.** RCW 26.12.260 and 2008 c 6 s 1047 are each amended to
16 read as follows:

17 (1) After July 1, 2009, but no later than November 1, 2009, a
18 county may, and to the extent state funding is provided to meet the
19 minimum requirements of the program a county shall, create a program
20 to provide services to all parties involved in proceedings under
21 chapter 26.09 RCW. Minimum components of this program shall include:

22 (a) An individual to serve as an initial point of contact for parties
23 filing petitions for dissolutions or legal separations under chapter
24 26.09 RCW; (b) informing parties about courthouse facilitation
25 programs and orientations; (c) informing parties of alternatives to
26 filing a dissolution petition, such as marriage or domestic
27 partnership counseling; (d) informing parties of alternatives to
28 litigation including counseling, legal separation, and mediation
29 services if appropriate; (e) informing parties of supportive family
30 services available in the community; (f) screening for referral for
31 services in the areas of domestic violence as defined in ((RCW
32 ~~26.50.010~~) section 2 of this act, child abuse, substance abuse, and
33 mental health; and (g) assistance to the court in superior court
34 cases filed under chapter 26.09 RCW.

35 (2) This program shall not provide legal advice. No attorney-
36 client relationship or privilege is created, by implication or by
37 inference, between persons providing basic information under this
38 section and the participants in the program.

1 (3) The legislative authority of any county may impose user fees
2 or may impose a surcharge of up to twenty dollars on only those
3 superior court cases filed under this title, or both, to pay for the
4 expenses of this program. Fees collected under this section shall be
5 collected and deposited in the same manner as other county funds are
6 collected and deposited, and shall be maintained in a separate
7 account to be used as provided in this section. The program shall
8 provide services to indigent persons at no expense.

9 (4) Persons who implement the program shall be appointed in the
10 same manner as investigators, stenographers, and clerks as described
11 in RCW 26.12.050.

12 (5) If the county has a program under this section, any petition
13 under RCW 26.09.020 must allege that the moving party met and
14 conferred with the program prior to the filing of the petition.

15 (6) If the county has a program under this section, parties shall
16 meet and confer with the program prior to participation in mediation
17 under RCW 26.09.016.

18 **Sec. 137.** RCW 26.12.802 and 2019 c 46 s 5023 are each amended to
19 read as follows:

20 The administrative office of the courts shall conduct a unified
21 family court pilot program.

22 (1) Pilot program sites shall be selected through a request for
23 proposal process, and shall be established in no more than three
24 superior court judicial districts.

25 (2) To be eligible for consideration as a pilot project site,
26 judicial districts must have a statutorily authorized judicial
27 complement of at least five judges.

28 (3) The administrative office of the courts shall develop
29 criteria for the unified family court pilot program. The pilot
30 program shall include:

31 (a) All case types under Title 13 RCW, chapters 26.09, ~~((26.10,))~~
32 26.12, 26.18, 26.19, 26.20, 26.26A, 26.26B, ~~((26.50,))~~ 26.27, and
33 28A.225 RCW, and domestic violence protection order cases under
34 chapter 7.--- RCW (the new chapter created in section 78 of this
35 act);

36 (b) Unified family court judicial officers, who volunteer for the
37 program, and meet training requirements established by local court
38 rule;

1 (c) Case management practices that provide a flexible response to
2 the diverse court-related needs of families involved in multiple
3 areas of the justice system. Case management practices should result
4 in a reduction in process redundancies and an efficient use of time
5 and resources, and create a system enabling multiple case type
6 resolution by one judicial officer or judicial team;

7 (d) A court facilitator to provide assistance to parties with
8 matters before the unified family court; and

9 (e) An emphasis on providing nonadversarial methods of dispute
10 resolution such as a settlement conference, evaluative mediation by
11 attorney mediators, and facilitative mediation by nonattorney
12 mediators.

13 (4) The administrative office of the courts shall publish and
14 disseminate a state-approved listing of definitions of nonadversarial
15 methods of dispute resolution so that court officials, practitioners,
16 and users can choose the most appropriate process for the matter at
17 hand.

18 (5) The administrative office of the courts shall provide to the
19 judicial districts selected for the pilot program the computer
20 resources needed by each judicial district to implement the unified
21 family court pilot program.

22 (6) The administrative office of the courts shall conduct a study
23 of the pilot program measuring improvements in the judicial system's
24 response to family involvement in the judicial system. The
25 administrator for the courts shall report preliminary findings and
26 final results of the study to the governor, the chief justice of the
27 supreme court, and the legislature on a biennial basis. The initial
28 report is due by July 1, 2000, and the final report is due by
29 December 1, 2004.

30 **Sec. 138.** RCW 26.26A.470 and 2019 c 46 s 1002 are each amended
31 to read as follows:

32 (1) In a proceeding under RCW 26.26A.400 through 26.26A.515, the
33 court may issue a temporary order for child support if the order is
34 consistent with law of this state other than this chapter and the
35 individual ordered to pay support is:

36 (a) A presumed parent of the child;

37 (b) Petitioning to be adjudicated a parent;

38 (c) Identified as a genetic parent through genetic testing under
39 RCW 26.26A.325;

1 (d) An alleged genetic parent who has declined to submit to
2 genetic testing;

3 (e) Shown by clear and convincing evidence to be a parent of the
4 child; or

5 (f) A parent under this chapter.

6 (2) A temporary order may include a provision for parenting time
7 and visitation under law of this state other than this chapter.

8 (3) Any party may request the court to issue a temporary
9 restraining order or preliminary injunction, providing relief proper
10 in the circumstances, and restraining or enjoining any party from:

11 (a) Molesting or disturbing the peace of another party;

12 (b) Going onto the grounds of or entering the home, workplace, or
13 school of another party or the day care or school of any child;

14 (c) Knowingly coming within, or knowingly remaining within, a
15 specified distance from a specified location, a protected party's
16 person, or a protected party's vehicle; and

17 (d) Removing a child from the jurisdiction of the court.

18 (4) Either party may request a domestic violence protection order
19 (~~under chapter 26.50 RCW~~) or an antiharassment protection order
20 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section
21 78 of this act) on a temporary basis. The court may grant any of the
22 relief provided in (~~RCW 26.50.060~~) section 39 of this act except
23 relief pertaining to residential provisions for the children which
24 provisions shall be provided for under this chapter(~~, and any of the~~
25 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this
26 subsection shall be effective for a fixed period not to exceed
27 fourteen days, or upon court order, not to exceed twenty-four days if
28 necessary to ensure that all temporary motions in the case can be
29 heard at the same time.

30 (5) Restraining orders issued under this section restraining or
31 enjoining the person from molesting or disturbing another party, or
32 from going onto the grounds of or entering the home, workplace, or
33 school of the other party or the day care or school of any child, or
34 prohibiting the person from knowingly coming within, or knowingly
35 remaining within, a specified distance of a location, a protected
36 party's person, or a protected party's vehicle, shall prominently
37 bear on the front page of the order the legend: VIOLATION OF THIS
38 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
39 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 78 of
40 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

1 (6) The court shall order that any temporary restraining order
2 bearing a criminal offense legend, any domestic violence protection
3 order, or any antiharassment protection order granted under this
4 section be forwarded by the clerk of the court on or before the next
5 judicial day to the appropriate law enforcement agency specified in
6 the order. Upon receipt of the order, the law enforcement agency
7 shall enter 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. The order is fully enforceable
10 in any county in the state.

11 (7) If a restraining order issued pursuant to this section is
12 modified or terminated, the clerk of the court shall notify the law
13 enforcement agency specified in the order on or before the next
14 judicial day. Upon receipt of notice that an order has been
15 terminated, the law enforcement agency shall remove the order from
16 any computer-based criminal intelligence information system.

17 (8) The court may issue a temporary restraining order without
18 requiring notice to the other party only if it finds on the basis of
19 the moving affidavit or other evidence that irreparable injury could
20 result if an order is not issued until the time for responding has
21 elapsed.

22 (9) The court may issue a temporary restraining order or
23 preliminary injunction and an order for temporary support in such
24 amounts and on such terms as are just and proper in the
25 circumstances. In issuing the order, the court shall consider the
26 provisions of RCW 9.41.800.

27 (10) A temporary order, temporary restraining order, or
28 preliminary injunction:

29 (a) Does not prejudice the rights of a party or any child which
30 are to be adjudicated at subsequent hearings in the proceeding;

31 (b) May be revoked or modified;

32 (c) Terminates when the final order is entered or when the
33 petition is dismissed; and

34 (d) May be entered in a proceeding for the modification of an
35 existing order.

36 (11) A support debt owed to the state for public assistance
37 expenditures which has been charged against a party pursuant to RCW
38 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
39 extinguished by, the final decree or order, unless the office of
40 support enforcement has been given notice of the final proceeding and

1 an opportunity to present its claim for the support debt to the court
2 and has failed to file an affidavit as provided in this subsection.
3 Notice of the proceeding shall be served upon the office of support
4 enforcement personally, or by certified mail, and shall be given no
5 fewer than thirty days prior to the date of the final proceeding. An
6 original copy of the notice shall be filed with the court either
7 before service or within a reasonable time thereafter. The office of
8 support enforcement may present its claim, and thereby preserve the
9 support debt, by filing an affidavit setting forth the amount of the
10 debt with the court, and by mailing a copy of the affidavit to the
11 parties or their attorney prior to the date of the final proceeding.

12 (12) Any party may request the court to issue any order
13 referenced by RCW 9.41.800.

14 **Sec. 139.** RCW 26.26B.020 and 2019 c 46 s 5028 are each amended
15 to read as follows:

16 (1) The judgment and order of the court determining the existence
17 or nonexistence of the parent and child relationship shall be
18 determinative for all purposes.

19 (2) If the judgment and order of the court is at variance with
20 the child's birth certificate, the court shall order that an amended
21 birth certificate be issued.

22 (3) The judgment and order shall contain other appropriate
23 provisions directed to the appropriate parties to the proceeding,
24 concerning the duty of current and future support, the extent of any
25 liability for past support furnished to the child if that issue is
26 before the court, the furnishing of bond or other security for the
27 payment of the judgment, or any other matter in the best interest of
28 the child. The judgment and order may direct one parent to pay the
29 reasonable expenses of the mother's pregnancy and childbirth. The
30 judgment and order may include a continuing restraining order or
31 injunction. In issuing the order, the court shall consider the
32 provisions of RCW 9.41.800.

33 (4) The judgment and order shall contain a provision that each
34 party must file with the court and the Washington state child support
35 registry and update as necessary the information required in the
36 confidential information form required by RCW 26.23.050.

37 (5) Support judgment and orders shall be for periodic payments
38 which may vary in amount. The court may limit the parent's liability
39 for the past support to the child to the proportion of the expenses

1 already incurred as the court deems just. The court shall not limit
2 or affect in any manner the right of nonparties including the state
3 of Washington to seek reimbursement for support and other services
4 previously furnished to the child.

5 (6) After considering all relevant factors, the court shall order
6 either or both parents to pay an amount determined pursuant to the
7 schedule and standards contained in chapter 26.19 RCW.

8 (7) On the same basis as provided in chapter 26.09 RCW, the court
9 shall make residential provisions with regard to minor children of
10 the parties, except that a parenting plan shall not be required
11 unless requested by a party. If a parenting plan or residential
12 schedule was not entered at the time the order establishing parentage
13 was entered, a parent may move the court for entry of a parenting
14 plan or residential schedule:

15 (a) By filing a motion and proposed parenting plan or residential
16 schedule and providing notice to the other parent and other persons
17 who have residential time with the child pursuant to a court order:
18 PROVIDED, That at the time of filing the motion less than twenty-four
19 months have passed since entry of the order establishing parentage
20 and that the proposed parenting plan or residential schedule does not
21 change the designation of the parent with whom the child spends the
22 majority of time; or

23 (b) By filing a petition for modification under RCW 26.09.260 or
24 petition to establish a parenting plan, residential schedule, or
25 residential provisions.

26 (8) In any dispute between the persons claiming parentage of a
27 child and a person or persons who have (a) commenced adoption
28 proceedings or who have been granted an order of adoption, and (b)
29 pursuant to a court order, or placement by the department of social
30 and health services or by a licensed agency, have had actual custody
31 of the child for a period of one year or more before court action is
32 commenced by the persons claiming parentage, the court shall consider
33 the best welfare and interests of the child, including the child's
34 need for situation stability, in determining the matter of custody,
35 and the parent or person who is more fit shall have the superior
36 right to custody.

37 (9) In entering an order under this chapter or chapter 26.26A
38 RCW, the court may issue any necessary continuing restraining orders,
39 including the restraint provisions of domestic violence protection
40 orders (~~(under chapter 26.50 RCW)~~) or antiharassment protection

1 orders under chapter (~~10.14~~) 7.--- RCW (the new chapter created in
2 section 78 of this act).

3 (10) Restraining orders issued under this section restraining or
4 enjoining the person from molesting or disturbing another party, from
5 going onto the grounds of or entering the home, workplace, or school
6 of the other party or the day care or school of any child, or
7 prohibiting the person from knowingly coming within, or knowingly
8 remaining within, a specified distance of a location, a protected
9 party's person, or a protected party's vehicle, shall prominently
10 bear on the front page of the order the legend: VIOLATION OF THIS
11 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
12 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 78 of
13 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

14 (11) The court shall order that any restraining order bearing a
15 criminal offense legend, any domestic violence protection order, or
16 any antiharassment protection order granted under this section be
17 forwarded by the clerk of the court on or before the next judicial
18 day to the appropriate law enforcement agency specified in the order.
19 Upon receipt of the order, the law enforcement agency shall forthwith
20 enter the order into any computer-based criminal intelligence
21 information system available in this state used by law enforcement
22 agencies to list outstanding warrants. The order is fully enforceable
23 in any county in the state.

24 (12) If a restraining order issued pursuant to this section is
25 modified or terminated, the clerk of the court shall notify the law
26 enforcement agency specified in the order on or before the next
27 judicial day. Upon receipt of notice that an order has been
28 terminated, the law enforcement agency shall remove the order from
29 any computer-based criminal intelligence system.

30 **Sec. 140.** RCW 26.26B.050 and 2019 c 46 s 5030 are each amended
31 to read as follows:

32 (1) Whenever a restraining order is issued under this chapter or
33 chapter 26.26A RCW, and the person to be restrained knows of the
34 order, a violation of the provisions restricting the person from acts
35 or threats of violence or of a provision restraining the person from
36 going onto the grounds of or entering the residence, workplace,
37 school, or day care of another, or prohibiting the person from
38 knowingly coming within, or knowingly remaining within, a specified
39 distance of a location, a protected party's person, or a protected

1 party's vehicle, is punishable under ((RCW 26.50.110)) section 56 of
2 this act.

3 (2) A person is deemed to have notice of a restraining order if:

4 (a) The person to be restrained or the person's attorney signed
5 the order;

6 (b) The order recites that the person to be restrained or the
7 person's attorney appeared in person before the court;

8 (c) The order was served upon the person to be restrained; or

9 (d) The peace officer gives the person oral or written evidence
10 of the order by reading from it or handing to the person a certified
11 copy of the original order, certified to be an accurate copy of the
12 original by a notary public or by the clerk of the court.

13 (3) A peace officer shall verify the existence of a restraining
14 order by:

15 (a) Obtaining information confirming the existence and terms of
16 the order from a law enforcement agency; or

17 (b) Obtaining a certified copy of the order, certified to be an
18 accurate copy of the original by a notary public or by the clerk of
19 the court.

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

24 (a) A restraining order has been issued under this chapter or
25 chapter 26.26A RCW;

26 (b) The respondent or person to be restrained knows of the order;
27 and

28 (c) The person to be arrested has violated the terms of the order
29 restraining the person from acts or threats of violence or
30 restraining the person from going onto the grounds of or entering the
31 residence, workplace, school, or day care of another, 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.

35 (5) It is a defense to prosecution under subsection (1) of this
36 section that the court order was issued contrary to law or court
37 rule.

38 (6) No peace officer may be held criminally or civilly liable for
39 making an arrest under subsection (4) of this section if the officer
40 acts in good faith and without malice.

1 **Sec. 141.** RCW 26.28.015 and 1992 c 111 s 12 are each amended to
2 read as follows:

3 Notwithstanding any other provision of law, and except as
4 provided under (~~RCW 26.50.020~~) section 14 of this act, all persons
5 shall be deemed and taken to be of full age for the specific purposes
6 hereafter enumerated at the age of eighteen years:

7 (1) To enter into any marriage contract without parental consent
8 if otherwise qualified by law;

9 (2) To execute a will for the disposition of both real and
10 personal property if otherwise qualified by law;

11 (3) To vote in any election if authorized by the Constitution and
12 otherwise qualified by law;

13 (4) To enter into any legal contractual obligation and to be
14 legally bound thereby to the full extent as any other adult person;

15 (5) To make decisions in regard to their own body and the body of
16 their lawful issue whether natural born to or adopted by such person
17 to the full extent allowed to any other adult person including but
18 not limited to consent to surgical operations;

19 (6) To sue and be sued on any action to the full extent as any
20 other adult person in any of the courts of this state, without the
21 necessity for a guardian ad litem.

22 **Sec. 142.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
27 or injury of a child by any person under circumstances which cause
28 harm to the child's health, welfare, or safety, excluding conduct
29 permitted under RCW 9A.16.100; or the negligent treatment or
30 maltreatment of a child by a person responsible for or providing care
31 to the child. An abused child is a child who has been subjected to
32 child abuse or neglect as defined in this section.

33 (2) "Child" or "children" means any person under the age of
34 eighteen years of age.

35 (3) "Child forensic interview" means a developmentally sensitive
36 and legally sound method of gathering factual information regarding
37 allegations of child abuse, child neglect, or exposure to violence.
38 This interview is conducted by a competently trained, neutral

1 professional utilizing techniques informed by research and best
2 practice as part of a larger investigative process.

3 (4) "Child protective services" means those services provided by
4 the department designed to protect children from child abuse and
5 neglect and safeguard such children from future abuse and neglect,
6 and conduct investigations of child abuse and neglect reports.
7 Investigations may be conducted regardless of the location of the
8 alleged abuse or neglect. Child protective services includes referral
9 to services to ameliorate conditions that endanger the welfare of
10 children, the coordination of necessary programs and services
11 relevant to the prevention, intervention, and treatment of child
12 abuse and neglect, and services to children to ensure that each child
13 has a permanent home. In determining whether protective services
14 should be provided, the department shall not decline to provide such
15 services solely because of the child's unwillingness or developmental
16 inability to describe the nature and severity of the abuse or
17 neglect.

18 (5) "Child protective services section" means the child
19 protective services section of the department.

20 (6) "Child who is a candidate for foster care" means a child who
21 the department identifies as being at imminent risk of entering
22 foster care but who can remain safely in the child's home or in a
23 kinship placement as long as services or programs that are necessary
24 to prevent entry of the child into foster care are provided, and
25 includes but is not limited to a child whose adoption or guardianship
26 arrangement is at risk of a disruption or dissolution that would
27 result in a foster care placement. The term includes a child for whom
28 there is reasonable cause to believe that any of the following
29 circumstances exist:

30 (a) The child has been abandoned by the parent as defined in RCW
31 13.34.030 and the child's health, safety, and welfare is seriously
32 endangered as a result;

33 (b) The child has been abused or neglected as defined in this
34 chapter ((26.44-RCW)) and the child's health, safety, and welfare is
35 seriously endangered as a result;

36 (c) There is no parent capable of meeting the child's needs such
37 that the child is in circumstances that constitute a serious danger
38 to the child's development;

39 (d) The child is otherwise at imminent risk of harm.

1 (7) "Children's advocacy center" means a child-focused facility
2 in good standing with the state chapter for children's advocacy
3 centers and that coordinates a multidisciplinary process for the
4 investigation, prosecution, and treatment of sexual and other types
5 of child abuse. Children's advocacy centers provide a location for
6 forensic interviews and coordinate access to services such as, but
7 not limited to, medical evaluations, advocacy, therapy, and case
8 review by multidisciplinary teams within the context of county
9 protocols as defined in RCW 26.44.180 and 26.44.185.

10 (8) "Clergy" means any regularly licensed or ordained minister,
11 priest, or rabbi of any church or religious denomination, whether
12 acting in an individual capacity or as an employee or agent of any
13 public or private organization or institution.

14 (9) "Court" means the superior court of the state of Washington,
15 juvenile department.

16 (10) "Department" means the department of children, youth, and
17 families.

18 (11) "Family assessment" means a comprehensive assessment of
19 child safety, risk of subsequent child abuse or neglect, and family
20 strengths and needs that is applied to a child abuse or neglect
21 report. Family assessment does not include a determination as to
22 whether child abuse or neglect occurred, but does determine the need
23 for services to address the safety of the child and the risk of
24 subsequent maltreatment.

25 (12) "Family assessment response" means a way of responding to
26 certain reports of child abuse or neglect made under this chapter
27 using a differential response approach to child protective services.
28 The family assessment response shall focus on the safety of the
29 child, the integrity and preservation of the family, and shall assess
30 the status of the child and the family in terms of risk of abuse and
31 neglect including the parent's or guardian's or other caretaker's
32 capacity and willingness to protect the child and, if necessary, plan
33 and arrange the provision of services to reduce the risk and
34 otherwise support the family. No one is named as a perpetrator, and
35 no investigative finding is entered in the record as a result of a
36 family assessment.

37 (13) "Founded" means the determination following an investigation
38 by the department that, based on available information, it is more
39 likely than not that child abuse or neglect did occur.

1 (14) "Inconclusive" means the determination following an
2 investigation by the department of social and health services, prior
3 to October 1, 2008, that based on available information a decision
4 cannot be made that more likely than not, child abuse or neglect did
5 or did not occur.

6 (15) "Institution" means a private or public hospital or any
7 other facility providing medical diagnosis, treatment, or care.

8 (16) "Law enforcement agency" means the police department, the
9 prosecuting attorney, the state patrol, the director of public
10 safety, or the office of the sheriff.

11 (17) "Malice" or "maliciously" means an intent, wish, or design
12 to intimidate, annoy, or injure another person. Such malice may be
13 inferred from an act done in willful disregard of the rights of
14 another, or an act wrongfully done without just cause or excuse, or
15 an act or omission of duty betraying a willful disregard of social
16 duty.

17 (18) "Negligent treatment or maltreatment" means an act or a
18 failure to act, or the cumulative effects of a pattern of conduct,
19 behavior, or inaction, that evidences a serious disregard of
20 consequences of such magnitude as to constitute a clear and present
21 danger to a child's health, welfare, or safety, including but not
22 limited to conduct prohibited under RCW 9A.42.100. When considering
23 whether a clear and present danger exists, evidence of a parent's
24 substance abuse as a contributing factor to negligent treatment or
25 maltreatment shall be given great weight. The fact that siblings
26 share a bedroom is not, in and of itself, negligent treatment or
27 maltreatment. Poverty, homelessness, or exposure to domestic violence
28 as defined in (~~RCW 26.50.010~~) section 2 of this act that is
29 perpetrated against someone other than the child does not constitute
30 negligent treatment or maltreatment in and of itself.

31 (19) "Pharmacist" means any registered pharmacist under chapter
32 18.64 RCW, whether acting in an individual capacity or as an employee
33 or agent of any public or private organization or institution.

34 (20) "Practitioner of the healing arts" or "practitioner" means a
35 person licensed by this state to practice podiatric medicine and
36 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
37 medicine and surgery, or medicine and surgery or to provide other
38 health services. The term "practitioner" includes a duly accredited
39 Christian Science practitioner. A person who is being furnished
40 Christian Science treatment by a duly accredited Christian Science

1 practitioner will not be considered, for that reason alone, a
2 neglected person for the purposes of this chapter.

3 (21) "Prevention and family services and programs" means specific
4 mental health prevention and treatment services, substance abuse
5 prevention and treatment services, and in-home parent skill-based
6 programs that qualify for federal funding under the federal family
7 first prevention services act, P.L. 115-123. For purposes of this
8 chapter, prevention and family services and programs are not remedial
9 services or family reunification services as described in RCW
10 13.34.025(2).

11 (22) "Professional school personnel" include, but are not limited
12 to, teachers, counselors, administrators, child care facility
13 personnel, and school nurses.

14 (23) "Psychologist" means any person licensed to practice
15 psychology under chapter 18.83 RCW, whether acting in an individual
16 capacity or as an employee or agent of any public or private
17 organization or institution.

18 (24) "Screened-out report" means a report of alleged child abuse
19 or neglect that the department has determined does not rise to the
20 level of a credible report of abuse or neglect and is not referred
21 for investigation.

22 (25) "Sexual exploitation" includes: (a) Allowing, permitting, or
23 encouraging a child to engage in prostitution by any person; or (b)
24 allowing, permitting, encouraging, or engaging in the obscene or
25 pornographic photographing, filming, or depicting of a child by any
26 person.

27 (26) "Sexually aggressive youth" means a child who is defined in
28 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

29 (27) "Social service counselor" means anyone engaged in a
30 professional capacity during the regular course of employment in
31 encouraging or promoting the health, welfare, support, or education
32 of children, or providing social services to adults or families,
33 including mental health, drug and alcohol treatment, and domestic
34 violence programs, whether in an individual capacity, or as an
35 employee or agent of any public or private organization or
36 institution.

37 (28) "Unfounded" means the determination following an
38 investigation by the department that available information indicates
39 that, more likely than not, child abuse or neglect did not occur, or

1 that there is insufficient evidence for the department to determine
2 whether the alleged child abuse did or did not occur.

3 **Sec. 143.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abusive litigation" means litigation where the following
8 apply:

9 (a)(i) The opposing parties have a current or former intimate
10 partner relationship;

11 (ii) The party who is filing, initiating, advancing, or
12 continuing the litigation has been found by a court to have committed
13 domestic violence against the other party pursuant to: (A) An order
14 entered under (~~this~~) chapter 7.--- RCW (the new chapter created in
15 section 78 of this act) or former chapter 26.50 RCW; (B) a parenting
16 plan with restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a
17 restraining order entered under chapter 26.09, (~~26.26, or~~) 26.26A,
18 or 26.26B RCW, provided that the issuing court made a specific
19 finding that the restraining order was necessary due to domestic
20 violence; and

21 (iii) The litigation is being initiated, advanced, or continued
22 primarily for the purpose of harassing, intimidating, or maintaining
23 contact with the other party; and

24 (b) At least one of the following factors apply:

25 (i) Claims, allegations, and other legal contentions made in the
26 litigation are not warranted by existing law or by a reasonable
27 argument for the extension, modification, or reversal of existing
28 law, or the establishment of new law;

29 (ii) Allegations and other factual contentions made in the
30 litigation are without the existence of evidentiary support; or

31 (iii) An issue or issues that are the basis of the litigation
32 have previously been filed in one or more other courts or
33 jurisdictions and the actions have been litigated and disposed of
34 unfavorably to the party filing, initiating, advancing, or continuing
35 the litigation.

36 (2) "Intimate partner" is defined in (~~RCW 26.50.010~~) section 2
37 of this act.

38 (3) "Litigation" means any kind of legal action or proceeding
39 including, but not limited to: (~~(i) [(a)]~~) (a) Filing a summons,

1 complaint, demand, or petition; (~~((ii)-(b))~~) (b) serving a summons,
2 complaint, demand, or petition, regardless of whether it has been
3 filed; (~~((iii)-(e))~~) (c) filing a motion, notice of court date,
4 note for motion docket, or order to appear; (~~((iv)-(d))~~) (d)
5 serving a motion, notice of court date, note for motion docket, or
6 order to appear, regardless of whether it has been filed or
7 scheduled; (~~((v)-(e))~~) (e) filing a subpoena, subpoena duces tecum,
8 request for interrogatories, request for production, notice of
9 deposition, or other discovery request; or (~~((vi)-(f))~~) (f) serving
10 a subpoena, subpoena duces tecum, request for interrogatories,
11 request for production, notice of deposition, or other discovery
12 request.

13 (4) "Perpetrator of abusive litigation" means a person who files,
14 initiates, advances, or continues litigation in violation of an order
15 restricting abusive litigation.

16 **Sec. 144.** RCW 26.52.010 and 1999 c 184 s 3 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) "Domestic or family violence" includes, but is not limited
21 to, conduct when committed by one family member against another that
22 is classified in the jurisdiction where the conduct occurred as a
23 domestic violence crime or a crime committed in another jurisdiction
24 that under the laws of this state would be classified as domestic
25 violence under RCW 10.99.020.

26 (2) "Family (~~or household~~) members" means (~~(spouses, former~~
27 ~~spouses, persons who have a child in common regardless of whether~~
28 ~~they have been married or have lived together at any time, adult~~
29 ~~persons related by blood or marriage, adult persons who are presently~~
30 ~~residing together or who have resided together in the past, persons~~
31 ~~sixteen years of age or older who are presently residing together or~~
32 ~~who have resided together in the past and who have or have had a~~
33 ~~dating relationship, persons sixteen years of age or older with whom~~
34 ~~a person sixteen years of age or older has or has had a dating~~
35 ~~relationship, and persons who have a biological or legal parent-child~~
36 ~~relationship, including stepparents and stepchildren and grandparents~~
37 ~~and grandchildren)) intimate partners and family or household members~~
38 as those terms are defined in section 2 of this act.

1 (3) "Foreign protection order" means an injunction or other order
2 related to domestic or family violence, harassment, sexual abuse, or
3 stalking, for the purpose of preventing violent or threatening acts
4 or harassment against, or contact or communication with or physical
5 proximity to another person issued by a court of another state,
6 territory, or possession of the United States, the Commonwealth of
7 Puerto Rico, or the District of Columbia, or any United States
8 military tribunal, or a tribal court, in a civil or criminal action.

9 (4) "Harassment" includes, but is not limited to, conduct that is
10 classified in the jurisdiction where the conduct occurred as
11 harassment or a crime committed in another jurisdiction that under
12 the laws of this state would be classified as harassment under RCW
13 9A.46.040.

14 (5) "Judicial day" does not include Saturdays, Sundays, or legal
15 holidays in Washington state.

16 (6) "Person entitled to protection" means a person, regardless of
17 whether the person was the moving party in the foreign jurisdiction,
18 who is benefited by the foreign protection order.

19 (7) "Person under restraint" means a person, regardless of
20 whether the person was the responding party in the foreign
21 jurisdiction, whose ability to contact or communicate with another
22 person, or to be physically close to another person, is restricted by
23 the foreign protection order.

24 (8) "Sexual abuse" includes, but is not limited to, conduct that
25 is classified in the jurisdiction where the conduct occurred as a sex
26 offense or a crime committed in another jurisdiction that under the
27 laws of this state would be classified as a sex offense under RCW
28 9.94A.030.

29 (9) "Stalking" includes, but is not limited to, conduct that is
30 classified in the jurisdiction where the conduct occurred as stalking
31 or a crime committed in another jurisdiction that under the laws of
32 this state would be classified as stalking under RCW 9A.46.110.

33 (10) "Washington court" includes the superior, district, and
34 municipal courts of the state of Washington.

35 **Sec. 145.** RCW 26.52.070 and 2000 c 119 s 26 are each amended to
36 read as follows:

37 (1) Whenever a foreign protection order is granted to a person
38 entitled to protection and the person under restraint knows of the
39 foreign protection order, a violation of a provision prohibiting the

1 person under restraint from contacting or communicating with another
2 person, or of a provision excluding the person under restraint from a
3 residence, workplace, school, or day care, or of a provision
4 prohibiting a person from knowingly coming within, or knowingly
5 remaining within, a specified distance of a location, a protected
6 party's person, or a protected party's vehicle, or a violation of any
7 provision for which the foreign protection order specifically
8 indicates that a violation will be a crime, is punishable under ((RCW
9 ~~26.50.110~~)) section 56 of this act.

10 (2) A peace officer shall arrest without a warrant and take into
11 custody a person when the peace officer has probable cause to believe
12 that a foreign protection order has been issued of which the person
13 under restraint has knowledge and the person under restraint has
14 violated a provision of the foreign protection order that prohibits
15 the person under restraint from contacting or communicating with
16 another person, or a provision that excludes the person under
17 restraint from a residence, workplace, school, or day care, or of a
18 provision prohibiting a person from knowingly coming within, or
19 knowingly remaining within, a specified distance of a location, a
20 protected party's person, or a protected party's vehicle, or a
21 violation of any provision for which the foreign protection order
22 specifically indicates that a violation will be a crime. Presence of
23 the order in the law enforcement computer-based criminal intelligence
24 information system is not the only means of establishing knowledge of
25 the order.

26 **Sec. 146.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to
27 read as follows:

28 (1) Revenue collected under this section is subject to division
29 with the state under RCW 36.18.025 and with the county or regional
30 law library fund under RCW 27.24.070, except as provided in
31 subsection (5) of this section.

32 (2) Clerks of superior courts shall collect the following fees
33 for their official services:

34 (a) In addition to any other fee required by law, the party
35 filing the first or initial document in any civil action, including,
36 but not limited to an action for restitution, adoption, or change of
37 name, and any party filing a counterclaim, cross-claim, or third-
38 party claim in any such civil action, shall pay, at the time the
39 document is filed, a fee of two hundred dollars except, in an

1 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
2 the plaintiff shall pay a case initiating filing fee of forty-five
3 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
4 violation of the compulsory attendance laws where the petitioner
5 shall not pay a filing fee. The forty-five dollar filing fee under
6 this subsection for an unlawful detainer action shall not include an
7 order to show cause or any other order or judgment except a default
8 order or default judgment in an unlawful detainer action.

9 (b) Any party, except a defendant in a criminal case, filing the
10 first or initial document on an appeal from a court of limited
11 jurisdiction or any party on any civil appeal, shall pay, when the
12 document is filed, a fee of two hundred dollars.

13 (c) For filing of a petition for judicial review as required
14 under RCW 34.05.514 a filing fee of two hundred dollars.

15 (d) For filing of a petition for (~~unlawful harassment~~) an
16 antiharassment protection order under (~~RCW 10.14.040~~) section 13 of
17 this act a filing fee of fifty-three dollars.

18 (e) For filing the notice of debt due for the compensation of a
19 crime victim under RCW 7.68.120(2) (a) a fee of two hundred dollars.

20 (f) In probate proceedings, the party instituting such
21 proceedings, shall pay at the time of filing the first document
22 therein, a fee of two hundred dollars.

23 (g) For filing any petition to contest a will admitted to probate
24 or a petition to admit a will which has been rejected, or a petition
25 objecting to a written agreement or memorandum as provided in RCW
26 11.96A.220, there shall be paid a fee of two hundred dollars.

27 (h) Upon conviction or plea of guilty, upon failure to prosecute
28 an appeal from a court of limited jurisdiction as provided by law, or
29 upon affirmance of a conviction by a court of limited jurisdiction,
30 an adult defendant in a criminal case shall be liable for a fee of
31 two hundred dollars, except this fee shall not be imposed on a
32 defendant who is indigent as defined in RCW 10.101.010(3) (a) through
33 (c).

34 (i) With the exception of demands for jury hereafter made and
35 garnishments hereafter issued, civil actions and probate proceedings
36 filed prior to midnight, July 1, 1972, shall be completed and
37 governed by the fee schedule in effect as of January 1, 1972.
38 However, no fee shall be assessed if an order of dismissal on the
39 clerk's record be filed as provided by rule of the supreme court.

1 (3) No fee shall be collected when a petition for relinquishment
2 of parental rights is filed pursuant to RCW 26.33.080 or for forms
3 and instructional brochures provided under (~~RCW 26.50.030~~) section
4 16 of this act.

5 (4) No fee shall be collected when an abstract of judgment is
6 filed by the county clerk of another county for the purposes of
7 collection of legal financial obligations.

8 (5)(a) Until July 1, 2021, in addition to the fees required to be
9 collected under this section, clerks of the superior courts must
10 collect surcharges as provided in this subsection (5) of which
11 seventy-five percent must be remitted to the state treasurer for
12 deposit in the judicial stabilization trust account and twenty-five
13 percent must be retained by the county.

14 (b) On filing fees required to be collected under subsection
15 (2)(b) of this section, a surcharge of thirty dollars must be
16 collected.

17 (c) On all filing fees required to be collected under this
18 section, except for fees required under subsection (2)(b), (d), and
19 (h) of this section, a surcharge of forty dollars must be collected.

20 **Sec. 147.** RCW 36.28A.410 and 2019 c 263 s 915 and 2019 c 46 s
21 5041 are each reenacted and amended to read as follows:

22 (1)(a) Subject to the availability of amounts appropriated for
23 this specific purpose, the Washington association of sheriffs and
24 police chiefs shall create and operate a statewide automated
25 protected person notification system to automatically notify a
26 registered person via the registered person's choice of telephone or
27 email when a respondent subject to a court order specified in (b) of
28 this subsection has attempted to purchase or acquire a firearm and
29 been denied based on a background check or completed and submitted
30 firearm purchase or transfer application that indicates the
31 respondent is ineligible to possess a firearm under state or federal
32 law. The system must permit a person to register for notification, or
33 a registered person to update the person's registration information,
34 for the statewide automated protected person notification system by
35 calling a toll-free telephone number or by accessing a public
36 website.

37 (b) The notification requirements of this section apply to any
38 court order issued under chapter 7.--- RCW (the new chapter created
39 in section 78 of this act) or former chapter 7.92 RCW ((and)), RCW

1 (~~7.90.090~~) 9A.46.080, (~~10.14.080~~) 10.99.040, 10.99.045,
2 26.09.050, 26.09.060, 26.10.040, (~~26.10.115~~) 26.26A.470, or
3 26.26B.020 (~~26.50.060, or 26.50.070~~), any of the former RCW
4 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign
5 protection order filed with a Washington court pursuant to chapter
6 26.52 RCW, and any Canadian domestic violence protection order filed
7 with a Washington court pursuant to chapter 26.55 RCW, where the
8 order prohibits the respondent from possessing firearms or where by
9 operation of law the respondent is ineligible to possess firearms
10 during the term of the order. The notification requirements of this
11 section apply even if the respondent has notified the Washington
12 state patrol that he or she has appealed a background check denial
13 under RCW 43.43.823.

14 (2) An appointed or elected official, public employee, or public
15 agency as defined in RCW 4.24.470, or combination of units of
16 government and its employees, as provided in RCW 36.28A.010, are
17 immune from civil liability for damages for any release of
18 information or the failure to release information related to the
19 statewide automated protected person notification system in this
20 section, so long as the release or failure to release was without
21 gross negligence. The immunity provided under this subsection applies
22 to the release of relevant and necessary information to other public
23 officials, public employees, or public agencies, and to the general
24 public.

25 (3) Information and records prepared, owned, used, or retained by
26 the Washington association of sheriffs and police chiefs pursuant to
27 chapter 261, Laws of 2017, including information a person submits to
28 register and participate in the statewide automated protected person
29 notification system, are exempt from public inspection and copying
30 under chapter 42.56 RCW.

31 **Sec. 148.** RCW 41.04.655 and 2020 c 29 s 14 and 2020 c 6 s 1 are
32 each reenacted and amended to read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout RCW 41.04.650 through 41.04.670,
35 28A.400.380, and section 7, chapter 93, Laws of 1989.

36 (1) "Domestic violence" means any of the following acts committed
37 by one family or household member against another or by one intimate
38 partner against another, as those terms are defined in RCW
39 (~~26.50.010~~) 10.99.020:

1 (a) Physical harm, bodily injury, assault, or the infliction of
2 fear of imminent physical harm, bodily injury, or assault;

3 (b) Sexual assault; or

4 (c) Stalking as defined in RCW 9A.46.110.

5 (2) "Employee" means any employee of the state, including
6 employees of school districts and educational service districts, who
7 are entitled to accrue sick leave or annual leave and for whom
8 accurate leave records are maintained.

9 (3) "Parental leave" means leave to bond and care for a newborn
10 child after birth or to bond and care for a child after placement for
11 adoption or foster care.

12 (4) "Pregnancy disability" means a pregnancy-related medical
13 condition or miscarriage.

14 (5) "Program" means the leave sharing program established in RCW
15 41.04.660.

16 (6) "Service in the uniformed services" means the performance of
17 duty on a voluntary or involuntary basis in a uniformed service under
18 competent authority and includes active duty, active duty for
19 training, initial active duty for training, inactive duty training,
20 full-time national guard duty including state-ordered active duty,
21 and a period for which a person is absent from a position of
22 employment for the purpose of an examination to determine the fitness
23 of the person to perform any such duty.

24 (7) "Sexual assault" has the same meaning as set forth in RCW
25 70.125.030.

26 (8) "Stalking" has the same meaning as set forth in RCW
27 9A.46.110.

28 (9) "State agency" or "agency" means departments, offices,
29 agencies, or institutions of state government, the legislature,
30 institutions of higher education, school districts, and educational
31 service districts.

32 (10) "Uniformed services" means the armed forces, the army
33 national guard, and the air national guard of any state, territory,
34 commonwealth, possession, or district when engaged in active duty for
35 training, inactive duty training, full-time national guard duty, or
36 state active duty, the commissioned corps of the public health
37 service, the coast guard, and any other category of persons
38 designated by the president of the United States in time of war or
39 national emergency.

1 (11) "Victim" means a person against whom domestic violence,
2 sexual assault, or stalking has been committed as defined in this
3 section.

4 **Sec. 149.** RCW 43.43.754 and 2020 c 26 s 7 are each amended to
5 read as follows:

6 (1) A biological sample must be collected for purposes of DNA
7 identification analysis from:

8 (a) Every adult or juvenile individual convicted of a felony, or
9 any of the following crimes (or equivalent juvenile offenses):

10 (i) Assault in the fourth degree where domestic violence as
11 defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041,
12 9.94A.030);

13 (ii) Assault in the fourth degree with sexual motivation (RCW
14 9A.36.041, 9.94A.835);

15 (iii) Communication with a minor for immoral purposes (RCW
16 9.68A.090);

17 (iv) Custodial sexual misconduct in the second degree (RCW
18 9A.44.170);

19 (v) Failure to register (chapter 9A.44 RCW);

20 (vi) Harassment (RCW 9A.46.020);

21 (vii) Patronizing a prostitute (RCW 9A.88.110);

22 (viii) Sexual misconduct with a minor in the second degree (RCW
23 9A.44.096);

24 (ix) Stalking (RCW 9A.46.110);

25 (x) Indecent exposure (RCW 9A.88.010);

26 (xi) Violation of a sexual assault protection order granted under
27 chapter 7.--- RCW (the new chapter created in section 78 of this act)
28 or former chapter 7.90 RCW; and

29 (b) Every adult or juvenile individual who is required to
30 register under RCW 9A.44.130.

31 (2)(a) A municipal jurisdiction may also submit any biological
32 sample to the laboratory services bureau of the Washington state
33 patrol for purposes of DNA identification analysis when:

34 (i) The sample was collected from a defendant upon conviction for
35 a municipal offense where the underlying ordinance does not adopt the
36 relevant state statute by reference but the offense is otherwise
37 equivalent to an offense in subsection (1)(a) of this section;

1 (ii) The equivalent offense in subsection (1)(a) of this section
2 was an offense for which collection of a biological sample was
3 required under this section at the time of the conviction; and

4 (iii) The sample was collected on or after June 12, 2008, and
5 before January 1, 2020.

6 (b) When submitting a biological sample under this subsection,
7 the municipal jurisdiction must include a signed affidavit from the
8 municipal prosecuting authority of the jurisdiction in which the
9 conviction occurred specifying the state crime to which the municipal
10 offense is equivalent.

11 (3) Law enforcement may submit to the forensic laboratory
12 services bureau of the Washington state patrol, for purposes of DNA
13 identification analysis, any lawfully obtained biological sample
14 within its control from a deceased offender who was previously
15 convicted of an offense under subsection (1)(a) of this section,
16 regardless of the date of conviction.

17 (4) If the Washington state patrol crime laboratory already has a
18 DNA sample from an individual for a qualifying offense, a subsequent
19 submission is not required to be submitted.

20 (5) Biological samples shall be collected in the following
21 manner:

22 (a) For persons convicted of any offense listed in subsection
23 (1)(a) of this section or adjudicated guilty of an equivalent
24 juvenile offense, who do not serve a term of confinement in a
25 department of corrections facility or a department of children,
26 youth, and families facility, and are serving a term of confinement
27 in a city or county jail facility, the city or county jail facility
28 shall be responsible for obtaining the biological samples.

29 (b) The local police department or sheriff's office shall be
30 responsible for obtaining the biological samples for:

31 (i) Persons convicted of any offense listed in subsection (1)(a)
32 of this section or adjudicated guilty of an equivalent juvenile
33 offense, who do not serve a term of confinement in a department of
34 corrections facility, department of children, youth, and families
35 facility, or a city or county jail facility; and

36 (ii) Persons who are required to register under RCW 9A.44.130.

37 (c) For persons convicted of any offense listed in subsection
38 (1)(a) of this section or adjudicated guilty of an equivalent
39 juvenile offense, who are serving or who are to serve a term of
40 confinement in a department of corrections facility or a department

1 of children, youth, and families facility, the facility holding the
2 person shall be responsible for obtaining the biological samples as
3 part of the intake process. If the facility did not collect the
4 biological sample during the intake process, then the facility shall
5 collect the biological sample as soon as is practicable. For those
6 persons incarcerated before June 12, 2008, who have not yet had a
7 biological sample collected, priority shall be given to those persons
8 who will be released the soonest.

9 (d) 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 will not serve a term of confinement, the court
12 shall: Order the person to report to the local police department or
13 sheriff's office as provided under subsection (5)(b)(i) of this
14 section within a reasonable period of time established by the court
15 in order to provide a biological sample; or if the local police
16 department or sheriff's office has a protocol for collecting the
17 biological sample in the courtroom, order the person to immediately
18 provide the biological sample to the local police department or
19 sheriff's office before leaving the presence of the court. The court
20 must further inform the person that refusal to provide a biological
21 sample is a gross misdemeanor under this section.

22 (6) Any biological sample taken pursuant to RCW 43.43.752 through
23 43.43.758 may be retained by the forensic laboratory services bureau,
24 and shall be used solely for the purpose of providing DNA or other
25 tests for identification analysis and prosecution of a criminal
26 offense or for the identification of human remains or missing
27 persons. Nothing in this section prohibits the submission of results
28 derived from the biological samples to the federal bureau of
29 investigation combined DNA index system.

30 (7) The forensic laboratory services bureau of the Washington
31 state patrol is responsible for testing performed on all biological
32 samples that are collected under this section, to the extent allowed
33 by funding available for this purpose. Known duplicate samples may be
34 excluded from testing unless testing is deemed necessary or advisable
35 by the director.

36 (8) This section applies to:

37 (a) All adults and juveniles to whom this section applied prior
38 to June 12, 2008;

39 (b) All adults and juveniles to whom this section did not apply
40 prior to June 12, 2008, who:

1 (i) Are convicted on or after June 12, 2008, of an offense listed
2 in subsection (1)(a) of this section on the date of conviction; or

3 (ii) Were convicted prior to June 12, 2008, of an offense listed
4 in subsection (1)(a) of this section and are still incarcerated on or
5 after June 12, 2008;

6 (c) All adults and juveniles who are required to register under
7 RCW 9A.44.130 on or after June 12, 2008, whether convicted before,
8 on, or after June 12, 2008; and

9 (d) All samples submitted under subsections (2) and (3) of this
10 section.

11 (9) This section creates no rights in a third person. No cause of
12 action may be brought based upon the noncollection or nonanalysis or
13 the delayed collection or analysis of a biological sample authorized
14 to be taken under RCW 43.43.752 through 43.43.758.

15 (10) The detention, arrest, or conviction of a person based upon
16 a database match or database information is not invalidated if it is
17 determined that the sample was obtained or placed in the database by
18 mistake, or if the conviction or juvenile adjudication that resulted
19 in the collection of the biological sample was subsequently vacated
20 or otherwise altered in any future proceeding including but not
21 limited to posttrial or postfact-finding motions, appeals, or
22 collateral attacks. No cause of action may be brought against the
23 state based upon the analysis of a biological sample authorized to be
24 taken pursuant to a municipal ordinance if the conviction or
25 adjudication that resulted in the collection of the biological sample
26 was subsequently vacated or otherwise altered in any future
27 proceeding including, but not limited to, posttrial or postfact-
28 finding motions, appeals, or collateral attacks.

29 (11) A person commits the crime of refusal to provide DNA if the
30 person willfully refuses to comply with a legal request for a DNA
31 sample as required under this section. The refusal to provide DNA is
32 a gross misdemeanor.

33 **Sec. 150.** RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22
34 are each reenacted and amended to read as follows:

35 (1)(a) The secretary of social and health services and the
36 secretary of health shall adopt additional requirements for the
37 licensure or relicensure of agencies, facilities, and licensed
38 individuals who provide care and treatment to vulnerable adults,
39 including nursing pools registered under chapter 18.52C RCW. These

1 additional requirements shall ensure that any person associated with
2 a licensed agency or facility having unsupervised access with a
3 vulnerable adult shall not be the respondent in an active
4 (~~protective~~) vulnerable adult protection order under chapter 7.---
5 RCW ((74.34.130)) (the new chapter created in section 78 of this
6 act), nor have been: (i) Convicted of a crime against children or
7 other persons as defined in RCW 43.43.830, except as provided in this
8 section; (ii) convicted of crimes relating to financial exploitation
9 as defined in RCW 43.43.830, except as provided in this section; or
10 (iii) found in any disciplinary board final decision to have abused a
11 vulnerable adult (~~under~~) as defined in RCW 43.43.830.

12 (b) A person associated with a licensed agency or facility who
13 has unsupervised access with a vulnerable adult shall make the
14 disclosures specified in RCW 43.43.834(2). The person shall make the
15 disclosures in writing, sign, and swear to the contents under penalty
16 of perjury. The person shall, in the disclosures, specify all crimes
17 against children or other persons, all crimes relating to financial
18 exploitation, and all crimes relating to drugs as defined in RCW
19 43.43.830, committed by the person.

20 (2) The rules adopted under this section shall permit the
21 licensee to consider the criminal history of an applicant for
22 employment in a licensed facility when the applicant has one or more
23 convictions for a past offense and:

24 (a) The offense was simple assault, assault in the fourth degree,
25 or the same offense as it may be renamed, and three or more years
26 have passed between the most recent conviction and the date of
27 application for employment;

28 (b) The offense was prostitution, or the same offense as it may
29 be renamed, and three or more years have passed between the most
30 recent conviction and the date of application for employment;

31 (c) The offense was theft in the third degree, or the same
32 offense as it may be renamed, and three or more years have passed
33 between the most recent conviction and the date of application for
34 employment;

35 (d) The offense was theft in the second degree, or the same
36 offense as it may be renamed, and five or more years have passed
37 between the most recent conviction and the date of application for
38 employment;

1 (e) The offense was forgery, or the same offense as it may be
2 renamed, and five or more years have passed between the most recent
3 conviction and the date of application for employment;

4 (f) The department of social and health services reviewed the
5 employee's otherwise disqualifying criminal history through the
6 department of social and health services' background assessment
7 review team process conducted in 2002, and determined that such
8 employee could remain in a position covered by this section; or

9 (g) The otherwise disqualifying conviction or disposition has
10 been the subject of a pardon, annulment, or other equivalent
11 procedure.

12 The offenses set forth in (a) through (g) of this subsection do
13 not automatically disqualify an applicant from employment by a
14 licensee. Nothing in this section may be construed to require the
15 employment of any person against a licensee's judgment.

16 (3) The rules adopted pursuant to subsection (2) of this section
17 may not allow a licensee to automatically deny an applicant with a
18 conviction for an offense set forth in subsection (2) of this section
19 for a position as a substance use disorder professional or substance
20 use disorder professional trainee certified under chapter 18.205 RCW
21 if:

22 (a) At least one year has passed between the applicant's most
23 recent conviction for an offense set forth in subsection (2) of this
24 section and the date of application for employment;

25 (b) The offense was committed as a result of the applicant's
26 substance use or untreated mental health symptoms; and

27 (c) The applicant is at least one year in recovery from a
28 substance use disorder, whether through abstinence or stability on
29 medication-assisted therapy, or in recovery from a mental health
30 disorder.

31 (4) The rules adopted pursuant to subsection (2) of this section
32 may not allow a licensee to automatically deny an applicant with a
33 conviction for an offense set forth in subsection (2) of this section
34 for a position as an agency affiliated counselor registered under
35 chapter 18.19 RCW practicing as a peer counselor in an agency or
36 facility if:

37 (a) At least one year has passed between the applicant's most
38 recent conviction for an offense set forth in subsection (2) of this
39 section and the date of application for employment;

1 (b) The offense was committed as a result of the person's
2 substance use or untreated mental health symptoms; and

3 (c) The applicant is at least one year in recovery from a
4 substance use disorder, whether through abstinence or stability on
5 medication-assisted therapy, or in recovery from mental health
6 challenges.

7 (5) In consultation with law enforcement personnel, the secretary
8 of social and health services and the secretary of health shall
9 investigate, or cause to be investigated, the conviction record and
10 the protection proceeding record information under this chapter of
11 the staff of each agency or facility under their respective
12 jurisdictions seeking licensure or relicensure. An individual
13 responding to a criminal background inquiry request from his or her
14 employer or potential employer shall disclose the information about
15 his or her criminal history under penalty of perjury. The secretaries
16 shall use the information solely for the purpose of determining
17 eligibility for licensure or relicensure. Criminal justice agencies
18 shall provide the secretaries such information as they may have and
19 that the secretaries may require for such purpose.

20 **Sec. 151.** RCW 48.18.550 and 2020 c 29 s 15 are each amended to
21 read as follows:

22 (1) No insurer shall deny or refuse to accept an application for
23 insurance, refuse to insure, refuse to renew, cancel, restrict, or
24 otherwise terminate a policy of insurance, or charge a different rate
25 for the same coverage on the basis that the applicant or insured
26 person is, has been, or may be a victim of domestic abuse.

27 (2) Nothing in this section shall prevent an insurer from taking
28 any of the actions set forth in subsection (1) of this section on the
29 basis of loss history or medical condition or for any other reason
30 not otherwise prohibited by this section, any other law, regulation,
31 or rule.

32 (3) Any form filed or filed after June 11, 1998, subject to RCW
33 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may
34 exclude coverage for losses caused by intentional or fraudulent acts
35 of any insured. Such an exclusion, however, shall not apply to deny
36 an insured's otherwise-covered property loss if the property loss is
37 caused by an act of domestic abuse by another insured under the
38 policy, the insured claiming property loss files a police report and
39 cooperates with any law enforcement investigation relating to the act

1 of domestic abuse, and the insured claiming property loss did not
2 cooperate in, or contribute to, the creation of the property loss.
3 Payment by the insurer to an insured may be limited to the person's
4 insurable interest in the property less payments made to a mortgagee
5 or other party with a legal secured interest in the property. An
6 insurer making payment to an insured under this section has all
7 rights of subrogation to recover against the perpetrator of the act
8 that caused the loss.

9 (4) Nothing in this section prohibits an insurer from
10 investigating a claim and complying with chapter 48.30A RCW.

11 (5) For the purposes of this section, the following definitions
12 apply:

13 (a) "Domestic abuse" means: (i) Physical harm, bodily injury,
14 assault, or the infliction of fear of imminent physical harm, bodily
15 injury, or assault between family or household members or intimate
16 partners; (ii) sexual assault of one family or household member by
17 another or of one intimate partner by another; (iii) stalking as
18 defined in RCW 9A.46.110 of one family or household member by another
19 or of one intimate partner by another; or (iv) intentionally,
20 knowingly, or recklessly causing damage to property so as to
21 intimidate or attempt to control the behavior of another family or
22 household member or of another intimate partner.

23 (b) "Family or household member" has the same meaning as in RCW
24 ((~~26.50.010~~)) 10.99.020.

25 (c) "Intimate partner" has the same meaning as in RCW
26 ((~~26.50.010~~)) 10.99.020.

27 **Sec. 152.** RCW 49.76.020 and 2017 3rd sp.s. c 5 s 90 are each
28 amended to read as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"
32 and "sick leave and other paid time off" have the same meanings as in
33 RCW 49.12.265.

34 (2) "Dating relationship" has the same meaning as in ((RCW
35 ~~26.50.010~~)) section 2 of this act.

36 (3) "Department," "director," "employer," and "employee" have the
37 same meanings as in RCW 49.12.005.

38 (4) "Domestic violence" has the same meaning as in ((RCW
39 ~~26.50.010~~)) section 2 of this act.

1 (5) "Family member" means any individual whose relationship to
2 the employee can be classified as a child, spouse, parent, parent-in-
3 law, grandparent, or person with whom the employee has a dating
4 relationship.

5 (6) "Intermittent leave" is leave taken in separate blocks of
6 time due to a single qualifying reason.

7 (7) "Reduced leave schedule" means a leave schedule that reduces
8 the usual number of hours per workweek, or hours per workday, of an
9 employee.

10 (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

11 (9) "Stalking" has the same meaning as in RCW 9A.46.110.

12 **Sec. 153.** RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1
13 are each reenacted and amended to read as follows:

14 (1) With respect to claims that have an effective date on or
15 after January 4, 2004, and for separations that occur before
16 September 6, 2009:

17 (a) An individual shall be disqualified from benefits beginning
18 with the first day of the calendar week in which he or she has left
19 work voluntarily without good cause and thereafter for seven calendar
20 weeks and until he or she has obtained bona fide work in employment
21 covered by this title and earned wages in that employment equal to
22 seven times his or her weekly benefit amount.

23 The disqualification shall continue if the work obtained is a
24 mere sham to qualify for benefits and is not bona fide work. In
25 determining whether work is of a bona fide nature, the commissioner
26 shall consider factors including but not limited to the following:

27 (i) The duration of the work;

28 (ii) The extent of direction and control by the employer over the
29 work; and

30 (iii) The level of skill required for the work in light of the
31 individual's training and experience.

32 (b) An individual is not disqualified from benefits under (a) of
33 this subsection when:

34 (i) He or she has left work to accept a bona fide offer of bona
35 fide work as described in (a) of this subsection;

36 (ii) The separation was necessary because of the illness or
37 disability of the claimant or the death, illness, or disability of a
38 member of the claimant's immediate family if:

1 (A) The claimant pursued all reasonable alternatives to preserve
2 his or her employment status by requesting a leave of absence, by
3 having promptly notified the employer of the reason for the absence,
4 and by having promptly requested reemployment when again able to
5 assume employment. These alternatives need not be pursued, however,
6 when they would have been a futile act, including those instances
7 when the futility of the act was a result of a recognized labor/
8 management dispatch system; and

9 (B) The claimant terminated his or her employment status, and is
10 not entitled to be reinstated to the same position or a comparable or
11 similar position;

12 (iii)(A) With respect to claims that have an effective date
13 before July 2, 2006, he or she: (I) Left work to relocate for the
14 spouse's employment that, due to a mandatory military transfer: (1)
15 Is outside the existing labor market area; and (2) is in Washington
16 or another state that, pursuant to statute, does not consider such an
17 individual to have left work voluntarily without good cause; and (II)
18 remained employed as long as was reasonable prior to the move;

19 (B) With respect to claims that have an effective date on or
20 after July 2, 2006, he or she: (I) Left work to relocate for the
21 spouse's employment that, due to a mandatory military transfer, is
22 outside the existing labor market area; and (II) remained employed as
23 long as was reasonable prior to the move;

24 (iv) The separation was necessary to protect the claimant or the
25 claimant's immediate family members from domestic violence, as
26 defined in (~~RCW 26.50.010~~) section 2 of this act, or stalking, as
27 defined in RCW 9A.46.110;

28 (v) The individual's usual compensation was reduced by twenty-
29 five percent or more;

30 (vi) The individual's usual hours were reduced by twenty-five
31 percent or more;

32 (vii) The individual's worksite changed, such change caused a
33 material increase in distance or difficulty of travel, and, after the
34 change, the commute was greater than is customary for workers in the
35 individual's job classification and labor market;

36 (viii) The individual's worksite safety deteriorated, the
37 individual reported such safety deterioration to the employer, and
38 the employer failed to correct the hazards within a reasonable period
39 of time;

1 (ix) The individual left work because of illegal activities in
2 the individual's worksite, the individual reported such activities to
3 the employer, and the employer failed to end such activities within a
4 reasonable period of time;

5 (x) The individual's usual work was changed to work that violates
6 the individual's religious convictions or sincere moral beliefs; or

7 (xi) The individual left work to enter an apprenticeship program
8 approved by the Washington state apprenticeship training council.
9 Benefits are payable beginning Sunday of the week prior to the week
10 in which the individual begins active participation in the
11 apprenticeship program.

12 (2) With respect to separations that occur on or after September
13 6, 2009:

14 (a) An individual shall be disqualified from benefits beginning
15 with the first day of the calendar week in which he or she has left
16 work voluntarily without good cause and thereafter for seven calendar
17 weeks and until he or she has obtained bona fide work in employment
18 covered by this title and earned wages in that employment equal to
19 seven times his or her weekly benefit amount. Good cause reasons to
20 leave work are limited to reasons listed in (b) of this subsection.

21 The disqualification shall continue if the work obtained is a
22 mere sham to qualify for benefits and is not bona fide work. In
23 determining whether work is of a bona fide nature, the commissioner
24 shall consider factors including but not limited to the following:

25 (i) The duration of the work;

26 (ii) The extent of direction and control by the employer over the
27 work; and

28 (iii) The level of skill required for the work in light of the
29 individual's training and experience.

30 (b) An individual has good cause and is not disqualified from
31 benefits under (a) of this subsection only under the following
32 circumstances:

33 (i) He or she has left work to accept a bona fide offer of bona
34 fide work as described in (a) of this subsection;

35 (ii) The separation was necessary because of the illness or
36 disability of the claimant or the death, illness, or disability of a
37 member of the claimant's immediate family if:

38 (A) The claimant pursued all reasonable alternatives to preserve
39 his or her employment status by requesting a leave of absence, by
40 having promptly notified the employer of the reason for the absence,

1 and by having promptly requested reemployment when again able to
2 assume employment. These alternatives need not be pursued, however,
3 when they would have been a futile act, including those instances
4 when the futility of the act was a result of a recognized labor/
5 management dispatch system; and

6 (B) The claimant terminated his or her employment status, and is
7 not entitled to be reinstated to the same position or a comparable or
8 similar position;

9 (iii) The claimant: (A) Left work to relocate for the employment
10 of a spouse or domestic partner that is outside the existing labor
11 market area; and (B) remained employed as long as was reasonable
12 prior to the move;

13 (iv) The separation was necessary to protect the claimant or the
14 claimant's immediate family members from domestic violence, as
15 defined in ((~~RCW 26.50.010~~)) section 2 of this act, or stalking, as
16 defined in RCW 9A.46.110;

17 (v) The individual's usual compensation was reduced by twenty-
18 five percent or more;

19 (vi) The individual's usual hours were reduced by twenty-five
20 percent or more;

21 (vii) The individual's worksite changed, such change caused a
22 material increase in distance or difficulty of travel, and, after the
23 change, the commute was greater than is customary for workers in the
24 individual's job classification and labor market;

25 (viii) The individual's worksite safety deteriorated, the
26 individual reported such safety deterioration to the employer, and
27 the employer failed to correct the hazards within a reasonable period
28 of time;

29 (ix) The individual left work because of illegal activities in
30 the individual's worksite, the individual reported such activities to
31 the employer, and the employer failed to end such activities within a
32 reasonable period of time;

33 (x) The individual's usual work was changed to work that violates
34 the individual's religious convictions or sincere moral beliefs; or

35 (xi) The individual left work to enter an apprenticeship program
36 approved by the Washington state apprenticeship training council.
37 Benefits are payable beginning Sunday of the week prior to the week
38 in which the individual begins active participation in the
39 apprenticeship program.

1 (3) Notwithstanding subsection ~~((+2))~~ (1) of this section, for
2 separations occurring on or after July 26, 2009, an individual who
3 was simultaneously employed in full-time employment and part-time
4 employment and is otherwise eligible for benefits from the loss of
5 the full-time employment shall not be disqualified from benefits
6 because the individual:

7 (a) Voluntarily quit the part-time employment before the loss of
8 the full-time employment; and

9 (b) Did not have prior knowledge that he or she would be
10 separated from full-time employment.

11 **Sec. 154.** RCW 59.18.570 and 2009 c 395 s 1 are each reenacted
12 and amended to read as follows:

13 The definitions in this section apply throughout this section and
14 RCW 59.18.575 through 59.18.585 unless the context clearly requires
15 otherwise.

16 (1) "Credit reporting agency" has the same meaning as set forth
17 in RCW 19.182.010(5).

18 (2) "Domestic violence" has the same meaning as set forth in
19 ~~((RCW 26.50.010))~~ section 2 of this act.

20 (3) "Household member" means a child or adult residing with the
21 tenant other than the perpetrator of domestic violence, stalking, or
22 sexual assault.

23 (4) "Landlord" has the same meaning as in RCW 59.18.030 and
24 includes the landlord's employees.

25 (5) "Qualified third party" means any of the following people
26 acting in their official capacity:

27 (a) Law enforcement officers;

28 (b) Persons subject to the provisions of chapter 18.120 RCW;

29 (c) Employees of a court of the state;

30 (d) Licensed mental health professionals or other licensed
31 counselors;

32 (e) Employees of crime victim/witness programs as defined in RCW
33 7.69.020 who are trained advocates for the program; and

34 (f) Members of the clergy as defined in RCW 26.44.020.

35 (6) "Sexual assault" has the same meaning as set forth in RCW
36 70.125.030.

37 (7) "Stalking" has the same meaning as set forth in RCW
38 9A.46.110.

1 (8) "Tenant screening service provider" means any nongovernmental
2 agency that provides, for a fee, background information on
3 prospective tenants to landlords.

4 (9) "Unlawful harassment" has the same meaning as in ((RCW
5 ~~10.14.020~~)) section 2 of this act and also includes any request for
6 sexual favors to a tenant or household member in return for a change
7 in or performance of any or all terms of a lease or rental agreement.

8 **Sec. 155.** RCW 59.18.575 and 2019 c 46 s 5042 are each amended to
9 read as follows:

10 (1)(a) If a tenant notifies the landlord in writing that he or
11 she or a household member was a victim of an act that constitutes a
12 crime of domestic violence, sexual assault, unlawful harassment, or
13 stalking, and either (a)(i) or (ii) of this subsection applies, then
14 subsection (2) of this section applies:

15 (i) The tenant or the household member has a domestic violence
16 protection order, sexual assault protection order, stalking
17 protection order, or antiharassment protection order under chapter
18 7.--- RCW (the new chapter created in section 78 of this act), or a
19 valid order for protection under one or more of the following:
20 Chapter ((7.90, 26.50,)) 26.26A((7)) or 26.26B RCW, or any of the
21 former chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050,
22 ((10.14.080,)) 10.99.040 (2) or (3), or 26.09.050, or former RCW
23 10.14.080; or

24 (ii) The tenant or the household member has reported the domestic
25 violence, sexual assault, unlawful harassment, or stalking to a
26 qualified third party acting in his or her official capacity and the
27 qualified third party has provided the tenant or the household member
28 a written record of the report signed by the qualified third party.

29 (b) When a copy of a valid order for protection or a written
30 record of a report signed by a qualified third party, as required
31 under (a) of this subsection, is made available to the landlord, the
32 tenant may terminate the rental agreement and quit the premises
33 without further obligation under the rental agreement or under this
34 chapter. However, the request to terminate the rental agreement must
35 occur within ninety days of the reported act, event, or circumstance
36 that gave rise to the protective order or report to a qualified third
37 party. A record of the report to a qualified third party that is
38 provided to the tenant or household member shall consist of a
39 document signed and dated by the qualified third party stating: (i)

1 That the tenant or the household member notified him or her that he
2 or she was a victim of an act or acts that constitute a crime of
3 domestic violence, sexual assault, unlawful harassment, or stalking;
4 (ii) the time and date the act or acts occurred; (iii) the location
5 where the act or acts occurred; (iv) a brief description of the act
6 or acts of domestic violence, sexual assault, unlawful harassment, or
7 stalking; and (v) that the tenant or household member informed him or
8 her of the name of the alleged perpetrator of the act or acts. The
9 record of the report provided to the tenant or household member shall
10 not include the name of the alleged perpetrator of the act or acts of
11 domestic violence, sexual assault, unlawful harassment, or stalking.
12 The qualified third party shall keep a copy of the record of the
13 report and shall note on the retained copy the name of the alleged
14 perpetrator of the act or acts of domestic violence, sexual assault,
15 unlawful harassment, or stalking. The record of the report to a
16 qualified third party may be accomplished by completion of a form
17 provided by the qualified third party, in substantially the following
18 form:

19
20 [Name of organization, agency, clinic, professional service
21 provider]

22 I and/or my (household member) am/is a victim
23 of

24 ... domestic violence as defined by ((RCW
25 26.50.010)) section 2 of this act.

26 ... sexual assault as defined by RCW
27 70.125.030.

28 ... stalking as defined by RCW 9A.46.110.

29 ... unlawful harassment as defined by RCW
30 59.18.570.

31 Briefly describe the incident of domestic violence,
32 sexual assault, unlawful harassment, or stalking:
33

34 The incident(s) that I rely on in support of this
35 declaration occurred on the following date(s) and time(s)
36 and at the following location(s):

1 The incident(s) that I rely on in support of this
2 declaration were committed by the following person(s): . . .
3

4 I state under penalty of perjury under the laws of the
5 state of Washington that the foregoing is true and correct.

6 Dated at (city) . ., Washington, this . . . day
7 of, (year)

8

9 Signature of Tenant or
10 Household Member

11 I verify that I have provided to the person whose
12 signature appears above the statutes cited in RCW
13 59.18.575 and that the individual was a victim of an act that
14 constitutes a crime of domestic violence, sexual assault,
15 unlawful harassment, or stalking, and that the individual
16 informed me of the name of the alleged perpetrator of the
17 act.

18 Dated this . . . day of, (year)

19

20 Signature of authorized
21 officer/employee of
22 (Organization, agency, clinic,
23 professional service provider)

24 (2) A tenant who terminates a rental agreement under this section
25 is discharged from the payment of rent for any period following the
26 last day of the month of the quitting date. The tenant shall remain
27 liable for the rent for the month in which he or she terminated the
28 rental agreement unless the termination is in accordance with RCW
29 59.18.200(1). Notwithstanding lease provisions that allow for
30 forfeiture of a deposit for early termination, a tenant who
31 terminates under this section is entitled to the return of the full
32 deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who
33 are parties to the rental agreement, except household members who are
34 the victims of sexual assault, stalking, unlawful harassment, or
35 domestic violence, are not released from their obligations under the
36 rental agreement or other obligations under this chapter.

37 (3) (a) Notwithstanding any other provision under this section, if
38 a tenant or a household member is a victim of sexual assault,

1 stalking, or unlawful harassment by a landlord, the tenant may
2 terminate the rental agreement and quit the premises without further
3 obligation under the rental agreement or under this chapter prior to
4 making a copy of a valid order for protection or a written record of
5 a report signed by a qualified third party available to the landlord,
6 provided that:

7 (i) The tenant must deliver a copy of a valid order for
8 protection or written record of a report signed by a qualified third
9 party to the landlord by mail, fax, or personal delivery by a third
10 party within seven days of quitting the tenant's dwelling unit; and

11 (ii) A written record of a report signed by the qualified third
12 party must be substantially in the form specified under subsection
13 (1)(b) of this section. The record of the report provided to the
14 landlord must not include the name of the alleged perpetrator of the
15 act. On written request by the landlord, the qualified third party
16 shall, within seven days, provide the name of the alleged perpetrator
17 of the act to the landlord only if the alleged perpetrator was a
18 person meeting the definition of the term "landlord" under RCW
19 59.18.570.

20 (b) A tenant who terminates his or her rental agreement under
21 this subsection is discharged from the payment of rent for any period
22 following the latter of: (i) The date the tenant vacates the unit; or
23 (ii) the date the record of the report of the qualified third party
24 and the written notice that the tenant has vacated are delivered to
25 the landlord by mail, fax, or personal delivery by a third party. The
26 tenant is entitled to a pro rata refund of any prepaid rent and must
27 receive a full and specific statement of the basis for retaining any
28 of the deposit together with any refund due in accordance with RCW
29 59.18.280.

30 (4) If a tenant or a household member is a victim of sexual
31 assault, stalking, or unlawful harassment by a landlord, the tenant
32 may change or add locks to the tenant's dwelling unit at the tenant's
33 expense. If a tenant exercises his or her rights to change or add
34 locks, the following rules apply:

35 (a) Within seven days of changing or adding locks, the tenant
36 must deliver to the landlord by mail, fax, or personal delivery by a
37 third party: (i) Written notice that the tenant has changed or added
38 locks; and (ii) a copy of a valid order for protection or a written
39 record of a report signed by a qualified third party. A written
40 record of a report signed by a qualified third party must be

1 substantially in the form specified under subsection (1)(b) of this
2 section. The record of the report provided to the landlord must not
3 include the name of the alleged perpetrator of the act. On written
4 request by the landlord, the qualified third party shall, within
5 seven days, provide the name of the alleged perpetrator to the
6 landlord only if the alleged perpetrator was a person meeting the
7 definition of the term "landlord" under RCW 59.18.570.

8 (b) After the tenant provides notice to the landlord that the
9 tenant has changed or added locks, the tenant's rental agreement
10 shall terminate on the ninetieth day after providing such notice,
11 unless:

12 (i) Within sixty days of providing notice that the tenant has
13 changed or added locks, the tenant notifies the landlord in writing
14 that the tenant does not wish to terminate his or her rental
15 agreement. If the perpetrator has been identified by the qualified
16 third party and is no longer an employee or agent of the landlord or
17 owner and does not reside at the property, the tenant shall provide
18 the owner or owner's designated agent with a copy of the key to the
19 new locks at the same time as providing notice that the tenant does
20 not wish to terminate his or her rental agreement. A tenant who has a
21 valid protection, antiharassment, or other protective order against
22 the owner of the premises or against an employee or agent of the
23 landlord or owner is not required to provide a key to the new locks
24 until the protective order expires or the tenant vacates; or

25 (ii) The tenant exercises his or her rights to terminate the
26 rental agreement under subsection (3) of this section within sixty
27 days of providing notice that the tenant has changed or added locks.

28 (c) After a landlord receives notice that a tenant has changed or
29 added locks to his or her dwelling unit under (a) of this subsection,
30 the landlord may not enter the tenant's dwelling unit except as
31 follows:

32 (i) In the case of an emergency, the landlord may enter the unit
33 if accompanied by a law enforcement or fire official acting in his or
34 her official capacity. If the landlord reasonably concludes that the
35 circumstances require immediate entry into the unit, the landlord
36 may, after notifying emergency services, use such force as necessary
37 to enter the unit if the tenant is not present; or

38 (ii) The landlord complies with the requirements of RCW 59.18.150
39 and clearly specifies in writing the time and date that the landlord

1 intends to enter the unit and the purpose for entering the unit. The
2 tenant must make arrangements to permit access by the landlord.

3 (d) The exercise of rights to change or add locks under this
4 subsection does not discharge the tenant from the payment of rent
5 until the rental agreement is terminated and the tenant vacates the
6 unit.

7 (e) The tenant may not change any locks to common areas and must
8 make keys for new locks available to other household members.

9 (f) Upon vacating the dwelling unit, the tenant must deliver the
10 key and all copies of the key to the landlord by mail or personal
11 delivery by a third party.

12 (5) A tenant's remedies under this section do not preempt any
13 other legal remedy available to the tenant.

14 (6) The provision of verification of a report under subsection
15 (1)(b) of this section does not waive the confidential or privileged
16 nature of the communication between a victim of domestic violence,
17 sexual assault, or stalking with a qualified third party pursuant to
18 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
19 obtained from such disclosure may be used in any civil,
20 administrative, or criminal proceeding against the victim unless a
21 written waiver of applicable evidentiary privilege is obtained,
22 except that the verification itself, and no other privileged
23 information, under subsection (1)(b) of this section may be used in
24 civil proceedings brought under this section.

25 **Sec. 156.** RCW 71.09.305 and 2002 c 68 s 6 are each amended to
26 read as follows:

27 (1) Unless otherwise ordered by the court:

28 (a) Residents of a secure community transition facility shall
29 wear electronic monitoring devices at all times. To the extent that
30 electronic monitoring devices that employ global positioning system
31 technology are available and funds for this purpose are appropriated
32 by the legislature, the department shall use these devices.

33 (b) At least one staff member, or other court-authorized and
34 department-approved person must escort each resident when the
35 resident leaves the secure community transition facility for
36 appointments, employment, or other approved activities. Escorting
37 persons must supervise the resident closely and maintain close
38 proximity to the resident. The escort must immediately notify the
39 department of any serious violation, as defined in RCW 71.09.325, by

1 the resident and must immediately notify law enforcement of any
2 violation of law by the resident. The escort may not be a relative of
3 the resident or a person with whom the resident has, or has had, a
4 dating relationship as defined in (~~RCW 26.50.010~~) section 2 of this
5 act.

6 (2) Staff members of the special commitment center and any other
7 total confinement facility and any secure community transition
8 facility must be trained in self-defense and appropriate crisis
9 responses including incident de-escalation. Prior to escorting a
10 person outside of a facility, staff members must also have training
11 in the offense pattern of the offender they are escorting.

12 (3) Any escort must carry a cellular telephone or a similar
13 device at all times when escorting a resident of a secure community
14 transition facility.

15 (4) The department shall require training in offender pattern,
16 self-defense, and incident response for all court-authorized escorts
17 who are not employed by the department or the department of
18 corrections.

19 **Sec. 157.** RCW 71.32.090 and 2003 c 283 s 9 are each amended to
20 read as follows:

21 A witness may not be any of the following:

22 (1) A person designated to make health care decisions on the
23 principal's behalf;

24 (2) A health care provider or professional person directly
25 involved with the provision of care to the principal at the time the
26 directive is executed;

27 (3) An owner, operator, employee, or relative of an owner or
28 operator of a health care facility or long-term care facility in
29 which the principal is a patient or resident;

30 (4) A person who is related by blood, marriage, or adoption to
31 the person or with whom the principal has a dating relationship, as
32 defined in (~~RCW 26.50.010~~) section 2 of this act;

33 (5) A person who is declared to be an incapacitated person; or

34 (6) A person who would benefit financially if the principal
35 making the directive undergoes mental health treatment.

36 **Sec. 158.** RCW 71.32.200 and 2016 c 209 s 412 are each amended to
37 read as follows:

1 Any person with reasonable cause to believe that a directive has
2 been created or revoked under circumstances amounting to fraud,
3 duress, or undue influence may petition the court for appointment of
4 a guardian for the person or to review the actions of the agent or
5 person alleged to be involved in improper conduct under RCW
6 11.125.160 or (~~(74.34.110)~~) chapter 74.34 RCW.

7 **Sec. 159.** RCW 71.32.260 and 2016 c 209 s 413 and 2016 c 155 s 16
8 are each reenacted and amended to read as follows:

9 The directive shall be in substantially the following form:

10 Mental Health Advance Directive

11 **NOTICE TO PERSONS**

12 **CREATING A MENTAL HEALTH ADVANCE DIRECTIVE**

13 This is an important legal document. It creates an advance directive for mental health treatment. Before signing this
14 document you should know these important facts:

15 (1) This document is called an advance directive and allows you to make decisions in advance about your mental health
16 treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

17 **YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.**

18 **IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.**

19 If you choose to complete and sign this document, you may still decide to leave some items blank.

20 (2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent
21 that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes
22 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.
23 Your agent has the right to withdraw from the appointment at any time.

24 (3) The instructions you include with this advance directive and the authority you give your agent to act will only become
25 effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority
26 to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may
27 also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment
28 providers must still seek your informed consent at all times that you have capacity to give informed consent.

29 (4) You have the right to revoke this document in writing at any time you have capacity.

30 **YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE**
31 **INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT**
32 **YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.**

33 (5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration
34 date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment
35 decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

1 (6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance
2 directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different
3 process.

4 (7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

5 (8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

6 (9) You should discuss any treatment decisions in your directive with your provider.

7 (10) You may ask the court to rule on the validity of your directive.

8
9 **PART I.**

10 **STATEMENT OF INTENT TO CREATE A**
11 **MENTAL HEALTH ADVANCE DIRECTIVE**

12 I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that
13 my choices regarding my mental health care will be carried out in circumstances when I am unable to express my
14 instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health
15 decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

16 The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed
17 sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in
18 my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the
19 extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

20 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
21 revoke this directive if a court, two health care providers, or one mental health professional and one health care provider
22 find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive
23 while incapacitated.

24 I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this
25 directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional
26 person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial
27 exploitation, or abandonment to carry out my directive.

28 I understand that there are some circumstances where my provider may not have to follow my directive.

29
30 **PART II.**

31 **WHEN THIS DIRECTIVE IS EFFECTIVE**

32 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

33 I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

34 Immediately upon my signing of this directive.

35 If I become incapacitated.

36 When the following circumstances, symptoms, or behaviors occur:

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PART III.

DURATION OF THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

..... Remain valid and in effect for an indefinite period of time.

..... Automatically expire years from the date it was created.

PART IV.

WHEN I MAY REVOKE THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

..... Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

..... Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART V.

**PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS (~~(F~~
~~PHYSICIAN ASSISTANTS,))~~, PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED
NURSE PRACTITIONERS**

A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr., PA-C, or PARNP Contact information:

Dr., PA-C, or PARNP Contact information:

I do not wish to be treated by Dr. or PARNP.

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name Profession Contact information.

1 Name Profession Contact information.

2 **C. Preferences and Instructions About Medications for Psychiatric Treatment** (*initial and complete all that apply*)

3 I consent, and authorize my agent (if appointed) to consent, to the following
4 medications:

5 I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following
6 medications:

7 I am willing to take the medications excluded above if my only reason for excluding them is the side effects which
8 include.
9 and these side effects can be eliminated by dosage adjustment or other means

10 I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered
11 nurse practitioner recommends

12 I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced
13 registered nurse practitioner recommends

14 I do not want to try any other medications.

15 **Medication Allergies**

16 I have allergies to, or severe side effects from, the following:

17

18 **Other Medication Preferences or Instructions**

19 I have the following other preferences or instructions about medications.

20

21 **D. Preferences and Instructions About Hospitalization and Alternatives**

22 (*initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on*)

23 In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions
24 that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as
25 alternatives to psychiatric hospitalizations.

26 I would also like the interventions below to be tried before hospitalization is considered:

27 Calling someone or having someone call me when needed.

28 Name: Telephone:

29 Staying overnight with someone

30 Name: Telephone:

31 Having a mental health service provider come to see me

32 Going to a crisis triage center or emergency room

33 Staying overnight at a crisis respite (temporary) bed

34 Seeing a service provider for help with psychiatric medications

1 Other, specify:

2 **Authority to Consent to Inpatient Treatment**

3 I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment
4 for days (*not to exceed 14 days*)

5 (Sign one):

6 If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric
7 advanced registered nurse practitioner

8

9 (Signature)

10 or

11 Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for
12 hospitalization)

13

14 (Signature)

15 I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

16

17 (Signature)

18 **Hospital Preferences and Instructions**

19 If hospitalization is required, I prefer the following hospitals:

20 I do not consent to be admitted to the following hospitals:

21 **E. Preferences and Instructions About Preemergency**

22 I would like the interventions below to be tried before use of seclusion or restraint is considered
23 (*initial all that apply*):

24 "Talk me down" one-on-one

25 More medication

26 Time out/privacy

27 Show of authority/force

28 Shift my attention to something else

29 Set firm limits on my behavior

30 Help me to discuss/vent feelings

31 Decrease stimulation

32 Offer to have neutral person settle dispute

33 Other, specify

34 **F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

1 If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of
2 medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and*
3 *so on*):

- 4 Seclusion
- 5 Seclusion and physical restraint (combined)
- 6 Medication by injection
- 7 Medication in pill or liquid form

8 In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides
9 to use medication in response to an emergency situation after due consideration of my preferences and instructions for
10 emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have
11 expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in
12 emergency situations do not constitute consent to use of the medication for nonemergency treatment.

13 **G. Preferences and Instructions About Electroconvulsive Therapy**
14 **(ECT or Shock Therapy)**

15 My wishes regarding electroconvulsive therapy are (*sign one*):

16 I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive
17 therapy

18

19 (Signature)

20 I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

21

22 (Signature)

23 I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but
24 only under the following conditions:

25

26 (Signature)

27 **H. Preferences and Instructions About Who is Permitted to Visit**

28 If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

- 29 Name:
- 30 Name:
- 31 Name:

32 I understand that persons not listed above may be permitted to visit me.

33 **I. Additional Instructions About My Mental Health Care**

34 Other instructions about my mental health care:

35 In case of emergency, please contact:

1 Name: Address:
2 Work telephone: Home telephone:
3 Physician, Physician Assistant, or Psychiatric Address:
4 Advanced Registered Nurse Practitioner:
5 Telephone:
6 The following may help me to avoid a hospitalization:
7 I generally react to being hospitalized as follows:
8 Staff of the hospital or crisis unit can help me by doing the following:

9 **J. Refusal of Treatment**

10 I do not consent to any mental health treatment.

11

12 (Signature)

14 **PART VI.**

15 **DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

16 *(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

17 I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes
18 the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure,
19 consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be
20 made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this
21 document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent
22 determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this
23 durable power of attorney, I may revoke it unless prohibited by other state law.

24 **A. Designation of an Agent**

25 I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document
26 and request that this person be notified immediately when this directive becomes effective:

27 Name: Address:

28 Work telephone: Home telephone:

29 Relationship:

30 **B. Designation of Alternate Agent**

31 If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to
32 serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified
33 immediately when this directive becomes effective or when my original agent is no longer my agent:

34 Name: Address:

35 Work telephone: Home telephone:

1 Relationship:

2 **C. When My Spouse is My Agent** *(initial if desired)*

3 If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is
4 dissolved, unless there is a court order to the contrary or I have remarried.

5 **D. Limitations on My Agent's Authority**

6 I do not grant my agent the authority to consent on my behalf to the following:

7 **E. Limitations on My Ability to Revoke this Durable Power of Attorney**

8 I choose to limit my ability to revoke this durable power of attorney as follows:

9 **F. Preference as to Court-Appointed Guardian**

10 In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the
11 following person **as my guardian**:

12 Name: Address:

13 Work telephone: Home telephone:

14 Relationship:

15 The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or
16 decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by
17 law.

18

19 (Signature required if nomination is made)

20

21 **PART VII.**
22 **OTHER DOCUMENTS**

23 *(Initial all that apply)*

24 I have executed the following documents that include the power to make decisions regarding health care services for
25 myself:

26 Health care power of attorney (chapter 11.125 RCW)

27 "Living will" (Health care directive; chapter 70.122 RCW)

28 I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated
29 below:

30

31 **PART VIII.**
32 **NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

33 *(Fill out this part only if you wish to provide nontreatment instructions.)*

34 I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no
35 treatment provider is required to act on them.

1 **A. Who Should Be Notified**

2 I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

3 Name: Address:

4 Day telephone: Evening telephone:

5 Name: Address:

6 Day telephone: Evening telephone:

7 **B. Preferences or Instructions About Personal Affairs**

8 I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am
9 admitted to a mental health treatment facility:

10 **C. Additional Preferences and Instructions:**

11
12 **PART IX.**
13 **SIGNATURE**

14 By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed
15 consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I
16 intend that my consent in this directive be construed as being consistent with the elements of informed consent under
17 chapter 7.70 RCW.

18 Signature: Date:

19 Printed Name:

20 This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her
21 request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the
22 Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not
23 appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- 24 (A) A person designated to make medical decisions on the principal's behalf;
- 25 (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the
26 directive is executed;
- 27 (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in
28 which the principal is a patient or resident;
- 29 (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating
30 relationship as defined in ((RCW 26.50.010)) section 2 of this act;
- 31 (E) An incapacitated person;
- 32 (F) A person who would benefit financially if the principal undergoes mental health treatment; or
- 33 (G) A minor.

34 Witness 1: Signature: Date:

35 Printed Name:

1 Telephone:..... Address:.....

2 Witness 2: Signature:..... Date:.....

3 Printed Name:.....

4 Telephone:..... Address:.....

5

6 **PART X.**

7 **RECORD OF DIRECTIVE**

8 I have given a copy of this directive to the following persons:

9 DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE

10 THIS DIRECTIVE IN PART OR IN WHOLE

11

12 **PART XI.**

13 **REVOCAION OF THIS DIRECTIVE**

14 *(Initial any that apply):*

15 I am revoking the following part(s) of this directive (specify):

16 I am revoking all of this directive.

17 By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any
18 revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

19 Signature:..... Date:.....

20 Printed Name:.....

21 **DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS**

22 **DIRECTIVE IN PART OR IN WHOLE**

23 **Sec. 160.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to
24 read as follows:

25 (1) At the earliest possible date, and in no event later than
26 thirty days before release except in the event of escape or emergency
27 furloughs as defined in RCW 72.66.010, the department of corrections
28 shall send written notice of parole, release, community custody, work
29 release placement, furlough, or escape about a specific inmate
30 convicted of a violent offense, a sex offense as defined by RCW
31 9.94A.030, a domestic violence court order violation pursuant to
32 section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,
33 26.10.220, 26.26B.050, (~~26.50.110,~~) or 26.52.070 (~~(, or 74.34.145)~~),
34 or any of the former RCW 26.50.110 and 74.34.145, or a felony

1 harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the
2 following:

3 (a) The chief of police of the city, if any, in which the inmate
4 will reside or in which placement will be made in a work release
5 program; and

6 (b) The sheriff of the county in which the inmate will reside or
7 in which placement will be made in a work release program.

8 The sheriff of the county where the offender was convicted shall
9 be notified if the department does not know where the offender will
10 reside. The department shall notify the state patrol of the release
11 of all sex offenders, and that information shall be placed in the
12 Washington crime information center for dissemination to all law
13 enforcement.

14 (2) The same notice as required by subsection (1) of this section
15 shall be sent to the following if such notice has been requested in
16 writing about a specific inmate convicted of a violent offense, a sex
17 offense as defined by RCW 9.94A.030, a domestic violence court order
18 violation pursuant to section 56 of this act, RCW 10.99.040,
19 10.99.050, 26.09.300, 26.10.220, 26.26B.050, (~~(26.50.110)~~) or
20 26.52.070 (~~(, or 74.34.145)~~), or any of the former RCW 26.50.110 and
21 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060
22 or 9A.46.110:

23 (a) The victim of the crime for which the inmate was convicted or
24 the victim's next of kin if the crime was a homicide;

25 (b) Any witnesses who testified against the inmate in any court
26 proceedings involving the violent offense;

27 (c) Any person specified in writing by the prosecuting attorney;
28 and

29 (d) Any person who requests such notice about a specific inmate
30 convicted of a sex offense as defined by RCW 9.94A.030 from the
31 department of corrections at least sixty days prior to the expected
32 release date of the offender.

33 Information regarding victims, next of kin, or witnesses
34 requesting the notice, information regarding any other person
35 specified in writing by the prosecuting attorney to receive the
36 notice, and the notice are confidential and shall not be available to
37 the inmate. Whenever the department of corrections mails notice
38 pursuant to this subsection and the notice is returned as
39 undeliverable, the department shall attempt alternative methods of

1 notification, including a telephone call to the person's last known
2 telephone number.

3 (3) The existence of the notice requirements contained in
4 subsections (1) and (2) of this section shall not require an
5 extension of the release date in the event that the release plan
6 changes after notification.

7 (4) If an inmate convicted of a violent offense, a sex offense as
8 defined by RCW 9.94A.030, a domestic violence court order violation
9 pursuant to section 56 of this act, RCW 10.99.040, 10.99.050,
10 26.09.300, 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070(~~(, or~~
11 ~~74.34.145)~~), or any of the former RCW 26.50.110 and 74.34.145, or a
12 felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,
13 escapes from a correctional facility, the department of corrections
14 shall immediately notify, by the most reasonable and expedient means
15 available, the chief of police of the city and the sheriff of the
16 county in which the inmate resided immediately before the inmate's
17 arrest and conviction. If previously requested, the department shall
18 also notify the witnesses and the victim of the crime for which the
19 inmate was convicted or the victim's next of kin if the crime was a
20 homicide. If the inmate is recaptured, the department shall send
21 notice to the persons designated in this subsection as soon as
22 possible but in no event later than two working days after the
23 department learns of such recapture.

24 (5) If the victim, the victim's next of kin, or any witness is
25 under the age of sixteen, the notice required by this section shall
26 be sent to the parents or legal guardian of the child.

27 (6) The department of corrections shall send the notices required
28 by this chapter to the last address provided to the department by the
29 requesting party. The requesting party shall furnish the department
30 with a current address.

31 (7) The department of corrections shall keep, for a minimum of
32 two years following the release of an inmate, the following:

33 (a) A document signed by an individual as proof that that person
34 is registered in the victim or witness notification program; and

35 (b) A receipt showing that an individual registered in the victim
36 or witness notification program was mailed a notice, at the
37 individual's last known address, upon the release or movement of an
38 inmate.

39 (8) For purposes of this section the following terms have the
40 following meanings:

1 (a) "Violent offense" means a violent offense under RCW
2 9.94A.030;

3 (b) "Next of kin" means a person's spouse, state registered
4 domestic partner, parents, siblings and children.

5 (9) Nothing in this section shall impose any liability upon a
6 chief of police of a city or sheriff of a county for failing to
7 request in writing a notice as provided in subsection (1) of this
8 section.

9 **Sec. 161.** RCW 72.09.714 and 2019 c 46 s 5044 are each amended to
10 read as follows:

11 The department of corrections shall provide the victims,
12 witnesses, and next of kin in the case of a homicide and victims and
13 witnesses involved in violent offense cases, sex offenses as defined
14 by RCW 9.94A.030, a domestic violence court order violation pursuant
15 to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,
16 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070 (~~(, or 74.34.145)~~),
17 or any of the former RCW 26.50.110 and 74.34.145, or a felony
18 harassment pursuant to RCW 9A.46.060 or 9A.46.110, a statement of the
19 rights of victims and witnesses to request and receive notification
20 under RCW 72.09.712 and 72.09.716.

21 **Sec. 162.** RCW 74.34.020 and 2020 c 312 s 735 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

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

29 (2) "Abuse" means the intentional, willful, or reckless action or
30 inaction that inflicts injury, unreasonable confinement,
31 intimidation, or punishment on a vulnerable adult. In instances of
32 abuse of a vulnerable adult who is unable to express or demonstrate
33 physical harm, pain, or mental anguish, the abuse is presumed to
34 cause physical harm, pain, or mental anguish. Abuse includes sexual
35 abuse, mental abuse, physical abuse, and personal exploitation of a
36 vulnerable adult, and improper use of restraint against a vulnerable
37 adult which have the following meanings:

1 (a) "Sexual abuse" means any form of nonconsensual sexual
2 conduct, including but not limited to unwanted or inappropriate
3 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual
4 coercion, sexually explicit photographing or recording, voyeurism,
5 indecent exposure, and sexual harassment. Sexual abuse also includes
6 any sexual conduct between a staff person, who is not also a resident
7 or client, of a facility or a staff person of a program authorized
8 under chapter 71A.12 RCW, and a vulnerable adult living in that
9 facility or receiving service from a program authorized under chapter
10 71A.12 RCW, whether or not it is consensual.

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

15 (c) "Mental abuse" means ((a)) an intentional, willful, or
16 reckless verbal or nonverbal action that threatens, humiliates,
17 harasses, coerces, intimidates, isolates, unreasonably confines, or
18 punishes a vulnerable adult. Mental abuse may include ridiculing,
19 yelling, or swearing.

20 (d) "Personal exploitation" means an act of forcing, compelling,
21 or exerting undue influence over a vulnerable adult causing the
22 vulnerable adult to act in a way that is inconsistent with relevant
23 past behavior, or causing the vulnerable adult to perform services
24 for the benefit of another.

25 (e) "Improper use of restraint" means the inappropriate use of
26 chemical, physical, or mechanical restraints for convenience or
27 discipline or in a manner that: (i) Is inconsistent with federal or
28 state licensing or certification requirements for facilities,
29 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
30 not medically authorized; or (iii) otherwise constitutes abuse under
31 this section.

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

38 (4) "Consent" means express written consent granted after the
39 vulnerable adult or his or her legal representative has been fully

1 informed of the nature of the services to be offered and that the
2 receipt of services is voluntary.

3 (5) "Department" means the department of social and health
4 services.

5 (6) "Facility" means a residence licensed or required to be
6 licensed under chapter 18.20 RCW, assisted living facilities; chapter
7 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
8 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
9 habilitation centers; or any other facility licensed or certified by
10 the department.

11 (7) "Financial exploitation" means the illegal or improper use,
12 control over, or withholding of the property, income, resources, or
13 trust funds of the vulnerable adult by any person or entity for any
14 person's or entity's profit or advantage other than for the
15 vulnerable adult's profit or advantage. "Financial exploitation"
16 includes, but is not limited to:

17 (a) The use of deception, intimidation, or undue influence by a
18 person or entity in a position of trust and confidence with a
19 vulnerable adult to obtain or use the property, income, resources, or
20 trust funds of the vulnerable adult for the benefit of a person or
21 entity other than the vulnerable adult;

22 (b) The breach of a fiduciary duty, including, but not limited
23 to, the misuse of a power of attorney, trust, or a guardianship
24 appointment, that results in the unauthorized appropriation, sale, or
25 transfer of the property, income, resources, or trust funds of the
26 vulnerable adult for the benefit of a person or entity other than the
27 vulnerable adult; or

28 (c) Obtaining or using a vulnerable adult's property, income,
29 resources, or trust funds without lawful authority, by a person or
30 entity who knows or clearly should know that the vulnerable adult
31 lacks the capacity to consent to the release or use of his or her
32 property, income, resources, or trust funds.

33 (8) "Financial institution" has the same meaning as in RCW
34 30A.22.040 and 30A.22.041. For purposes of this chapter only,
35 "financial institution" also means a "broker-dealer" or "investment
36 adviser" as defined in RCW 21.20.005.

37 (9) "Hospital" means a facility licensed under chapter 70.41 or
38 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
39 employee, agent, officer, director, or independent contractor
40 thereof.

1 (10) "Individual provider" means a person under contract with the
2 department to provide services in the home under chapter 74.09 or
3 74.39A RCW.

4 (11) "Interested person" means a person who demonstrates to the
5 court's satisfaction that the person is interested in the welfare of
6 the vulnerable adult, that the person has a good faith belief that
7 the court's intervention is necessary, and that the vulnerable adult
8 is unable, due to incapacity, undue influence, or duress at the time
9 the petition is filed, to protect his or her own interests.

10 (12)(a) "Isolate" or "isolation" means to restrict a vulnerable
11 adult's ability to communicate, visit, interact, or otherwise
12 associate with persons of his or her choosing. Isolation may be
13 evidenced by acts including but not limited to:

14 (i) Acts that prevent a vulnerable adult from sending, making, or
15 receiving his or her personal mail, electronic communications, or
16 telephone calls; or

17 (ii) Acts that prevent or obstruct the vulnerable adult from
18 meeting with others, such as telling a prospective visitor or caller
19 that a vulnerable adult is not present, or does not wish contact,
20 where the statement is contrary to the express wishes of the
21 vulnerable adult.

22 (b) The term "isolate" or "isolation" may not be construed in a
23 manner that prevents a guardian or limited guardian from performing
24 his or her fiduciary obligations under chapter 11.130 RCW or prevents
25 a hospital or facility from providing treatment consistent with the
26 standard of care for delivery of health services.

27 (13) "Mandated reporter" is an employee of the department; law
28 enforcement officer; social worker; professional school personnel;
29 individual provider; an employee of a facility; an operator of a
30 facility; an employee of a social service, welfare, mental health,
31 adult day health, adult day care, home health, home care, or hospice
32 agency; county coroner or medical examiner; Christian Science
33 practitioner; or health care provider subject to chapter 18.130 RCW.

34 (14) "Mechanical restraint" means any device attached or adjacent
35 to the vulnerable adult's body that he or she cannot easily remove
36 that restricts freedom of movement or normal access to his or her
37 body. "Mechanical restraint" does not include the use of devices,
38 materials, or equipment that are (a) medically authorized, as
39 required, and (b) used in a manner that is consistent with federal or

1 state licensing or certification requirements for facilities,
2 hospitals, or programs authorized under chapter 71A.12 RCW.

3 (15) "Neglect" means (a) a pattern of conduct or inaction by a
4 person or entity with a duty of care that fails to provide the goods
5 and services that maintain physical or mental health of a vulnerable
6 adult, or that fails to avoid or prevent physical or mental harm or
7 pain to a vulnerable adult; or (b) an act or omission by a person or
8 entity with a duty of care that demonstrates a serious disregard of
9 consequences of such a magnitude as to constitute a clear and present
10 danger to the vulnerable adult's health, welfare, or safety,
11 including but not limited to conduct prohibited under RCW 9A.42.100.

12 (16) "Permissive reporter" means any person, including, but not
13 limited to, an employee of a financial institution, attorney, or
14 volunteer in a facility or program providing services for vulnerable
15 adults.

16 (17) "Physical restraint" means the application of physical force
17 without the use of any device, for the purpose of restraining the
18 free movement of a vulnerable adult's body. "Physical restraint" does
19 not include (a) briefly holding without undue force a vulnerable
20 adult in order to calm or comfort him or her, or (b) holding a
21 vulnerable adult's hand to safely escort him or her from one area to
22 another.

23 (18) "Protective services" means any services provided by the
24 department to a vulnerable adult with the consent of the vulnerable
25 adult, or the legal representative of the vulnerable adult, who has
26 been abandoned, abused, financially exploited, neglected, or in a
27 state of self-neglect. These services may include, but are not
28 limited to case management, social casework, home care, placement,
29 arranging for medical evaluations, psychological evaluations, day
30 care, or referral for legal assistance.

31 (19) "Self-neglect" means the failure of a vulnerable adult, not
32 living in a facility, to provide for himself or herself the goods and
33 services necessary for the vulnerable adult's physical or mental
34 health, and the absence of which impairs or threatens the vulnerable
35 adult's well-being. This definition may include a vulnerable adult
36 who is receiving services through home health, hospice, or a home
37 care agency, or an individual provider when the neglect is not a
38 result of inaction by that agency or individual provider.

39 (20) "Social worker" means:

40 (a) A social worker as defined in RCW 18.320.010(2); or

1 (b) Anyone engaged in a professional capacity during the regular
2 course of employment in encouraging or promoting the health, welfare,
3 support, or education of vulnerable adults, or providing social
4 services to vulnerable adults, whether in an individual capacity or
5 as an employee or agent of any public or private organization or
6 institution.

7 (21) "Vulnerable adult" includes a person:

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

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

12 (c) Who has a developmental disability as defined under RCW
13 71A.10.020; or

14 (d) Admitted to any facility; or

15 (e) Receiving services from home health, hospice, or home care
16 agencies licensed or required to be licensed under chapter 70.127
17 RCW; or

18 (f) Receiving services from an individual provider; or

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

21 (22) "Vulnerable adult advocacy team" means a team of three or
22 more persons who coordinate a multidisciplinary process, in
23 compliance with chapter 266, Laws of 2017 and the protocol governed
24 by RCW 74.34.320, for preventing, identifying, investigating,
25 prosecuting, and providing services related to abuse, neglect, or
26 financial exploitation of vulnerable adults.

27 **Sec. 163.** RCW 74.34.110 and 2007 c 312 s 3 are each amended to
28 read as follows:

29 ~~((An action known as a petition for an order for protection of a
30 vulnerable adult in cases of abandonment, abuse, financial
31 exploitation, or neglect is created.~~

32 ~~(1))~~ A vulnerable adult, or interested person on behalf of the
33 vulnerable adult, may seek relief from abandonment, abuse, financial
34 exploitation, or neglect, or the threat thereof, by filing a petition
35 for ~~((an order for))~~ a vulnerable adult protection ((in superior
36 court)) order under chapter 7.--- RCW (the new chapter created in
37 section 78 of this act).

38 ~~((2) A petition shall allege that the petitioner, or person on
39 whose behalf the petition is brought, is a vulnerable adult and that~~

1 the petitioner, or person on whose behalf the petition is brought,
2 has been abandoned, abused, financially exploited, or neglected, or
3 is threatened with abandonment, abuse, financial exploitation, or
4 neglect by respondent.

5 (3) A petition shall be accompanied by affidavit made under oath,
6 or a declaration signed under penalty of perjury, stating the
7 specific facts and circumstances which demonstrate the need for the
8 relief sought. If the petition is filed by an interested person, the
9 affidavit or declaration must also include a statement of why the
10 petitioner qualifies as an interested person.

11 (4) A petition for an order may be made whether or not there is a
12 pending lawsuit, complaint, petition, or other action pending that
13 relates to the issues presented in the petition for an order for
14 protection.

15 (5) Within ninety days of receipt of the master copy from the
16 administrative office of the courts, all court clerk's offices shall
17 make available the standardized forms and instructions required by
18 RCW 74.34.115.

19 (6) Any assistance or information provided by any person,
20 including, but not limited to, court clerks, employees of the
21 department, and other court facilitators, to another to complete the
22 forms provided by the court in subsection (5) of this section does
23 not constitute the practice of law.

24 (7) A petitioner is not required to post bond to obtain relief in
25 any proceeding under this section.

26 (8) An action under this section shall be filed in the county
27 where the vulnerable adult resides; except that if the vulnerable
28 adult has left or been removed from the residence as a result of
29 abandonment, abuse, financial exploitation, or neglect, or in order
30 to avoid abandonment, abuse, financial exploitation, or neglect, the
31 petitioner may bring an action in the county of either the vulnerable
32 adult's previous or new residence.

33 (9) No filing fee may be charged to the petitioner for
34 proceedings under this section. Standard forms and written
35 instructions shall be provided free of charge.))

36 **PART XVI**

37 **TECHNICAL CORRECTIONS WITH RECODIFICATIONS**

1 **Sec. 164.** RCW 7.90.150 and 2006 c 138 s 16 are each amended to
2 read as follows:

3 (1) (a) When any person charged with or arrested for a sex offense
4 as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a
5 violation of RCW 9.68A.090, or a gross misdemeanor that is, under
6 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
7 criminal conspiracy to commit an offense that is classified as a sex
8 offense under RCW 9.94A.030, is released from custody before
9 arraignment or trial on bail or personal recognizance, the court
10 authorizing the release may prohibit that person from having any
11 contact with the victim. The jurisdiction authorizing the release
12 shall determine whether that person should be prohibited from having
13 any contact with the victim. If there is no outstanding restraining
14 or protective order prohibiting that person from having contact with
15 the victim, the court authorizing release may issue, by telephone, a
16 sexual assault (~~(protection)~~) no-contact order prohibiting the person
17 charged or arrested from having contact with the victim or from
18 knowingly coming within, or knowingly remaining within, a specified
19 distance of a location.

20 (b) In issuing the order, the court shall consider the provisions
21 of RCW 9.41.800.

22 (c) The sexual assault (~~(protection)~~) no-contact order shall also
23 be issued in writing as soon as possible.

24 (2) (a) At the time of arraignment or whenever a motion is brought
25 to modify the conditions of the defendant's release, the court shall
26 determine whether a sexual assault (~~(protection)~~) no-contact order
27 shall be issued or extended. If a sexual assault (~~(protection)~~) no-
28 contact order is issued or extended, the court may also include in
29 the conditions of release a requirement that the defendant submit to
30 electronic monitoring. If electronic monitoring is ordered, the court
31 shall specify who shall provide the monitoring services, and the
32 terms under which the monitoring shall be performed. Upon conviction,
33 the court may require as a condition of the sentence that the
34 defendant reimburse the providing agency for the costs of the
35 electronic monitoring.

36 (b) A sexual assault (~~(protection)~~) no-contact order issued by
37 the court in conjunction with criminal charges shall terminate if the
38 defendant is acquitted or the charges are dismissed, unless the
39 victim files an independent action for a sexual assault protection
40 order. If the victim files an independent action for a sexual assault

1 protection order, the order may be continued by the court until a
2 full hearing is conducted pursuant to (~~RCW 7.90.050~~) chapter 7.---
3 RCW (the new chapter created in section 78 of this act).

4 (3) (a) The written order releasing the person charged or arrested
5 shall contain the court's directives and shall bear the legend:
6 "Violation of this order is a criminal offense under chapter
7 (~~26.50~~) 7.--- RCW (the new chapter created in section 78 of this
8 act) and will subject a violator to arrest. You can be arrested even
9 if any person protected by the order invites or allows you to violate
10 the order's prohibitions. You have the sole responsibility to avoid
11 or refrain from violating the order's provisions. Only the court can
12 change the order."

13 (b) A certified copy of the order shall be provided to the victim
14 at no charge.

15 (4) If a sexual assault (~~protection~~) no-contact order has been
16 issued prior to charging, that order shall expire at arraignment or
17 within seventy-two hours if charges are not filed. Such orders need
18 not be entered into the computer-based criminal intelligence
19 information system in this state which is used by law enforcement
20 agencies to list outstanding warrants.

21 (5) Whenever an order prohibiting contact is issued pursuant to
22 subsection (2) of this section, the clerk of the court shall forward
23 a 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.

33 (6) (a) When a defendant is found guilty of a sex offense as
34 defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any
35 violation of RCW 9.68A.090, or any gross misdemeanor that is, under
36 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
37 criminal conspiracy to commit an offense that is classified as a sex
38 offense under RCW 9.94A.030, and a condition of the sentence
39 restricts the defendant's ability to have contact with the victim,

1 the condition shall be recorded as a sexual assault (~~(protection)~~)
2 no-contact order.

3 (b) The written order entered as a condition of sentencing shall
4 contain the court's directives and shall bear the legend: "Violation
5 of this order is a criminal offense under chapter (~~(26.50)~~) 7.--- RCW
6 (the new chapter created in section 78 of this act) and will subject
7 a violator to arrest. You can be arrested even if any person
8 protected by the order invites or allows you to violate the order's
9 prohibitions. You have the sole responsibility to avoid or refrain
10 from violating the order's provisions. Only the court can change the
11 order."

12 (c) A final sexual assault (~~(protection)~~) no-contact order
13 entered in conjunction with a criminal prosecution shall remain in
14 effect for a period of two years following the expiration of any
15 sentence of imprisonment and subsequent period of community
16 supervision, conditional release, probation, or parole.

17 (d) A certified copy of the order shall be provided to the victim
18 at no charge.

19 (7) A knowing violation of a court order issued under subsection
20 (1), (2), or (6) of this section is punishable under (~~(RCW~~
21 ~~26.50.110)~~) section 56 of this act.

22 (8) Whenever a sexual assault (~~(protection)~~) no-contact order is
23 issued, modified, or terminated under subsection (1), (2), or (6) of
24 this section, the clerk of the court shall forward a copy of the
25 order on or before the next judicial day to the appropriate law
26 enforcement agency specified in the order. Upon receipt of the copy
27 of the order, the law enforcement agency shall enter the order for
28 one year or until the expiration date specified on the order into any
29 computer-based criminal intelligence information system available in
30 this state used by law enforcement agencies to list outstanding
31 warrants. Entry into the computer-based criminal intelligence
32 information system constitutes notice to all law enforcement agencies
33 of the existence of the order. The order is fully enforceable in any
34 jurisdiction in the state. Upon receipt of notice that an order has
35 been terminated under subsection (2) of this section, the law
36 enforcement agency shall remove the order from the computer-based
37 criminal intelligence information system.

38 **Sec. 165.** RCW 7.92.160 and 2013 c 84 s 16 are each amended to
39 read as follows:

1 (1) (a) When any person charged with or arrested for stalking as
2 defined in RCW 9A.46.110 or any other stalking-related offense under
3 RCW 9A.46.060 is released from custody before arraignment or trial on
4 bail or personal recognizance, the court authorizing the release may
5 prohibit that person from having any contact with the victim. The
6 jurisdiction authorizing the release shall determine whether that
7 person should be prohibited from having any contact with the victim.
8 If there is no outstanding restraining or protective order
9 prohibiting that person from having contact with the victim, and the
10 victim does not qualify for a domestic violence protection order
11 under chapter ~~((26.50))~~ 7.--- RCW (the new chapter created in section
12 78 of this act), the court authorizing release may issue, by
13 telephone, a stalking no-contact order prohibiting the person charged
14 or arrested from having contact with the victim or from knowingly
15 coming within, or knowingly remaining within, a specified distance of
16 a location.

17 (b) In issuing the order, the court shall consider the provisions
18 of RCW 9.41.800.

19 (c) The stalking no-contact order shall also be issued in writing
20 as soon as possible.

21 (2) (a) At the time of arraignment or whenever a motion is brought
22 to modify the conditions of the defendant's release, the court shall
23 determine whether a stalking no-contact order shall be issued or
24 extended. If a stalking no-contact order is issued or extended, the
25 court may also include in the conditions of release a requirement
26 that the defendant submit to electronic monitoring, including real-
27 time global ~~((position-satellite-[global-positioning-system]))~~
28 positioning system monitoring with victim notification. If electronic
29 monitoring is ordered, the court shall specify who shall provide the
30 monitoring services, and the terms under which the monitoring shall
31 be performed. Upon conviction, the court may require as a condition
32 of the sentence that the defendant reimburse the providing agency for
33 the costs of the electronic monitoring, including costs relating to
34 real-time global ~~((position-satellite-[global-positioning-system]))~~
35 positioning system monitoring with victim notification.

36 (b) A stalking no-contact order issued by the court in
37 conjunction with criminal charges shall terminate if the defendant is
38 acquitted or the charges are dismissed, unless the victim files an
39 independent action for a stalking protection order. If the victim
40 files an independent action for a civil stalking protection order,

1 the order may be continued by the court until a full hearing is
2 conducted pursuant to (~~RCW 7.92.060~~) chapter 7.--- RCW (the new
3 chapter created in section 78 of this act).

4 (3) (a) The written order releasing the person charged or arrested
5 shall contain the court's directives and shall bear the legend:
6 "Violation of this order is a criminal offense under chapter
7 (~~26.50~~) 7.--- RCW (the new chapter created in section 78 of this
8 act) and will subject a violator to arrest. You can be arrested even
9 if any person protected by the order invites or allows you to violate
10 the order's prohibitions. You have the sole responsibility to avoid
11 or refrain from violating the order's provisions. Only the court can
12 change the order."

13 (b) A certified copy of the order shall be provided to the victim
14 at no charge.

15 (4) If a stalking no-contact order has been issued prior to
16 charging, that order shall expire at arraignment or within
17 seventy-two hours if charges are not filed.

18 (5) Whenever an order prohibiting contact is issued pursuant to
19 subsection (2) of this section, the clerk of the court shall forward
20 a copy of the order on or before the next judicial day to the
21 appropriate law enforcement agency specified in the order. Upon
22 receipt of the copy of the order, the law enforcement agency shall
23 enter the order for one year unless a different expiration date is
24 specified on the order into any computer-based criminal intelligence
25 information system available in this state used by law enforcement
26 agencies to list outstanding warrants. Entry into the computer-based
27 criminal intelligence information system constitutes notice to all
28 law enforcement agencies of the existence of the order. The order is
29 fully enforceable in any jurisdiction in the state.

30 (6) (a) When a defendant is found guilty of stalking as defined in
31 RCW 9A.46.110 or any other stalking-related offense under RCW
32 9A.46.060 and a condition of the sentence restricts the defendant's
33 ability to have contact with the victim, and the victim does not
34 qualify for a domestic violence protection order under chapter
35 (~~26.50~~) 7.--- RCW (the new chapter created in section 78 of this
36 act), the condition shall be recorded as a stalking no-contact order.

37 (b) The written order entered as a condition of sentencing shall
38 contain the court's directives and shall bear the legend: "Violation
39 of this order is a criminal offense under chapter (~~26.50~~) 7.--- RCW
40 (the new chapter created in section 78 of this act) and will subject

1 a violator to arrest. You can be arrested even if any person
2 protected by the order invites or allows you to violate the order's
3 prohibitions. You have the sole responsibility to avoid or refrain
4 from violating the order's provisions. Only the court can change the
5 order."

6 (c) A final stalking no-contact order entered in conjunction with
7 a criminal prosecution shall remain in effect for a period of five
8 years from the date of entry.

9 (d) A certified copy of the order shall be provided to the victim
10 at no charge.

11 (7) A knowing violation of a court order issued under subsection
12 (1), (2), or (6) of this section is punishable under ((RCW
13 ~~26.50.110~~) section 56 of this act.

14 (8) Whenever a stalking no-contact order is issued, modified, or
15 terminated under subsection (1), (2), or (6) of this section, the
16 clerk of the court shall forward a copy of the order on or before the
17 next judicial day to the appropriate law enforcement agency specified
18 in the order. Upon receipt of the copy of the order, the law
19 enforcement agency shall enter the order for one year unless a
20 different expiration date is specified on the order into any
21 computer-based criminal intelligence information system available in
22 this state used by law enforcement agencies to list outstanding
23 warrants. Entry into the computer-based criminal intelligence
24 information system constitutes notice to all law enforcement agencies
25 of the existence of the order. The order is fully enforceable in any
26 jurisdiction in the state. Upon receipt of notice that an order has
27 been terminated under subsection (2) of this section, the law
28 enforcement agency shall remove the order from the computer-based
29 criminal intelligence information system.

30 **PART XVII**

31 **RECODIFICATIONS AND REPEALERS**

32 NEW SECTION. **Sec. 166.** RECODIFICATION. RCW 26.50.150 is
33 recodified as a section in chapter 43.20A RCW.

34 NEW SECTION. **Sec. 167.** RECODIFICATION. RCW 26.50.250 is
35 recodified as a section in chapter 70.123 RCW.

1 NEW SECTION. **Sec. 168.** RECODIFICATION. RCW 7.90.150 is
2 recodified as a section in chapter 9A.44 RCW.

3 NEW SECTION. **Sec. 169.** RECODIFICATION. RCW 7.92.160 is
4 recodified as a section in chapter 9A.46 RCW.

5 NEW SECTION. **Sec. 170.** REPEALERS. The following acts or parts
6 of acts are each repealed:

7 (1) RCW 7.90.005 (Legislative declaration) and 2007 c 212 s 1 &
8 2006 c 138 s 1;

9 (2) RCW 7.90.010 (Definitions) and 2020 c 296 s 3 & 2006 c 138 s
10 2;

11 (3) RCW 7.90.020 (Petition for a sexual assault protection order—
12 Creation—Contents—Administration) and 2019 c 258 s 2, 2007 c 55 s 1,
13 & 2006 c 138 s 5;

14 (4) RCW 7.90.030 (Petition—Who may file) and 2007 c 212 s 2 &
15 2006 c 138 s 3;

16 (5) RCW 7.90.040 (Petition—Additional requirements) and 2013 c 74
17 s 1 & 2006 c 138 s 4;

18 (6) RCW 7.90.050 (Petition—Hearings prior to issuance of
19 protection order) and 2013 c 74 s 2 & 2006 c 138 s 6;

20 (7) RCW 7.90.052 (Service by publication—When authorized) and
21 2013 c 74 s 6;

22 (8) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74
23 s 7;

24 (9) RCW 7.90.054 (Issuance of order following service by
25 publication or mail) and 2013 c 74 s 8;

26 (10) RCW 7.90.055 (Fees not permitted—Filing, service of process,
27 certified copies) and 2007 c 55 s 2;

28 (11) RCW 7.90.060 (Sexual assault advocates) and 2006 c 138 s 7;

29 (12) RCW 7.90.070 (Appointment of counsel) and 2006 c 138 s 8;

30 (13) RCW 7.90.080 (Evidence) and 2006 c 138 s 9;

31 (14) RCW 7.90.090 (Burden of proof—Issuance of protection order—
32 Remedies—Violations) and 2019 c 245 s 4 & 2006 c 138 s 10;

33 (15) RCW 7.90.100 (Accountability for conduct of others) and 2006
34 c 138 s 11;

35 (16) RCW 7.90.110 (Ex parte temporary sexual assault protection
36 orders—Issuance) and 2019 c 245 s 5, 2007 c 212 s 3, & 2006 c 138 s
37 12;

- 1 (17) RCW 7.90.120 (Ex parte orders—Duration) and 2017 c 233 s 1,
2 2013 c 74 s 3, & 2006 c 138 s 13;
- 3 (18) RCW 7.90.121 (Renewal of ex parte order) and 2017 c 233 s 2
4 & 2013 c 74 s 4;
- 5 (19) RCW 7.90.130 (Sexual assault protection orders—Contents) and
6 2006 c 138 s 14;
- 7 (20) RCW 7.90.140 (Sexual assault protection orders—Service to
8 respondent) and 2019 c 245 s 6, 2013 c 74 s 5, & 2006 c 138 s 15;
- 9 (21) RCW 7.90.155 (Sexual assault protection orders—Personal
10 jurisdiction—Nonresident individuals) and 2010 c 274 s 307;
- 11 (22) RCW 7.90.160 (Law enforcement agencies—Entry of protection
12 order data) and 2006 c 138 s 17;
- 13 (23) RCW 7.90.170 (Modification or termination of protection
14 orders) and 2017 c 233 s 3, 2013 c 74 s 9, & 2006 c 138 s 18;
- 15 (24) RCW 7.90.180 (Administrative office of the courts—Court
16 clerks—Instructional and informational material) and 2006 c 138 s 19;
- 17 (25) RCW 7.90.190 (Admissibility of ex parte temporary orders in
18 civil actions) and 2006 c 138 s 20;
- 19 (26) RCW 7.90.900 (Short title—2006 c 138) and 2006 c 138 s 28;
- 20 (27) RCW 7.92.010 (Intent—Finding) and 2013 c 84 s 1;
- 21 (28) RCW 7.92.020 (Definitions) and 2020 c 296 s 4 & 2013 c 84 s
22 2;
- 23 (29) RCW 7.92.030 (Petition for stalking protection order—
24 Creation—Contents) and 2013 c 84 s 3;
- 25 (30) RCW 7.92.040 (Petition—Who may file) and 2013 c 84 s 4;
- 26 (31) RCW 7.92.050 (Petition—Additional requirements) and 2013 c
27 84 s 5;
- 28 (32) RCW 7.92.060 (Petition—Hearings prior to issuance of
29 protection order) and 2013 c 84 s 6;
- 30 (33) RCW 7.92.070 (Consultation with judicial information system)
31 and 2013 c 84 s 7;
- 32 (34) RCW 7.92.080 (Fees not permitted) and 2013 c 84 s 8;
- 33 (35) RCW 7.92.090 (Victim's advocates) and 2013 c 84 s 9;
- 34 (36) RCW 7.92.100 (Burden of proof—Issuance of protection order—
35 Remedies) and 2019 c 245 s 7 & 2013 c 84 s 10;
- 36 (37) RCW 7.92.110 (Accountability for conduct of others) and 2013
37 c 84 s 11;
- 38 (38) RCW 7.92.120 (Ex parte temporary order for protection—
39 Issuance) and 2019 c 245 s 8 & 2013 c 84 s 12;

1 (39) RCW 7.92.125 (Ex parte temporary order—Admissibility in
2 subsequent civil actions) and 2013 c 84 s 22;

3 (40) RCW 7.92.130 (Protection orders—Duration) and 2013 c 84 s
4 13;

5 (41) RCW 7.92.140 (Protection order—Contents) and 2013 c 84 s 14;

6 (42) RCW 7.92.150 (Protection orders—Service to respondent—
7 Service by publication) and 2019 c 245 s 9 & 2013 c 84 s 15;

8 (43) RCW 7.92.170 (Personal jurisdiction by court over
9 nonresident individuals) and 2013 c 84 s 17;

10 (44) RCW 7.92.180 (Copy of order to be forwarded to law
11 enforcement agency—Entry of information into computer-based
12 information systems) and 2013 c 84 s 18;

13 (45) RCW 7.92.190 (Modification or termination of protection
14 orders) and 2019 c 245 s 10 & 2013 c 84 s 19;

15 (46) RCW 7.92.900 (Construction—Filing of criminal charges not
16 required) and 2013 c 84 s 23;

17 (47) RCW 7.92.901 (Short title) and 2013 c 84 s 24;

18 (48) RCW 7.94.010 (Purpose—Intent) and 2019 c 246 s 1 & 2017 c 3
19 s 1 (Initiative Measure No. 1491, approved November 8, 2016);

20 (49) RCW 7.94.020 (Definitions) and 2017 c 3 s 3 (Initiative
21 Measure No. 1491, approved November 8, 2016);

22 (50) RCW 7.94.030 (Petition for order) and 2019 c 246 s 2 & 2017
23 c 3 s 4 (Initiative Measure No. 1491, approved November 8, 2016);

24 (51) RCW 7.94.040 (Hearings on petition—Grounds for order
25 issuance) and 2019 c 246 s 3 & 2017 c 3 s 5 (Initiative Measure No.
26 1491, approved November 8, 2016);

27 (52) RCW 7.94.050 (Ex parte orders) and 2017 c 3 s 6 (Initiative
28 Measure No. 1491, approved November 8, 2016);

29 (53) RCW 7.94.060 (Service of orders) and 2019 c 246 s 4 & 2017 c
30 3 s 7 (Initiative Measure No. 1491, approved November 8, 2016);

31 (54) RCW 7.94.070 (Service by publication or mail) and 2017 c 3 s
32 8 (Initiative Measure No. 1491, approved November 8, 2016);

33 (55) RCW 7.94.080 (Termination and renewal of orders) and 2017 c
34 3 s 9 (Initiative Measure No. 1491, approved November 8, 2016);

35 (56) RCW 7.94.090 (Firearms—Surrender) and 2020 c 126 s 2 & 2017
36 c 3 s 10 (Initiative Measure No. 1491, approved November 8, 2016);

37 (57) RCW 7.94.100 (Firearms—Return—Disposal) and 2017 c 3 s 11
38 (Initiative Measure No. 1491, approved November 8, 2016);

1 (58) RCW 7.94.110 (Reporting of orders) and 2017 c 3 s 12
2 (Initiative Measure No. 1491, approved November 8, 2016);
3 (59) RCW 7.94.120 (Penalties) and 2017 c 3 s 13 (Initiative
4 Measure No. 1491, approved November 8, 2016);
5 (60) RCW 7.94.130 (Other authority retained) and 2017 c 3 s 14
6 (Initiative Measure No. 1491, approved November 8, 2016);
7 (61) RCW 7.94.140 (Liability) and 2017 c 3 s 15 (Initiative
8 Measure No. 1491, approved November 8, 2016);
9 (62) RCW 7.94.150 (Instructional and informational material) and
10 2019 c 246 s 5 & 2017 c 3 s 16 (Initiative Measure No. 1491, approved
11 November 8, 2016);
12 (63) RCW 7.94.900 (Short title—2017 c 3 (Initiative Measure No.
13 1491)) and 2017 c 3 s 2 (Initiative Measure No. 1491, approved
14 November 8, 2016);
15 (64) RCW 10.14.010 (Legislative finding, intent) and 1987 c 280 s
16 1;
17 (65) RCW 10.14.020 (Definitions) and 2011 c 307 s 2, 2001 c 260 s
18 2, 1999 c 27 s 4, 1995 c 127 s 1, & 1987 c 280 s 2;
19 (66) RCW 10.14.030 (Course of conduct—Determination of purpose)
20 and 1987 c 280 s 3;
21 (67) RCW 10.14.040 (Protection order—Petition) and 2002 c 117 s 1
22 & 2001 c 260 s 3;
23 (68) RCW 10.14.045 (Protection order commissioners—Appointment
24 authorized) and 2013 c 84 s 20;
25 (69) RCW 10.14.050 (Administrator for courts—Forms, information)
26 and 1987 c 280 s 5;
27 (70) RCW 10.14.055 (Fees excused, when) and 2020 c 29 s 8 & 2002
28 c 117 s 2;
29 (71) RCW 10.14.060 (Proceeding in forma pauperis) and 1987 c 280
30 s 6;
31 (72) RCW 10.14.065 (Orders—Judicial information system to be
32 consulted) and 2011 c 307 s 6;
33 (73) RCW 10.14.070 (Hearing—Service) and 2013 c 84 s 30, 2005 c
34 144 s 1, 1992 c 143 s 10, & 1987 c 280 s 7;
35 (74) RCW 10.14.080 (Antiharassment protection orders—Ex parte
36 temporary—Hearing—Longer term, renewal—Acts not prohibited) and
37 2019 c 245 s 11, 2019 c 46 s 5011, 2011 c 307 s 3, 2001 c 311 s 1,
38 1995 c 246 s 36, 1994 sp.s. c 7 s 448, 1992 c 143 s 11, & 1987 c 280
39 s 8;

1 (75) RCW 10.14.085 (Hearing reset after ex parte order—Service by
2 publication—Circumstances) and 2016 c 202 s 4 & 1992 c 143 s 12;
3 (76) RCW 10.14.090 (Representation or appearance) and 1992 c 143
4 s 14 & 1987 c 280 s 9;
5 (77) RCW 10.14.100 (Service of order) and 2019 c 245 s 12, 2002 c
6 117 s 3, 2001 c 311 s 2, 1992 c 143 s 15, & 1987 c 280 s 10;
7 (78) RCW 10.14.105 (Order following service by publication) and
8 1992 c 143 s 13;
9 (79) RCW 10.14.110 (Notice to law enforcement agencies—
10 Enforceability) and 1992 c 143 s 16 & 1987 c 280 s 11;
11 (80) RCW 10.14.115 (Enforcement of order—Knowledge prerequisite
12 to penalties—Reasonable efforts to serve copy of order) and 1992 c
13 143 s 17;
14 (81) RCW 10.14.120 (Disobedience of order—Penalties) and 2001 c
15 260 s 4, 1989 c 373 s 14, & 1987 c 280 s 12;
16 (82) RCW 10.14.125 (Service by publication—Costs) and 2002 c 117
17 s 4 & 1992 c 143 s 18;
18 (83) RCW 10.14.130 (Exclusion of certain actions) and 2006 c 138
19 s 22 & 1987 c 280 s 13;
20 (84) RCW 10.14.140 (Other remedies) and 1987 c 280 s 14;
21 (85) RCW 10.14.150 (Jurisdiction) and 2019 c 216 s 1, 2011 c 307
22 s 1, 2005 c 196 s 1, 1999 c 170 s 1, 1991 c 33 s 2, & 1987 c 280 s
23 15;
24 (86) RCW 10.14.155 (Personal jurisdiction—Nonresident individual)
25 and 2010 c 274 s 308;
26 (87) RCW 10.14.160 (Where action may be brought) and 2005 c 196 s
27 2, 1992 c 127 s 1, & 1987 c 280 s 16;
28 (88) RCW 10.14.170 (Criminal penalty) and 2001 c 260 s 5 & 1987 c
29 280 s 17;
30 (89) RCW 10.14.180 (Modification of order) and 2019 c 245 s 13 &
31 1987 c 280 s 18;
32 (90) RCW 10.14.190 (Constitutional rights) and 1987 c 280 s 19;
33 (91) RCW 10.14.200 (Availability of orders in family law
34 proceedings) and 2019 c 46 s 5012, 1999 c 397 s 4, & 1995 c 246 s 35;
35 (92) RCW 10.14.210 (Court appearance after violation) and 2012 c
36 223 s 4;
37 (93) RCW 10.14.800 (Master petition pattern form to be developed—
38 Recommendations to legislature) and 2013 c 84 s 21;
39 (94) RCW 26.50.010 (Definitions) and 2019 c 263 s 204;

1 (95) RCW 26.50.020 (Commencement of action—Jurisdiction—Venue)
2 and 2019 c 263 s 205, 2010 c 274 s 302, 1992 c 111 s 8, 1989 c 375 s
3 28, 1987 c 71 s 1, 1985 c 303 s 1, & 1984 c 263 s 3;

4 (96) RCW 26.50.021 (Actions on behalf of vulnerable adults—
5 Authority of department of social and health services—Immunity from
6 liability) and 2000 c 119 s 1;

7 (97) RCW 26.50.025 (Orders under this chapter and chapter 26.09,
8 26.10, 26.26A, or 26.26B RCW—Enforcement—Consolidation) and 2019 c
9 46 s 5036 & 1995 c 246 s 2;

10 (98) RCW 26.50.030 (Petition for an order for protection—
11 Availability of forms and informational brochures—Bond not required)
12 and 2005 c 282 s 39, 1996 c 248 s 12, 1995 c 246 s 3, 1992 c 111 s 2,
13 1985 c 303 s 2, & 1984 c 263 s 4;

14 (99) RCW 26.50.035 (Development of instructions, informational
15 brochures, forms, and handbook by the administrative office of the
16 courts—Community resource list—Distribution of master copy) and 2019
17 c 263 s 912, 2019 c 46 s 5037, 2005 c 282 s 40, 2000 c 119 s 14, 1995
18 c 246 s 4, 1993 c 350 s 2, 1985 c 303 s 3, & 1984 c 263 s 31;

19 (100) RCW 26.50.040 (Fees not permitted—Filing, service of
20 process, certified copies) and 1995 c 246 s 5, 1985 c 303 s 4, & 1984
21 c 263 s 5;

22 (101) RCW 26.50.050 (Hearing—Service—Time) and 2008 c 287 s 2,
23 1995 c 246 s 6, 1992 c 143 s 1, & 1984 c 263 s 6;

24 (102) RCW 26.50.055 (Appointment of interpreter) and 1995 c 246 s
25 11;

26 (103) RCW 26.50.060 (Relief—Duration—Realignment of designation
27 of parties—Award of costs, service fees, attorneys' fees, and limited
28 license legal technician fees) and 2020 c 311 s 9, 2019 c 46 s 5038,
29 2018 c 84 s 1, 2010 c 274 s 304, 2009 c 439 s 2, 2000 c 119 s 15,
30 1999 c 147 s 2, 1996 c 248 s 13, 1995 c 246 s 7, & 1994 sp.s. c 7 s
31 457;

32 (104) RCW 26.50.070 (Ex parte temporary order for protection) and
33 2019 c 245 s 14, 2018 c 22 s 9, 2010 c 274 s 305, 2000 c 119 s 16,
34 1996 c 248 s 14, 1995 c 246 s 8, 1994 sp.s. c 7 s 458, 1992 c 143 s
35 3, 1989 c 411 s 2, & 1984 c 263 s 8;

36 (105) RCW 26.50.080 (Issuance of order—Assistance of peace
37 officer—Designation of appropriate law enforcement agency) and 1995 c
38 246 s 9 & 1984 c 263 s 9;

1 (106) RCW 26.50.085 (Hearing reset after ex parte order—Service
2 by publication—Circumstances) and 2016 c 202 s 25 & 1992 c 143 s 4;
3 (107) RCW 26.50.090 (Order—Service—Fees) and 2019 c 245 s 15,
4 1995 c 246 s 10, 1992 c 143 s 6, 1985 c 303 s 6, & 1984 c 263 s 10;
5 (108) RCW 26.50.095 (Order following service by publication) and
6 1995 c 246 s 12 & 1992 c 143 s 5;
7 (109) RCW 26.50.100 (Order—Transmittal to law enforcement agency
8 —Record in law enforcement information system—Enforceability) and
9 1996 c 248 s 15, 1995 c 246 s 13, 1992 c 143 s 7, & 1984 c 263 s 11;
10 (110) RCW 26.50.110 (Violation of order—Penalties) and 2019 c 263
11 s 913, 2019 c 46 s 5039, & 2017 c 230 s 9;
12 (111) RCW 26.50.115 (Enforcement of ex parte order—Knowledge of
13 order prerequisite to penalties—Reasonable efforts to serve copy of
14 order) and 1996 c 248 s 17, 1995 c 246 s 15, & 1992 c 143 s 8;
15 (112) RCW 26.50.120 (Violation of order—Prosecuting attorney or
16 attorney for municipality may be requested to assist—Costs and
17 attorney's fee) and 1984 c 263 s 13;
18 (113) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;
19 (114) RCW 26.50.125 (Service by publication or mailing—Costs) and
20 2002 c 117 s 5, 1995 c 246 s 17, & 1992 c 143 s 9;
21 (115) RCW 26.50.130 (Order for protection—Modification or
22 termination—Service—Transmittal) and 2019 c 245 s 16, 2011 c 137 s
23 2, 2008 c 287 s 3, & 1984 c 263 s 14;
24 (116) RCW 26.50.135 (Residential placement or custody of a child—
25 Prerequisite) and 1995 c 246 s 19;
26 (117) RCW 26.50.140 (Peace officers—Immunity) and 1984 c 263 s
27 17;
28 (118) RCW 26.50.160 (Judicial information system—Database) and
29 2019 c 263 s 914, 2019 c 46 s 5040, 2017 3rd sp.s. c 6 s 335, & 2006
30 c 138 s 26;
31 (119) RCW 26.50.165 (Judicial information system—Names of adult
32 cohabitants in third-party custody actions) and 2003 c 105 s 4;
33 (120) RCW 26.50.200 (Title to real estate—Effect) and 1985 c 303
34 s 7 & 1984 c 263 s 15;
35 (121) RCW 26.50.210 (Proceedings additional) and 1984 c 263 s 16;
36 (122) RCW 26.50.220 (Parenting plan—Designation of parent for
37 other state and federal purposes) and 1989 c 375 s 26;
38 (123) RCW 26.50.230 (Protection order against person with a
39 disability, brain injury, or impairment) and 2010 c 274 s 303;

1 (124) RCW 26.50.240 (Personal jurisdiction—Nonresident
2 individuals) and 2010 c 274 s 306;
3 (125) RCW 26.50.900 (Short title) and 1984 c 263 s 1;
4 (126) RCW 26.50.901 (Effective date—1984 c 263) and 1984 c 263 s
5 32;
6 (127) RCW 74.34.115 (Protection of vulnerable adults—
7 Administrative office of the courts—Standard petition—Order for
8 protection—Standard notice—Court staff handbook) and 2007 c 312 s 4;
9 (128) RCW 74.34.120 (Protection of vulnerable adults—Hearing) and
10 2007 c 312 s 5 & 1986 c 187 s 6;
11 (129) RCW 74.34.130 (Protection of vulnerable adults—Judicial
12 relief) and 2007 c 312 s 6;
13 (130) RCW 74.34.135 (Protection of vulnerable adults—Filings by
14 others—Dismissal of petition or order—Testimony or evidence—
15 Additional evidentiary hearings—Temporary order) and 2020 c 312 s 737
16 & 2007 c 312 s 9;
17 (131) RCW 74.34.140 (Protection of vulnerable adults—Execution of
18 protective order) and 2012 c 156 s 2 & 1986 c 187 s 8;
19 (132) RCW 74.34.145 (Protection of vulnerable adults—Notice of
20 criminal penalties for violation—Enforcement under RCW 26.50.110) and
21 2020 c 29 s 17, 2007 c 312 s 7, & 2000 c 119 s 2;
22 (133) RCW 74.34.150 (Protection of vulnerable adults—Department
23 may seek relief) and 2007 c 312 s 8 & 1986 c 187 s 9;
24 (134) RCW 74.34.160 (Protection of vulnerable adults—Proceedings
25 are supplemental) and 1986 c 187 s 11;
26 (135) RCW 74.34.163 (Application to modify or vacate order) and
27 2020 c 312 s 738 & 2007 c 312 s 10;
28 (136) RCW 74.34.210 (Order for protection or action for damages—
29 Standing—Jurisdiction) and 2007 c 312 s 11 & 1995 1st sp.s. c 18 s
30 86; and
31 (137) RCW 26.10.115 (Temporary orders—Support—Restraining orders
32 —Domestic violence or antiharassment protection orders—Notice of
33 modification or termination of restraining order—Preservation of
34 support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29,
35 1994 sp.s. c 7 s 454, & 1989 c 375 s 32.

36 NEW SECTION. **Sec. 171.** If specific funding for the purposes of
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2021, in the omnibus appropriations act, this
2 act is null and void.

3 NEW SECTION. **Sec. 172.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected."

E2SHB 1320 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/10/2021

7 On page 1, line 3 of the title, after "orders;" strike the
8 remainder of the title and insert "amending RCW 9.41.040, 9.41.075,
9 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040,
10 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080,
11 9.41.010, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525,
12 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041,
13 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170,
14 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100,
15 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.130.257,
16 11.130.335, 12.04.140, 12.04.150, 19.220.010, 26.09.003, 26.09.015,
17 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802,
18 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020,
19 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020,
20 59.18.575, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714,
21 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending
22 RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655,
23 43.43.842, 50.20.050, 59.18.570, and 71.32.260; adding a new section
24 to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding
25 a new section to chapter 28A.225 RCW; adding a new section to chapter
26 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new
27 section to chapter 9A.44 RCW; adding a new section to chapter 9A.46
28 RCW; adding a new chapter to Title 7 RCW; creating new sections;
29 recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160;
30 repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030, 7.90.040,
31 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070,
32 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130,
33 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900,

1 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070,
2 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130,
3 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901,
4 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070,
5 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140,
6 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040,
7 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070,
8 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110,
9 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150,
10 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200,
11 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025,
12 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060,
13 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100,
14 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130,
15 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210,
16 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115,
17 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150,
18 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing
19 penalties; and providing an effective date."

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