

2 HB 2952 - H AMD 253 ADOPTED 2-13-96

3 By Representative Sheahan

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5 On page 4, after line 25, insert the following:

6 "Sec. 6. RCW 10.99.040 and 1995 c 246 s 23 are each amended to  
7 read as follows:

8 (1) Because of the serious nature of domestic violence, the court  
9 in domestic violence actions:

10 (a) Shall not dismiss any charge or delay disposition because of  
11 concurrent dissolution or other civil proceedings;

12 (b) Shall not require proof that either party is seeking a  
13 dissolution of marriage prior to instigation of criminal proceedings;

14 (c) Shall waive any requirement that the victim's location be  
15 disclosed to any person, other than the attorney of a criminal  
16 defendant, upon a showing that there is a possibility of further  
17 violence: PROVIDED, That the court may order a criminal defense  
18 attorney not to disclose to his or her client the victim's location;  
19 and

20 (d) Shall identify by any reasonable means on docket sheets those  
21 criminal actions arising from acts of domestic violence.

22 (2) Because of the likelihood of repeated violence directed at  
23 those who have been victims of domestic violence in the past, when any  
24 person charged with or arrested for a crime involving domestic violence  
25 is released from custody before arraignment or trial on bail or  
26 personal recognizance, the court authorizing the release may prohibit  
27 that person from having any contact with the victim. The jurisdiction  
28 authorizing the release shall determine whether that person should be  
29 prohibited from having any contact with the victim. If there is no  
30 outstanding restraining or protective order prohibiting that person  
31 from having contact with the victim, the court authorizing release may  
32 issue, by telephone, a no-contact order prohibiting the person charged  
33 or arrested from having contact with the victim. In issuing the order,  
34 the court shall consider the provisions of RCW 9.41.800. The no-  
35 contact order shall also be issued in writing as soon as possible.

1 (3) At the time of arraignment the court shall determine whether a  
2 no-contact order shall be issued or extended. If a no-contact order is  
3 issued or extended, the court may also include in the conditions of  
4 release a requirement that the defendant submit to electronic  
5 monitoring. If electronic monitoring is ordered, the court shall  
6 specify who shall provide the monitoring services, and the terms under  
7 which the monitoring shall be performed. Upon conviction, the court  
8 may require as a condition of the sentence that the defendant reimburse  
9 the providing agency for the costs of the electronic monitoring.

10 (4)(a) Willful violation of a court order issued under subsection  
11 (2) or (3) of this section is a (~~gross misdemeanor~~) class C felony  
12 punishable under chapter 9A.20 RCW. Upon conviction and in addition to  
13 other penalties provided by law, the court may require that the  
14 defendant submit to electronic monitoring. The court shall specify who  
15 shall provide the electronic monitoring services and the terms under  
16 which the monitoring must be performed. The court also may include a  
17 requirement that the defendant pay the costs of the monitoring. The  
18 court shall consider the ability of the convicted person to pay for  
19 electronic monitoring.

20 (b) (~~Any assault that is a violation of an order issued under this~~  
21 ~~section and that does not amount to assault in the first or second~~  
22 ~~degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable~~  
23 ~~under chapter 9A.20 RCW, and any conduct in violation of a protective~~  
24 ~~order issued under this section that is reckless and creates a~~  
25 ~~substantial risk of death or serious physical injury to another person~~  
26 ~~is a class C felony punishable under chapter 9A.20 RCW.~~

27 (c)) The written order releasing the person charged or arrested  
28 shall contain the court's directives and shall bear the legend:  
29 "Violation of this order is a criminal offense under chapter 10.99 RCW  
30 and will subject a violator to arrest; any assault or reckless  
31 endangerment that is a violation of this order is a felony. You can be  
32 arrested even if any person protected by the order invites or allows  
33 you to violate the order's prohibitions. You have the sole  
34 responsibility to avoid or refrain from violating the order's  
35 provisions. Only the court can change the order." A certified copy of  
36 the order shall be provided to the victim. If a no-contact order has  
37 been issued prior to charging, that order shall expire at arraignment  
38 or within seventy-two hours if charges are not filed. Such orders need  
39 not be entered into the computer-based criminal intelligence

1 information system in this state which is used by law enforcement  
2 agencies to list outstanding warrants.

3 (5) Whenever an order prohibiting contact is issued, modified, or  
4 terminated under subsection (2) or (3) of this section, the clerk of  
5 the court shall forward a copy of the order on or before the next  
6 judicial day to the appropriate law enforcement agency specified in the  
7 order. Upon receipt of the copy of the order the law enforcement  
8 agency shall forthwith enter the order for one year or until the  
9 expiration date specified on the order into any computer-based criminal  
10 intelligence information system available in this state used by law  
11 enforcement agencies to list outstanding warrants. Entry into the law  
12 enforcement information system constitutes notice to all law  
13 enforcement agencies of the existence of the order. The order is fully  
14 enforceable in any jurisdiction in the state."

15 Renumber the sections consecutively and correct the title and any  
16 internal references accordingly.

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