

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2472

54th Legislature
1996 Regular Session

Passed by the House March 4, 1996
Yeas 95 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2472** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2472

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Representatives Lambert, Costa, Conway and Veloria

Read first time 01/11/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to domestic violence; amending RCW 9.94A.370,
2 9.94A.390, 10.99.020, 10.99.030, 10.99.040, 10.99.050, 26.09.300,
3 26.10.220, 26.26.138, 26.50.030, 26.50.060, 26.50.070, 26.50.100,
4 26.50.110, and 26.50.115; reenacting and amending RCW 10.31.100; adding
5 a new section to chapter 9A.36 RCW; and prescribing penalties.

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

7 **Sec. 1.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read
8 as follows:

9 (1) The intersection of the column defined by the offender score
10 and the row defined by the offense seriousness score determines the
11 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The
12 additional time for deadly weapon findings or for those offenses
13 enumerated in RCW 9.94A.310(4) that were committed in a state
14 correctional facility or county jail shall be added to the entire
15 presumptive sentence range. The court may impose any sentence within
16 the range that it deems appropriate. All presumptive sentence ranges
17 are expressed in terms of total confinement.

18 (2) In determining any sentence, the trial court may rely on no
19 more information than is admitted by the plea agreement, or admitted,

1 acknowledged, or proved in a trial or at the time of sentencing.
2 Acknowledgement includes not objecting to information stated in the
3 presentence reports. Where the defendant disputes material facts, the
4 court must either not consider the fact or grant an evidentiary hearing
5 on the point. The facts shall be deemed proved at the hearing by a
6 preponderance of the evidence. Facts that establish the elements of a
7 more serious crime or additional crimes may not be used to go outside
8 the presumptive sentence range except upon stipulation or when
9 specifically provided for in RCW 9.94A.390(2) (c), (d), (f), and
10 ~~((e))~~ (g).

11 **Sec. 2.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read
12 as follows:

13 If the sentencing court finds that an exceptional sentence outside
14 the standard range should be imposed in accordance with RCW
15 9.94A.120(2), the sentence is subject to review only as provided for in
16 RCW 9.94A.210(4).

17 The following are illustrative factors which the court may consider
18 in the exercise of its discretion to impose an exceptional sentence.
19 The following are illustrative only and are not intended to be
20 exclusive reasons for exceptional sentences.

21 (1) Mitigating Circumstances

22 (a) To a significant degree, the victim was an initiator, willing
23 participant, aggressor, or provoker of the incident.

24 (b) Before detection, the defendant compensated, or made a good
25 faith effort to compensate, the victim of the criminal conduct for any
26 damage or injury sustained.

27 (c) The defendant committed the crime under duress, coercion,
28 threat, or compulsion insufficient to constitute a complete defense but
29 which significantly affected his or her conduct.

30 (d) The defendant, with no apparent predisposition to do so, was
31 induced by others to participate in the crime.

32 (e) The defendant's capacity to appreciate the wrongfulness of his
33 or her conduct or to conform his or her conduct to the requirements of
34 the law, was significantly impaired (voluntary use of drugs or alcohol
35 is excluded).

36 (f) The offense was principally accomplished by another person and
37 the defendant manifested extreme caution or sincere concern for the
38 safety or well-being of the victim.

1 (g) The operation of the multiple offense policy of RCW 9.94A.400
2 results in a presumptive sentence that is clearly excessive in light of
3 the purpose of this chapter, as expressed in RCW 9.94A.010.

4 (h) The defendant or the defendant's children suffered a continuing
5 pattern of physical or sexual abuse by the victim of the offense and
6 the offense is a response to that abuse.

7 (2) Aggravating Circumstances

8 (a) The defendant's conduct during the commission of the current
9 offense manifested deliberate cruelty to the victim.

10 (b) The defendant knew or should have known that the victim of the
11 current offense was particularly vulnerable or incapable of resistance
12 due to extreme youth, advanced age, disability, or ill health.

13 (c) The current offense was a major economic offense or series of
14 offenses, so identified by a consideration of any of the following
15 factors:

16 (i) The current offense involved multiple victims or multiple
17 incidents per victim;

18 (ii) The current offense involved attempted or actual monetary loss
19 substantially greater than typical for the offense;

20 (iii) The current offense involved a high degree of sophistication
21 or planning or occurred over a lengthy period of time; or

22 (iv) The defendant used his or her position of trust, confidence,
23 or fiduciary responsibility to facilitate the commission of the current
24 offense.

25 (d) The current offense was a major violation of the Uniform
26 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to
27 trafficking in controlled substances, which was more onerous than the
28 typical offense of its statutory definition: The presence of ANY of
29 the following may identify a current offense as a major VUCSA:

30 (i) The current offense involved at least three separate
31 transactions in which controlled substances were sold, transferred, or
32 possessed with intent to do so;

33 (ii) The current offense involved an attempted or actual sale or
34 transfer of controlled substances in quantities substantially larger
35 than for personal use;

36 (iii) The current offense involved the manufacture of controlled
37 substances for use by other parties;

38 (iv) The circumstances of the current offense reveal the offender
39 to have occupied a high position in the drug distribution hierarchy;

1 (v) The current offense involved a high degree of sophistication or
2 planning or occurred over a lengthy period of time or involved a broad
3 geographic area of disbursement; or

4 (vi) The offender used his or her position or status to facilitate
5 the commission of the current offense, including positions of trust,
6 confidence or fiduciary responsibility (e.g., pharmacist, physician, or
7 other medical professional).

8 (e) The current offense included a finding of sexual motivation
9 pursuant to RCW 9.94A.127.

10 (f) The offense was part of an ongoing pattern of sexual abuse of
11 the same victim under the age of eighteen years manifested by multiple
12 incidents over a prolonged period of time.

13 (g) The current offense involved domestic violence, as defined in
14 RCW 10.99.020 and one or more of the following was present:

15 (i) The offense was part of an ongoing pattern of psychological,
16 physical, or sexual abuse of the victim manifested by multiple
17 incidents over a prolonged period of time;

18 (ii) The offense occurred within sight or sound of the victim's or
19 the offender's minor children under the age of eighteen years; or

20 (iii) The offender's conduct during the commission of the current
21 offense manifested deliberate cruelty or intimidation of the victim.

22 (h) The operation of the multiple offense policy of RCW 9.94A.400
23 results in a presumptive sentence that is clearly too lenient in light
24 of the purpose of this chapter, as expressed in RCW 9.94A.010.

25 ((~~h~~)) (i) The defendant's prior unscored misdemeanor or prior
26 unscored foreign criminal history results in a presumptive sentence
27 that is clearly too lenient in light of the purpose of this chapter as
28 expressed in RCW 9.94A.010.

29 NEW SECTION. Sec. 3. A new section is added to chapter 9A.36 RCW
30 to read as follows:

31 (1) A person commits the crime of interfering with the reporting of
32 domestic violence if the person:

33 (a) Commits a crime of domestic violence, as defined in RCW
34 10.99.020; and

35 (b) Prevents or attempts to prevent the victim of or a witness to
36 that domestic violence crime from calling a 911 emergency communication
37 system, obtaining medical assistance, or making a report to any law
38 enforcement official.

1 (2) Commission of a crime of domestic violence under subsection (1)
2 of this section is a necessary element of the crime of interfering with
3 the reporting of domestic violence.

4 (3) Interference with the reporting of domestic violence is a gross
5 misdemeanor.

6 **Sec. 4.** RCW 10.31.100 and 1995 c 246 s 20, 1995 c 184 s 1, and
7 1995 c 93 s 1 are each reenacted and amended to read as follows:

8 A police officer having probable cause to believe that a person has
9 committed or is committing a felony shall have the authority to arrest
10 the person without a warrant. A police officer may arrest a person
11 without a warrant for committing a misdemeanor or gross misdemeanor
12 only when the offense is committed in the presence of the officer,
13 except as provided in subsections (1) through (10) of this section.

14 (1) Any police officer having probable cause to believe that a
15 person has committed or is committing a misdemeanor or gross
16 misdemeanor, involving physical harm or threats of harm to any person
17 or property or the unlawful taking of property or involving the use or
18 possession of cannabis, or involving the acquisition, possession, or
19 consumption of alcohol by a person under the age of twenty-one years
20 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
21 or 9A.52.080, shall have the authority to arrest the person.

22 (2) A police officer shall arrest and take into custody, pending
23 release on bail, personal recognizance, or court order, a person
24 without a warrant when the officer has probable cause to believe that:

25 (a) An order has been issued of which the person has knowledge
26 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
27 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
28 restraining the person and the person has violated the terms of the
29 order restraining the person from acts or threats of violence or
30 ~~((excluding))~~ restraining the person from ((a)) going onto the grounds
31 of or entering a residence, workplace, school, or day care or, in the
32 case of an order issued under RCW 26.44.063, imposing any other
33 restrictions or conditions upon the person; or

34 (b) The person is sixteen years or older and within the preceding
35 four hours has assaulted a family or household member as defined in RCW
36 10.99.020 and the officer believes: (i) A felonious assault has
37 occurred; (ii) an assault has occurred which has resulted in bodily
38 injury to the victim, whether the injury is observable by the

1 responding officer or not; or (iii) that any physical action has
2 occurred which was intended to cause another person reasonably to fear
3 imminent serious bodily injury or death. Bodily injury means physical
4 pain, illness, or an impairment of physical condition. When the
5 officer has probable cause to believe that (~~spouses, former spouses,~~
6 ~~or other persons who reside together or formerly resided together~~)
7 family or household members have assaulted each other, the officer is
8 not required to arrest both persons. The officer shall arrest the
9 person whom the officer believes to be the primary physical aggressor.
10 In making this determination, the officer shall make every reasonable
11 effort to consider: (i) The intent to protect victims of domestic
12 violence under RCW 10.99.010; (ii) the comparative extent of injuries
13 inflicted or serious threats creating fear of physical injury; and
14 (iii) the history of domestic violence between the persons involved.

15 (3) Any police officer having probable cause to believe that a
16 person has committed or is committing a violation of any of the
17 following traffic laws shall have the authority to arrest the person:

18 (a) RCW 46.52.010, relating to duty on striking an unattended car
19 or other property;

20 (b) RCW 46.52.020, relating to duty in case of injury to or death
21 of a person or damage to an attended vehicle;

22 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
23 racing of vehicles;

24 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
25 influence of intoxicating liquor or drugs;

26 (e) RCW 46.20.342, relating to driving a motor vehicle while
27 operator's license is suspended or revoked;

28 (f) RCW 46.61.525, relating to operating a motor vehicle in a
29 negligent manner.

30 (4) A law enforcement officer investigating at the scene of a motor
31 vehicle accident may arrest the driver of a motor vehicle involved in
32 the accident if the officer has probable cause to believe that the
33 driver has committed in connection with the accident a violation of any
34 traffic law or regulation.

35 (5) Any police officer having probable cause to believe that a
36 person has committed or is committing a violation of RCW 88.12.025
37 shall have the authority to arrest the person.

38 (6) An officer may act upon the request of a law enforcement
39 officer in whose presence a traffic infraction was committed, to stop,

1 detain, arrest, or issue a notice of traffic infraction to the driver
2 who is believed to have committed the infraction. The request by the
3 witnessing officer shall give an officer the authority to take
4 appropriate action under the laws of the state of Washington.

5 (7) Any police officer having probable cause to believe that a
6 person has committed or is committing any act of indecent exposure, as
7 defined in RCW 9A.88.010, may arrest the person.

8 (8) A police officer may arrest and take into custody, pending
9 release on bail, personal recognizance, or court order, a person
10 without a warrant when the officer has probable cause to believe that
11 an order has been issued of which the person has knowledge under
12 chapter 10.14 RCW and the person has violated the terms of that order.

13 (9) Any police officer having probable cause to believe that a
14 person has, within twenty-four hours of the alleged violation,
15 committed a violation of RCW 9A.50.020 may arrest such person.

16 (10) A police officer having probable cause to believe that a
17 person illegally possesses or illegally has possessed a firearm or
18 other dangerous weapon on private or public elementary or secondary
19 school premises shall have the authority to arrest the person.

20 For purposes of this subsection, the term "firearm" has the meaning
21 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
22 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

23 (11) Except as specifically provided in subsections (2), (3), (4),
24 and (6) of this section, nothing in this section extends or otherwise
25 affects the powers of arrest prescribed in Title 46 RCW.

26 (12) No police officer may be held criminally or civilly liable for
27 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
28 officer acts in good faith and without malice.

29 **Sec. 5.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read
30 as follows:

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Family or household members" means spouses, former spouses,
34 persons who have a child in common regardless of whether they have been
35 married or have lived together at any time, adult persons related by
36 blood or marriage, adult persons who are presently residing together or
37 who have resided together in the past, persons sixteen years of age or
38 older who are presently residing together or who have resided together

1 in the past and who have or have had a dating relationship, persons
2 sixteen years of age or older with whom a (~~respondent~~) person sixteen
3 years of age or older has or has had a dating relationship, and persons
4 who have a biological or legal parent-child relationship, including
5 stepparents and stepchildren and grandparents and grandchildren.

6 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

7 (3) "Domestic violence" includes but is not limited to any of the
8 following crimes when committed by one family or household member
9 against another:

10 (a) Assault in the first degree (RCW 9A.36.011);

11 (b) Assault in the second degree (RCW 9A.36.021);

12 (c) Assault in the third degree (RCW 9A.36.031);

13 (d) Assault in the fourth degree (RCW 9A.36.041);

14 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

15 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

16 (g) Coercion (RCW 9A.36.070);

17 (h) Burglary in the first degree (RCW 9A.52.020);

18 (i) Burglary in the second degree (RCW 9A.52.030);

19 (j) Criminal trespass in the first degree (RCW 9A.52.070);

20 (k) Criminal trespass in the second degree (RCW 9A.52.080);

21 (l) Malicious mischief in the first degree (RCW 9A.48.070);

22 (m) Malicious mischief in the second degree (RCW 9A.48.080);

23 (n) Malicious mischief in the third degree (RCW 9A.48.090);

24 (o) Kidnapping in the first degree (RCW 9A.40.020);

25 (p) Kidnapping in the second degree (RCW 9A.40.030);

26 (q) Unlawful imprisonment (RCW 9A.40.040);

27 (r) Violation of the provisions of a restraining order restraining
28 the person or (~~excluding~~) restraining the person from going onto the
29 grounds of or entering a residence, workplace, school, or day care (RCW
30 26.09.300, 26.10.220, or 26.26.138);

31 (s) Violation of the provisions of a protection order or no-contact
32 order restraining the person or (~~excluding~~) restraining the person
33 from going onto the grounds of or entering a residence, workplace,
34 school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, (~~or~~)
35 10.99.040, or 10.99.050);

36 (t) Rape in the first degree (RCW 9A.44.040);

37 (u) Rape in the second degree (RCW 9A.44.050);

38 (v) Residential burglary (RCW 9A.52.025); (~~and~~)

39 (w) Stalking (RCW 9A.46.110); and

1 (x) Interference with the reporting of domestic violence (section
2 3 of this act).

3 (4) "Victim" means a family or household member who has been
4 subjected to domestic violence.

5 **Sec. 6.** RCW 10.99.030 and 1995 c 246 s 22 are each amended to read
6 as follows:

7 (1) All training relating to the handling of domestic violence
8 complaints by law enforcement officers shall stress enforcement of
9 criminal laws in domestic situations, availability of community
10 resources, and protection of the victim. Law enforcement agencies and
11 community organizations with expertise in the issue of domestic
12 violence shall cooperate in all aspects of such training.

13 (2) The criminal justice training commission shall implement by
14 January 1, 1997, a course of instruction for the training of law
15 enforcement officers in Washington in the handling of domestic violence
16 complaints. The basic law enforcement curriculum of the criminal
17 justice training commission shall include at least twenty hours of
18 basic training instruction on the law enforcement response to domestic
19 violence. The course of instruction, the learning and performance
20 objectives, and the standards for the training shall be developed by
21 the commission and focus on enforcing the criminal laws, safety of the
22 victim, and holding the perpetrator accountable for the violence. The
23 curriculum shall include training on the extent and prevalence of
24 domestic violence, the importance of criminal justice intervention,
25 techniques for responding to incidents that minimize the likelihood of
26 officer injury and that promote victim safety, investigation and
27 interviewing skills, evidence gathering and report writing, assistance
28 to and services for victims and children, verification and enforcement
29 of court orders, liability, and any additional provisions that are
30 necessary to carry out the intention of this subsection.

31 (3) The criminal justice training commission shall develop and
32 update annually an in-service training program to familiarize law
33 enforcement officers with the domestic violence laws. The program
34 shall include techniques for handling incidents of domestic violence
35 that minimize the likelihood of injury to the officer and that promote
36 the safety of all parties. The commission shall make the training
37 program available to all law enforcement agencies in the state.

1 (4) Development of the training in subsections (2) and (3) of this
2 section shall be conducted in conjunction with agencies having a
3 primary responsibility for serving victims of domestic violence with
4 emergency shelter and other services, and representatives to the state-
5 wide organization providing training and education to these
6 organizations and to the general public.

7 (5) The primary duty of peace officers, when responding to a
8 domestic violence situation, is to enforce the laws allegedly violated
9 and to protect the complaining party.

10 (6)(a) When a peace officer responds to a domestic violence call
11 and has probable cause to believe that a crime has been committed, the
12 peace officer shall exercise arrest powers with reference to the
13 criteria in RCW 10.31.100. The officer shall notify the victim of the
14 victim's right to initiate a criminal proceeding in all cases where the
15 officer has not exercised arrest powers or decided to initiate criminal
16 proceedings by citation or otherwise. The parties in such cases shall
17 also be advised of the importance of preserving evidence.

18 (b) A peace officer responding to a domestic violence call shall
19 take a complete offense report including the officer's disposition of
20 the case.

21 (7) When a peace officer responds to a domestic violence call, the
22 officer shall advise victims of all reasonable means to prevent further
23 abuse, including advising each person of the availability of a shelter
24 or other services in the community, and giving each person immediate
25 notice of the legal rights and remedies available. The notice shall
26 include handing each person a copy of the following statement:

27 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
28 city or county prosecuting attorney to file a criminal
29 complaint. You also have the right to file a petition in
30 superior, district, or municipal court requesting an order for
31 protection from domestic abuse which could include any of the
32 following: (a) An order restraining your abuser from further
33 acts of abuse; (b) an order directing your abuser to leave your
34 household; (c) an order preventing your abuser from entering
35 your residence, school, business, or place of employment; (d)
36 an order awarding you or the other parent custody of or
37 visitation with your minor child or children; and (e) an order
38 restraining your abuser from molesting or interfering with
39 minor children in your custody. The forms you need to obtain

1 a protection order are available in any municipal, district, or
2 superior court.

3 Information about shelters and alternatives to domestic
4 violence is available from a state-wide twenty-four-hour toll-
5 free hotline at (include appropriate phone number). The
6 battered women's shelter and other resources in your area are
7 (include local information)"

8 (8) The peace officer may offer, arrange, or facilitate
9 transportation for the victim to a hospital for treatment of injuries
10 or to a place of safety or shelter.

11 (9) The law enforcement agency shall forward the offense report to
12 the appropriate prosecutor within ten days of making such report if
13 there is probable cause to believe that an offense has been committed,
14 unless the case is under active investigation.

15 (10) Each law enforcement agency shall make as soon as practicable
16 a written record and shall maintain records of all incidents of
17 domestic violence reported to it.

18 (11) Records kept pursuant to subsections (6) and (10) of this
19 section shall be made identifiable by means of a departmental code for
20 domestic violence.

21 (12) Commencing January 1, 1994, records of incidents of domestic
22 violence shall be submitted, in accordance with procedures described in
23 this subsection, to the Washington association of sheriffs and police
24 chiefs by all law enforcement agencies. The Washington criminal
25 justice training commission shall amend its contract for collection of
26 state-wide crime data with the Washington association of sheriffs and
27 police chiefs:

28 (a) To include a table, in the annual report of crime in Washington
29 produced by the Washington association of sheriffs and police chiefs
30 pursuant to the contract, showing the total number of actual offenses
31 and the number and percent of the offenses that are domestic violence
32 incidents for the following crimes: (i) Criminal homicide, with
33 subtotals for murder and nonnegligent homicide and manslaughter by
34 negligence; (ii) forcible rape, with subtotals for rape by force and
35 attempted forcible rape; (iii) robbery, with subtotals for firearm,
36 knife or cutting instrument, or other dangerous weapon, and strongarm
37 robbery; (iv) assault, with subtotals for firearm, knife or cutting
38 instrument, other dangerous weapon, hands, feet, aggravated, and other

1 nonaggravated assaults; (v) burglary, with subtotals for forcible
2 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)
3 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,
4 with subtotals for autos, trucks and buses, and other vehicles; ((and))
5 (viii) arson; and (ix) violations of the provisions of a protection
6 order or no contact order restraining the person from going onto the
7 grounds of or entering a residence, workplace, school, or day care,
8 provided that specific appropriations are subsequently made for the
9 collection and compilation of data regarding violations of protection
10 orders or no contact orders;

11 (b) To require that the table shall continue to be prepared and
12 contained in the annual report of crime in Washington until that time
13 as comparable or more detailed information about domestic violence
14 incidents is available through the Washington state incident based
15 reporting system and the information is prepared and contained in the
16 annual report of crime in Washington; and

17 (c) To require that, in consultation with interested persons, the
18 Washington association of sheriffs and police chiefs prepare and
19 disseminate procedures to all law enforcement agencies in the state as
20 to how the agencies shall code and report domestic violence incidents
21 to the Washington association of sheriffs and police chiefs.

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

24 (1) Because of the serious nature of domestic violence, the court
25 in domestic violence actions:

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

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

30 (c) Shall waive any requirement that the victim's location be
31 disclosed to any person, other than the attorney of a criminal
32 defendant, upon a showing that there is a possibility of further
33 violence: PROVIDED, That the court may order a criminal defense
34 attorney not to disclose to his or her client the victim's location;
35 and

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

1 (2) Because of the likelihood of repeated violence directed at
2 those who have been victims of domestic violence in the past, when any
3 person charged with or arrested for a crime involving domestic violence
4 is released from custody before arraignment or trial on bail or
5 personal recognizance, the court authorizing the release may prohibit
6 that person from having any contact with the victim. The jurisdiction
7 authorizing the release shall determine whether that person should be
8 prohibited from having any contact with the victim. If there is no
9 outstanding restraining or protective order prohibiting that person
10 from having contact with the victim, the court authorizing release may
11 issue, by telephone, a no-contact order prohibiting the person charged
12 or arrested from having contact with the victim. In issuing the order,
13 the court shall consider the provisions of RCW 9.41.800. The no-
14 contact order shall also be issued in writing as soon as possible.

15 (3) At the time of arraignment the court shall determine whether a
16 no-contact order shall be issued or extended. If a no-contact order is
17 issued or extended, the court may also include in the conditions of
18 release a requirement that the defendant submit to electronic
19 monitoring. If electronic monitoring is ordered, the court shall
20 specify who shall provide the monitoring services, and the terms under
21 which the monitoring shall be performed. Upon conviction, the court
22 may require as a condition of the sentence that the defendant reimburse
23 the providing agency for the costs of the electronic monitoring.

24 (4)(a) Willful violation of a court order issued under subsection
25 (2) or (3) of this section is a gross misdemeanor except as provided in
26 (b) and (c) of this subsection (4). Upon conviction and in addition to
27 other penalties provided by law, the court may require that the
28 defendant submit to electronic monitoring. The court shall specify who
29 shall provide the electronic monitoring services and the terms under
30 which the monitoring must be performed. The court also may include a
31 requirement that the defendant pay the costs of the monitoring. The
32 court shall consider the ability of the convicted person to pay for
33 electronic monitoring.

34 (b) Any assault that is a violation of an order issued under this
35 section and that does not amount to assault in the first or second
36 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
37 under chapter 9A.20 RCW, and any conduct in violation of a protective
38 order issued under this section that is reckless and creates a

1 substantial risk of death or serious physical injury to another person
2 is a class C felony punishable under chapter 9A.20 RCW.

3 (c) A willful violation of a court order issued under this section
4 is a class C felony if the offender has at least two previous
5 convictions for violating the provisions of a no-contact order issued
6 under this chapter, a domestic violence protection order issued under
7 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-
8 state order that is comparable to a no-contact order or protection
9 order issued under Washington law. The previous convictions may
10 involve the same victim or other victims specifically protected by the
11 no-contact orders or protection orders the offender violated.

12 (d) The written order releasing the person charged or arrested
13 shall contain the court's directives and shall bear the legend:
14 "Violation of this order is a criminal offense under chapter 10.99 RCW
15 and will subject a violator to arrest; any assault or reckless
16 endangerment that is a violation of this order is a felony. You can be
17 arrested even if any person protected by the order invites or allows
18 you to violate the order's prohibitions. You have the sole
19 responsibility to avoid or refrain from violating the order's
20 provisions. Only the court can change the order." A certified copy of
21 the order shall be provided to the victim. If a no-contact order has
22 been issued prior to charging, that order shall expire at arraignment
23 or within seventy-two hours if charges are not filed. Such orders need
24 not be entered into the computer-based criminal intelligence
25 information system in this state which is used by law enforcement
26 agencies to list outstanding warrants.

27 (5) Whenever an order prohibiting contact is issued, modified, or
28 terminated under subsection (2) or (3) of this section, the clerk of
29 the court shall forward a copy of the order on or before the next
30 judicial day to the appropriate law enforcement agency specified in the
31 order. Upon receipt of the copy of the order the law enforcement
32 agency shall forthwith enter the order for one year or until the
33 expiration date specified on the order into any computer-based criminal
34 intelligence information system available in this state used by law
35 enforcement agencies to list outstanding warrants. Entry into the law
36 enforcement information system constitutes notice to all law
37 enforcement agencies of the existence of the order. The order is fully
38 enforceable in any jurisdiction in the state.

1 **Sec. 8.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read
2 as follows:

3 (1) When a defendant is found guilty of a crime and a condition of
4 the sentence restricts the defendant's ability to have contact with the
5 victim, such condition shall be recorded and a written certified copy
6 of that order shall be provided to the victim.

7 (2) Willful violation of a court order issued under this section is
8 a gross misdemeanor. Any assault that is a violation of an order
9 issued under this section and that does not amount to assault in the
10 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
11 felony, and any conduct in violation of a protective order issued under
12 this section that is reckless and creates a substantial risk of death
13 or serious physical injury to another person is a class C felony. A
14 willful violation of a court order issued under this section is also a
15 class C felony if the offender has at least two previous convictions
16 for violating the provisions of a no-contact order issued under this
17 chapter, or a domestic violence protection order issued under chapter
18 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order
19 that is comparable to a no-contact order or protection order that is
20 issued under Washington law. The previous convictions may involve the
21 same victim or other victims specifically protected by the no-contact
22 orders or protection orders the offender violated.

23 The written order shall contain the court's directives and shall
24 bear the legend: Violation of this order is a criminal offense under
25 chapter 10.99 RCW and will subject a violator to arrest; any assault or
26 reckless endangerment that is a violation of this order is a felony.

27 (3) Whenever an order prohibiting contact is issued pursuant to
28 this section, the clerk of the court shall forward a copy of the order
29 on or before the next judicial day to the appropriate law enforcement
30 agency specified in the order. Upon receipt of the copy of the order
31 the law enforcement agency shall forthwith enter the order for one year
32 into any computer-based criminal intelligence information system
33 available in this state used by law enforcement agencies to list
34 outstanding warrants. Entry into the law enforcement information
35 system constitutes notice to all law enforcement agencies of the
36 existence of the order. The order is fully enforceable in any
37 jurisdiction in the state.

1 **Sec. 9.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read
2 as follows:

3 (1) Whenever a restraining order is issued under this chapter, and
4 the person to be restrained knows of the order, a violation of the
5 provisions restricting the person from acts or threats of violence or
6 of a provision (~~(excluding)~~) restraining the person from going onto the
7 grounds of or entering the residence, workplace, school, or day care of
8 another is a misdemeanor.

9 (2) A person is deemed to have notice of a restraining order if:

10 (a) The person to be restrained or the person's attorney signed the
11 order;

12 (b) The order recites that the person to be restrained or the
13 person's attorney appeared in person before the court;

14 (c) The order was served upon the person to be restrained; or

15 (d) The peace officer gives the person oral or written evidence of
16 the order by reading from it or handing to the person a certified copy
17 of the original order, certified to be an accurate copy of the original
18 by a notary public or by the clerk of the court.

19 (3) A peace officer shall verify the existence of a restraining
20 order by:

21 (a) Obtaining information confirming the existence and terms of the
22 order from a law enforcement agency; or

23 (b) Obtaining a certified copy of the order, certified to be an
24 accurate copy of the original by a notary public or by the clerk of the
25 court.

26 (4) A peace officer shall arrest and take into custody, pending
27 release on bail, personal recognizance, or court order, a person
28 without a warrant when the officer has probable cause to believe that:

29 (a) A restraining order has been issued under this chapter;

30 (b) The respondent or person to be restrained knows of the order;
31 and

32 (c) The person to be arrested has violated the terms of the order
33 restraining the person from acts or threats of violence or
34 (~~(excluding)~~) restraining the person from going onto the grounds of or
35 entering the residence, workplace, school, or day care of another.

36 (5) It is a defense to prosecution under subsection (1) of this
37 section that the court order was issued contrary to law or court rule.

1 (6) No peace officer may be held criminally or civilly liable for
2 making an arrest under subsection (4) of this section if the officer
3 acts in good faith and without malice.

4 **Sec. 10.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to
5 read as follows:

6 (1) Whenever a restraining order is issued under this chapter, and
7 the person to be restrained knows of the order, a violation of the
8 provisions restricting the person from acts or threats of violence or
9 of a provision (~~(excluding)~~) restraining the person from going onto the
10 grounds of or entering the residence, workplace, school, or day care of
11 another is a misdemeanor.

12 (2) A person is deemed to have notice of a restraining order if:

13 (a) The person to be restrained or the person's attorney signed the
14 order;

15 (b) The order recites that the person to be restrained or the
16 person's attorney appeared in person before the court;

17 (c) The order was served upon the person to be restrained; or

18 (d) The peace officer gives the person oral or written evidence of
19 the order by reading from it or handing to the person a certified copy
20 of the original order, certified to be an accurate copy of the original
21 by a notary public or by the clerk of the court.

22 (3) A peace officer shall verify the existence of a restraining
23 order by:

24 (a) Obtaining information confirming the existence and terms of the
25 order from a law enforcement agency; or

26 (b) Obtaining a certified copy of the order, certified to be an
27 accurate copy of the original by a notary public or by the clerk of the
28 court.

29 (4) A peace officer shall arrest and take into custody, pending
30 release on bail, personal recognizance, or court order, a person
31 without a warrant when the officer has probable cause to believe that:

32 (a) A restraining order has been issued under this chapter;

33 (b) The respondent or person to be restrained knows of the order;
34 and

35 (c) The person to be arrested has violated the terms of the order
36 restraining the person from acts or threats of violence or
37 (~~(excluding)~~) restraining the person from going onto the grounds of or
38 entering the residence, workplace, school, or day care of another.

1 (5) It is a defense to prosecution under subsection (1) of this
2 section that the court order was issued contrary to law or court rule.

3 (6) No peace officer may be held criminally or civilly liable for
4 making an arrest under subsection (4) of this section if the officer
5 acts in good faith and without malice.

6 **Sec. 11.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to
7 read as follows:

8 (1) Whenever a restraining order is issued under this chapter, and
9 the person to be restrained knows of the order, a violation of the
10 provisions restricting the person from acts or threats of violence or
11 of a provision (~~(excluding)~~) restraining the person from going onto the
12 grounds of or entering the residence, workplace, school, or day care of
13 another is a misdemeanor.

14 (2) A person is deemed to have notice of a restraining order if:

15 (a) The person to be restrained or the person's attorney signed the
16 order;

17 (b) The order recites that the person to be restrained or the
18 person's attorney appeared in person before the court;

19 (c) The order was served upon the person to be restrained; or

20 (d) The peace officer gives the person oral or written evidence of
21 the order by reading from it or handing to the person a certified copy
22 of the original order, certified to be an accurate copy of the original
23 by a notary public or by the clerk of the court.

24 (3) A peace officer shall verify the existence of a restraining
25 order by:

26 (a) Obtaining information confirming the existence and terms of the
27 order from a law enforcement agency; or

28 (b) Obtaining a certified copy of the order, certified to be an
29 accurate copy of the original by a notary public or by the clerk of the
30 court.

31 (4) A peace officer shall arrest and take into custody, pending
32 release on bail, personal recognizance, or court order, a person
33 without a warrant when the officer has probable cause to believe that:

34 (a) A restraining order has been issued under this chapter;

35 (b) The respondent or person to be restrained knows of the order;
36 and

37 (c) The person to be arrested has violated the terms of the order
38 restraining the person from acts or threats of violence or

1 ((~~excluding~~)) restraining the person from going onto the grounds of or
2 entering the residence, workplace, school, or day care of another.

3 (5) It is a defense to prosecution under subsection (1) of this
4 section that the court order was issued contrary to law or court rule.

5 (6) No peace officer may be held criminally or civilly liable for
6 making an arrest under subsection (4) of this section if the officer
7 acts in good faith and without malice.

8 **Sec. 12.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read
9 as follows:

10 There shall exist an action known as a petition for an order for
11 protection in cases of domestic violence.

12 (1) A petition for relief shall allege the existence of domestic
13 violence, and shall be accompanied by an affidavit made under oath
14 stating the specific facts and circumstances from which relief is
15 sought. Petitioner and respondent shall disclose the existence of any
16 other litigation concerning the custody or residential placement of a
17 child of the parties as set forth in RCW 26.27.090 and the existence of
18 any other restraining, protection, or no contact orders between the
19 parties.

20 (2) A petition for relief may be made regardless of whether or not
21 there is a pending lawsuit, complaint, petition, or other action
22 between the parties except in cases where the court realigns petitioner
23 and respondent in accordance with RCW 26.50.060(4).

24 (3) Within ninety days of receipt of the master copy from the
25 administrator for the courts, all court clerk's offices shall make
26 available the standardized forms, instructions, and informational
27 brochures required by RCW 26.50.035 and shall fill in and keep current
28 specific program names and telephone numbers for community resources.
29 Any assistance or information provided by clerks under this section
30 does not constitute the practice of law and clerks are not responsible
31 for incorrect information contained in a petition.

32 (4) No filing fee may be charged for proceedings under this
33 section. Forms and instructional brochures shall be provided free of
34 charge.

35 (5) A person is not required to post a bond to obtain relief in any
36 proceeding under this section.

1 **Sec. 13.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read
2 as follows:

3 (1) Upon notice and after hearing, the court may provide relief as
4 follows:

5 (a) Restrain the respondent from committing acts of domestic
6 violence;

7 (b) Exclude the respondent from the dwelling which the parties
8 share, from the residence, workplace, or school of the petitioner, or
9 from the day care or school of a child;

10 (c) On the same basis as is provided in chapter 26.09 RCW, the
11 court shall make residential provision with regard to minor children of
12 the parties. However, parenting plans as specified in chapter 26.09
13 RCW shall not be required under this chapter;

14 (d) Order the respondent to participate in batterers' treatment;

15 (e) Order other relief as it deems necessary for the protection of
16 the petitioner and other family or household members sought to be
17 protected, including orders or directives to a peace officer, as
18 allowed under this chapter;

19 (f) Require the respondent to pay the administrative court costs
20 and service fees, as established by the county or municipality
21 incurring the expense and to reimburse the petitioner for costs
22 incurred in bringing the action, including a reasonable attorney's fee;

23 (g) Restrain the respondent from having any contact with the victim
24 of domestic violence or the victim's children or members of the
25 victim's household;

26 (h) Require the respondent to submit to electronic monitoring. The
27 order shall specify who shall provide the electronic monitoring
28 services and the terms under which the monitoring must be performed.
29 The order also may include a requirement that the respondent pay the
30 costs of the monitoring. The court shall consider the ability of the
31 respondent to pay for electronic monitoring;

32 (i) Consider the provisions of RCW 9.41.800;

33 (j) Order possession and use of essential personal effects. The
34 court shall list the essential personal effects with sufficient
35 specificity to make it clear which property is included; and

36 (k) Order use of a vehicle.

37 (2) If a restraining order restrains the respondent from contacting
38 the respondent's minor children the restraint shall be for a fixed
39 period not to exceed one year. This limitation is not applicable to

1 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.
2 With regard to other relief, if the petitioner has petitioned for
3 relief on his or her own behalf or on behalf of the petitioner's family
4 or household members or minor children, and the court finds that the
5 respondent is likely to resume acts of domestic violence against the
6 petitioner or the petitioner's family or household members or minor
7 children when the order expires, the court may either grant relief for
8 a fixed period or enter a permanent order of protection.

9 If the petitioner has petitioned for relief on behalf of the
10 respondent's minor children, the court shall advise the petitioner that
11 if the petitioner wants to continue protection for a period beyond one
12 year the petitioner may either petition for renewal pursuant to the
13 provisions of this chapter or may seek relief pursuant to the
14 provisions of chapter 26.09 or 26.26 RCW.

15 (3) If the court grants an order for a fixed time period, the
16 petitioner may apply for renewal of the order by filing a petition for
17 renewal at any time within the three months before the order expires.
18 The petition for renewal shall state the reasons why the petitioner
19 seeks to renew the protection order. Upon receipt of the petition for
20 renewal the court shall order a hearing which shall be not later than
21 fourteen days from the date of the order. Except as provided in RCW
22 26.50.085, personal service shall be made on the respondent not less
23 than five days before the hearing. If timely service cannot be made
24 the court shall set a new hearing date and shall either require
25 additional attempts at obtaining personal service or permit service by
26 publication as provided in RCW 26.50.085 or by mail as provided in RCW
27 26.50.123. If the court permits service by publication or mail, the
28 court shall set the new hearing date not later than twenty-four days
29 from the date of the order. If the order expires because timely
30 service cannot be made the court shall grant an ex parte order of
31 protection as provided in RCW 26.50.070. The court shall grant the
32 petition for renewal unless the respondent proves by a preponderance of
33 the evidence that the respondent will not resume acts of domestic
34 violence against the petitioner or the petitioner's children or family
35 or household members when the order expires. The court may renew the
36 protection order for another fixed time period or may enter a permanent
37 order as provided in this section. The court may award court costs,
38 service fees, and reasonable attorneys' fees as provided in subsection
39 (1)(f) of this section.

1 (4) In providing relief under this chapter, the court may realign
2 the designation of the parties as "petitioner" and "respondent" where
3 the court finds that the original petitioner is the abuser and the
4 original respondent is the victim of domestic violence and may issue an
5 ex parte temporary order for protection in accordance with RCW
6 26.50.070 on behalf of the victim until the victim is able to prepare
7 a petition for an order for protection in accordance with RCW
8 26.50.030.

9 (5) Except as provided in subsection (4) of this section, no order
10 for protection shall grant relief to any party except upon notice to
11 the respondent and hearing pursuant to a petition or counter-petition
12 filed and served by the party seeking relief in accordance with RCW
13 26.50.050.

14 (6) The court order shall specify the date the order expires if
15 any. The court order shall also state whether the court issued the
16 protection order following personal service ~~((or))~~, service by
17 publication, or service by mail and whether the court has approved
18 service by publication or mail of an order issued under this section.

19 (7) If the court declines to issue an order for protection or
20 declines to renew an order for protection, the court shall state in
21 writing on the order the particular reasons for the court's denial.

22 **Sec. 14.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read
23 as follows:

24 (1) Where an application under this section alleges that
25 irreparable injury could result from domestic violence if an order is
26 not issued immediately without prior notice to the respondent, the
27 court may grant an ex parte temporary order for protection, pending a
28 full hearing, and grant relief as the court deems proper, including an
29 order:

30 (a) Restraining any party from committing acts of domestic
31 violence;

32 (b) ~~((Excluding))~~ Restraining any party from going onto the grounds
33 of or entering the dwelling ((shared or from the residence of the
34 other)) that the parties share, from the residence, workplace, or
35 school of the other, or from the day care or school of a child until
36 further order of the court;

1 (c) Restraining any party from interfering with the other's custody
2 of the minor children or from removing the children from the
3 jurisdiction of the court;

4 (d) Restraining any party from having any contact with the victim
5 of domestic violence or the victim's children or members of the
6 victim's household; and

7 (e) Considering the provisions of RCW 9.41.800.

8 (2) Irreparable injury under this section includes but is not
9 limited to situations in which the respondent has recently threatened
10 petitioner with bodily injury or has engaged in acts of domestic
11 violence against the petitioner.

12 (3) The court shall hold an ex parte hearing in person or by
13 telephone on the day the petition is filed or on the following judicial
14 day.

15 (4) An ex parte temporary order for protection shall be effective
16 for a fixed period not to exceed fourteen days or twenty-four days if
17 the court has permitted service by publication under RCW 26.50.085 or
18 by mail under RCW 26.50.123. The ex parte order may be reissued. A
19 full hearing, as provided in this chapter, shall be set for not later
20 than fourteen days from the issuance of the temporary order or not
21 later than twenty-four days if service by publication or by mail is
22 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
23 26.50.123, the respondent shall be personally served with a copy of the
24 ex parte order along with a copy of the petition and notice of the date
25 set for the hearing.

26 (5) Any order issued under this section shall contain the date and
27 time of issuance and the expiration date and shall be entered into a
28 state-wide judicial information system by the clerk of the court within
29 one judicial day after issuance.

30 (6) If the court declines to issue an ex parte temporary order for
31 protection the court shall state the particular reasons for the court's
32 denial. The court's denial of a motion for an ex parte order of
33 protection shall be filed with the court.

34 **Sec. 15.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to
35 read as follows:

36 (1) A copy of an order for protection granted under this chapter
37 shall be forwarded by the clerk of the court on or before the next

1 judicial day to the appropriate law enforcement agency specified in the
2 order.

3 Upon receipt of the order, the law enforcement agency shall
4 forthwith enter the order into any computer-based criminal intelligence
5 information system available in this state used by law enforcement
6 agencies to list outstanding warrants. The order shall remain in the
7 computer for the period stated in the order. The law enforcement
8 agency shall only expunge from the computer-based criminal intelligence
9 information system orders that are expired, vacated, or superseded.
10 Entry into the law enforcement information system constitutes notice to
11 all law enforcement agencies of the existence of the order. The order
12 is fully enforceable in any county in the state.

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

17 **Sec. 16.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to
18 read as follows:

19 (1) Whenever an order for protection is granted under this chapter
20 and the respondent or person to be restrained knows of the order, a
21 violation of the restraint provisions or of a provision excluding the
22 person from a residence, workplace, school, or day care is a gross
23 misdemeanor except as provided in subsections (4) and (5) of this
24 section. Upon conviction, and in addition to any other penalties
25 provided by law, the court may require that the respondent submit to
26 electronic monitoring. The court shall specify who shall provide the
27 electronic monitoring services, and the terms under which the
28 monitoring shall be performed. The order also may include a
29 requirement that the respondent pay the costs of the monitoring. The
30 court shall consider the ability of the convicted person to pay for
31 electronic monitoring.

32 (2) A peace officer shall arrest without a warrant and take into
33 custody a person whom the peace officer has probable cause to believe
34 has violated an order issued under this chapter that restrains the
35 person or excludes the person from a residence, workplace, school, or
36 day care, if the person restrained knows of the order. Presence of the
37 order in the law enforcement computer-based criminal intelligence

1 information system is not the only means of establishing knowledge of
2 the order.

3 (3) A violation of an order for protection shall also constitute
4 contempt of court, and is subject to the penalties prescribed by law.

5 (4) Any assault that is a violation of an order issued under this
6 chapter and that does not amount to assault in the first or second
7 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
8 conduct in violation of a protective order issued under this chapter
9 that is reckless and creates a substantial risk of death or serious
10 physical injury to another person is a class C felony.

11 (5) A violation of a court order issued under this chapter is a
12 class C felony if the offender has at least two previous convictions
13 for violating the provisions of a no-contact order issued under chapter
14 10.99 RCW, a domestic violence protection order issued under chapter
15 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-
16 state order that is comparable to a no-contact or protection order
17 issued under Washington law. The previous convictions may involve the
18 same victim or other victims specifically protected by the no-contact
19 orders or protection orders the offender violated.

20 (6) Upon the filing of an affidavit by the petitioner or any peace
21 officer alleging that the respondent has violated an order for
22 protection granted under this chapter, the court may issue an order to
23 the respondent, requiring the respondent to appear and show cause
24 within fourteen days why the respondent should not be found in contempt
25 of court and punished accordingly. The hearing may be held in the
26 court of any county or municipality in which the petitioner or
27 respondent temporarily or permanently resides at the time of the
28 alleged violation.

29 **Sec. 17.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to
30 read as follows:

31 (1) When the court issues an ex parte order pursuant to RCW
32 26.50.070 or an order of protection (~~ordered~~ issued) pursuant to RCW
33 26.50.060, the court shall advise the petitioner that the respondent
34 may not be subjected to the penalties set forth in RCW 26.50.110 for a
35 violation of the order unless the respondent knows of the order.

36 (2) When a peace officer investigates a report of an alleged
37 violation of an order for protection issued under this chapter the
38 officer shall attempt to determine whether the respondent knew of the

1 existence of the protection order. If the law enforcement officer
2 determines that the respondent did not or probably did not know about
3 the protection order and the officer is provided a current copy of the
4 order, the officer shall serve the order on the respondent if the
5 respondent is present. If the respondent is not present, the officer
6 shall make reasonable efforts to serve a copy of the order on the
7 respondent. If the officer serves the respondent with the petitioner's
8 copy of the order, the officer shall give petitioner a receipt
9 indicating that petitioner's copy has been served on the respondent.
10 After the officer has served the order on the respondent, the officer
11 shall enforce prospective compliance with the order.

12 (3) Presentation of an unexpired, certified copy of a protection
13 order with proof of service is sufficient for a law enforcement officer
14 to enforce (~~the terms of~~) the order regardless of the presence of the
15 order in the law enforcement computer-based criminal intelligence
16 information system.

--- END ---