
HOUSE BILL 2756

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By Representatives Sheahan, Costa, Lambert, Constantine, Sherstad, Kessler, Ogden, Dickerson, Conway, Cooper, Mason, Anderson, Thompson, Gardner, Wood, Morris and Ballasiotes

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1 AN ACT Relating to domestic violence; and amending RCW 10.31.100,
2 26.50.060, 26.50.070, 26.50.110, 26.09.050, 26.09.060, 26.09.300,
3 26.10.040, 26.10.115, 26.10.220, 26.26.130, 26.26.137, 26.26.138,
4 26.44.063, 10.99.040, and 10.99.050.

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

6 **Sec. 1.** RCW 10.31.100 and 1997 c 66 s 10 are each amended to read
7 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

1 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
2 or 9A.52.080, shall have the authority to arrest the person.

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

6 (a) An order has been issued of which the person has knowledge
7 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
8 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
9 restraining the person and the person has violated the terms of the
10 order restraining the person from acts or threats of violence, from
11 contacting or coming within a specified distance of another person, or
12 ~~((restraining the person))~~ from going onto the grounds of ~~((or)),~~
13 entering, or coming within a specified distance of a residence,
14 workplace, school, or day care or, in the case of an order issued under
15 RCW 26.44.063, imposing any other restrictions or conditions upon the
16 person; or

17 (b) The person is sixteen years or older and within the preceding
18 four hours has assaulted a family or household member as defined in RCW
19 10.99.020 and the officer believes: (i) A felonious assault has
20 occurred; (ii) an assault has occurred which has resulted in bodily
21 injury to the victim, whether the injury is observable by the
22 responding officer or not; or (iii) that any physical action has
23 occurred which was intended to cause another person reasonably to fear
24 imminent serious bodily injury or death. Bodily injury means physical
25 pain, illness, or an impairment of physical condition. When the
26 officer has probable cause to believe that family or household members
27 have assaulted each other, the officer is not required to arrest both
28 persons. The officer shall arrest the person whom the officer believes
29 to be the primary physical aggressor. In making this determination,
30 the officer shall make every reasonable effort to consider: (i) The
31 intent to protect victims of domestic violence under RCW 10.99.010;
32 (ii) the comparative extent of injuries inflicted or serious threats
33 creating fear of physical injury; and (iii) the history of domestic
34 violence between the persons involved.

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

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

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

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

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

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

9 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
10 negligent manner.

11 (4) A law enforcement officer investigating at the scene of a motor
12 vehicle accident may arrest the driver of a motor vehicle involved in
13 the accident if the officer has probable cause to believe that the
14 driver has committed in connection with the accident a violation of any
15 traffic law or regulation.

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

19 (6) An officer may act upon the request of a law enforcement
20 officer in whose presence a traffic infraction was committed, to stop,
21 detain, arrest, or issue a notice of traffic infraction to the driver
22 who is believed to have committed the infraction. The request by the
23 witnessing officer shall give an officer the authority to take
24 appropriate action under the laws of the state of Washington.

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

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

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

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

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

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

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

10 **Sec. 2.** RCW 26.50.060 and 1996 c 248 s 13 are each amended to read
11 as follows:

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

14 (a) Restrain the respondent from committing acts of domestic
15 violence;

16 (b) (~~Exclude~~) Restrain the respondent from going onto the grounds
17 of, entering, or coming within a specified distance of the dwelling
18 which the parties share, (~~from~~) the residence, workplace, or school
19 of the petitioner, or (~~from~~) the day care or school of a child;

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

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

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

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

33 (g) Restrain the respondent from having any contact with or coming
34 within a specified distance of the victim of domestic violence or the
35 victim's children or members of the victim's household;

36 (h) Require the respondent to submit to electronic monitoring. The
37 order shall specify who shall provide the electronic monitoring
38 services and the terms under which the monitoring must be performed.

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

4 (i) Consider the provisions of RCW 9.41.800;

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

8 (k) Order use of a vehicle.

9 (2) If a restraining order restrains the respondent from contacting
10 the respondent's minor children the restraint shall be for a fixed
11 period not to exceed one year. This limitation is not applicable to
12 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.
13 With regard to other relief, if the petitioner has petitioned for
14 relief on his or her own behalf or on behalf of the petitioner's family
15 or household members or minor children, and the court finds that the
16 respondent is likely to resume acts of domestic violence against the
17 petitioner or the petitioner's family or household members or minor
18 children when the order expires, the court may either grant relief for
19 a fixed period or enter a permanent order of protection.

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

26 (3) If the court grants an order for a fixed time period, the
27 petitioner may apply for renewal of the order by filing a petition for
28 renewal at any time within the three months before the order expires.
29 The petition for renewal shall state the reasons why the petitioner
30 seeks to renew the protection order. Upon receipt of the petition for
31 renewal the court shall order a hearing which shall be not later than
32 fourteen days from the date of the order. Except as provided in RCW
33 26.50.085, personal service shall be made on the respondent not less
34 than five days before the hearing. If timely service cannot be made
35 the court shall set a new hearing date and shall either require
36 additional attempts at obtaining personal service or permit service by
37 publication as provided in RCW 26.50.085 or by mail as provided in RCW
38 26.50.123. If the court permits service by publication or mail, the
39 court shall set the new hearing date not later than twenty-four days

1 from the date of the order. If the order expires because timely
2 service cannot be made the court shall grant an ex parte order of
3 protection as provided in RCW 26.50.070. The court shall grant the
4 petition for renewal unless the respondent proves by a preponderance of
5 the evidence that the respondent will not resume acts of domestic
6 violence against the petitioner or the petitioner's children or family
7 or household members when the order expires. The court may renew the
8 protection order for another fixed time period or may enter a permanent
9 order as provided in this section. The court may award court costs,
10 service fees, and reasonable attorneys' fees as provided in subsection
11 (1)(f) of this section.

12 (4) In providing relief under this chapter, the court may realign
13 the designation of the parties as "petitioner" and "respondent" where
14 the court finds that the original petitioner is the abuser and the
15 original respondent is the victim of domestic violence and may issue an
16 ex parte temporary order for protection in accordance with RCW
17 26.50.070 on behalf of the victim until the victim is able to prepare
18 a petition for an order for protection in accordance with RCW
19 26.50.030.

20 (5) Except as provided in subsection (4) of this section, no order
21 for protection shall grant relief to any party except upon notice to
22 the respondent and hearing pursuant to a petition or counter-petition
23 filed and served by the party seeking relief in accordance with RCW
24 26.50.050.

25 (6) The court order shall specify the date the order expires if
26 any. The court order shall also state whether the court issued the
27 protection order following personal service, service by publication, or
28 service by mail and whether the court has approved service by
29 publication or mail of an order issued under this section.

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

33 **Sec. 3.** RCW 26.50.070 and 1996 c 248 s 14 are each amended to read
34 as follows:

35 (1) Where an application under this section alleges that
36 irreparable injury could result from domestic violence if an order is
37 not issued immediately without prior notice to the respondent, the
38 court may grant an ex parte temporary order for protection, pending a

1 full hearing, and grant relief as the court deems proper, including an
2 order:

3 (a) Restraining any party from committing acts of domestic
4 violence;

5 (b) Restraining any party from going onto the grounds of ~~((or))~~,
6 entering, or coming within a specified distance of the dwelling that
7 the parties share, from the residence, workplace, or school of the
8 other, or from the day care or school of a child until further order of
9 the court;

10 (c) Restraining any party from interfering with the other's custody
11 of the minor children or from removing the children from the
12 jurisdiction of the court;

13 (d) Restraining any party from having any contact with or coming
14 within a specified distance of the victim of domestic violence or the
15 victim's children or members of the victim's household; and

16 (e) Considering the provisions of RCW 9.41.800.

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

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

24 (4) An ex parte temporary order for protection shall be effective
25 for a fixed period not to exceed fourteen days or twenty-four days if
26 the court has permitted service by publication under RCW 26.50.085 or
27 by mail under RCW 26.50.123. The ex parte order may be reissued. A
28 full hearing, as provided in this chapter, shall be set for not later
29 than fourteen days from the issuance of the temporary order or not
30 later than twenty-four days if service by publication or by mail is
31 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
32 26.50.123, the respondent shall be personally served with a copy of the
33 ex parte order along with a copy of the petition and notice of the date
34 set for the hearing.

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

1 (6) If the court declines to issue an ex parte temporary order for
2 protection the court shall state the particular reasons for the court's
3 denial. The court's denial of a motion for an ex parte order of
4 protection shall be filed with the court.

5 **Sec. 4.** RCW 26.50.110 and 1996 c 248 s 16 are each amended to read
6 as follows:

7 (1) Whenever an order for protection is granted under this chapter
8 and the respondent or person to be restrained knows of the order, a
9 violation of ~~((the))~~ any restraint provision~~((s or of))~~ including a
10 provision ~~((excluding))~~ restraining the person from going onto the
11 grounds of, entering, or coming within a specified distance of a
12 residence, workplace, school, or day care is a gross misdemeanor except
13 as provided in subsections (4) and (5) of this section. Upon
14 conviction, and in addition to any other penalties provided by law, the
15 court may require that the respondent submit to electronic monitoring.
16 The court shall specify who shall provide the electronic monitoring
17 services, and the terms under which the monitoring shall be performed.
18 The order also may include a requirement that the respondent pay the
19 costs of the monitoring. The court shall consider the ability of the
20 convicted person to pay for electronic monitoring.

21 (2) A peace officer shall arrest without a warrant and take into
22 custody a person whom the peace officer has probable cause to believe
23 has violated an order issued under this chapter that restrains the
24 person ~~((or excludes the person))~~ in any manner including from going
25 onto the grounds of, entering, or coming within a specified distance of
26 a residence, workplace, school, or day care, if the person restrained
27 knows of the order. Presence of the order in the law enforcement
28 computer-based criminal intelligence information system is not the only
29 means of establishing knowledge of the order.

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

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

1 (5) A violation of a court order issued under this chapter is a
2 class C felony if the offender has at least two previous convictions
3 for violating the provisions of a no-contact order issued under chapter
4 10.99 RCW, a domestic violence protection order issued under chapter
5 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-
6 state order that is comparable to a no-contact or protection order
7 issued under Washington law. The previous convictions may involve the
8 same victim or other victims specifically protected by the no-contact
9 orders or protection orders the offender violated.

10 (6) Upon the filing of an affidavit by the petitioner or any peace
11 officer alleging that the respondent has violated an order for
12 protection granted under this chapter, the court may issue an order to
13 the respondent, requiring the respondent to appear and show cause
14 within fourteen days why the respondent should not be found in contempt
15 of court and punished accordingly. The hearing may be held in the
16 court of any county or municipality in which the petitioner or
17 respondent temporarily or permanently resides at the time of the
18 alleged violation.

19 **Sec. 5.** RCW 26.09.050 and 1995 c 93 s 2 are each amended to read
20 as follows:

21 (1) In entering a decree of dissolution of marriage, legal
22 separation, or declaration of invalidity, the court shall determine the
23 marital status of the parties, make provision for a parenting plan for
24 any minor child of the marriage, make provision for the support of any
25 child of the marriage entitled to support, consider or approve
26 provision for the maintenance of either spouse, make provision for the
27 disposition of property and liabilities of the parties, make provision
28 for the allocation of the children as federal tax exemptions, make
29 provision for any necessary continuing restraining orders including the
30 provisions contained in RCW 9.41.800, make provision for the issuance
31 within this action of the restraint provisions of a domestic violence
32 protection order under chapter 26.50 RCW or an antiharassment
33 protection order under chapter 10.14 RCW, and make provision for the
34 change of name of any party.

35 (2) Restraining orders issued under this section restraining the
36 person from acts or threats of violence or molesting or disturbing
37 another party, from contacting or coming within a specified distance of
38 another party, or from going onto the grounds of ((~~or~~)), entering, or

1 coming within a specified distance of the home, workplace, or school of
2 the other party or the day care or school of any child shall
3 prominently bear on the front page of the order the legend: VIOLATION
4 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
5 UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

6 (3) The court shall order that any restraining order bearing a
7 criminal offense legend, any domestic violence protection order, or any
8 antiharassment protection order granted under this section, in addition
9 to the law enforcement information sheet or proof of service of the
10 order, be forwarded by the clerk of the court on or before the next
11 judicial day to the appropriate law enforcement agency specified in the
12 order. Upon receipt of the order, the law enforcement agency shall
13 forthwith enter the order into any computer-based criminal intelligence
14 information system available in this state used by law enforcement
15 agencies to list outstanding warrants. The order is fully enforceable
16 in any county in the state.

17 **Sec. 6.** RCW 26.09.060 and 1995 c 246 s 26 are each amended to read
18 as follows:

19 (1) In a proceeding for:

20 (a) Dissolution of marriage, legal separation, or a declaration of
21 invalidity; or

22 (b) Disposition of property or liabilities, maintenance, or support
23 following dissolution of the marriage by a court which lacked personal
24 jurisdiction over the absent spouse; either party may move for
25 temporary maintenance or for temporary support of children entitled to
26 support. The motion shall be accompanied by an affidavit setting forth
27 the factual basis for the motion and the amounts requested.

28 (2) As a part of a motion for temporary maintenance or support or
29 by independent motion accompanied by affidavit, either party may
30 request the court to issue a temporary restraining order or preliminary
31 injunction, providing relief proper in the circumstances, and
32 restraining or enjoining any person from:

33 (a) Transferring, removing, encumbering, concealing, or in any way
34 disposing of any property except in the usual course of business or for
35 the necessities of life, and, if so restrained or enjoined, requiring
36 him or her to notify the moving party of any proposed extraordinary
37 expenditures made after the order is issued;

1 (b) Acts or threats of violence or molesting or disturbing the
2 peace of the other party or of any child;

3 (c) Going onto the grounds of ((~~or~~)), entering, or coming within a
4 specified distance of the home, workplace, or school of the other party
5 or the day care or school of any child upon a showing of the necessity
6 therefor;

7 (d) Removing a child from the jurisdiction of the court;

8 (e) Contacting or coming within a specified distance of another
9 party.

10 (3) Either party may request a domestic violence protection order
11 under chapter 26.50 RCW or an antiharassment protection order under
12 chapter 10.14 RCW on a temporary basis. The court may grant any of the
13 relief provided in RCW 26.50.060 except relief pertaining to
14 residential provisions for the children which provisions shall be
15 provided for under this chapter, and any of the relief provided in RCW
16 10.14.080. Ex parte orders issued under this subsection shall be
17 effective for a fixed period not to exceed fourteen days, or upon court
18 order, not to exceed twenty-four days if necessary to ensure that all
19 temporary motions in the case can be heard at the same time.

20 (4) In issuing the order, the court shall consider the provisions
21 of RCW 9.41.800.

22 (5) The court may issue a temporary restraining order without
23 requiring notice to the other party only if it finds on the basis of
24 the moving affidavit or other evidence that irreparable injury could
25 result if an order is not issued until the time for responding has
26 elapsed.

27 (6) The court may issue a temporary restraining order or
28 preliminary injunction and an order for temporary maintenance or
29 support in such amounts and on such terms as are just and proper in the
30 circumstances. The court may in its discretion waive the filing of the
31 bond or the posting of security.

32 (7) Restraining orders issued under this section restraining the
33 person from acts or threats of violence or molesting or disturbing
34 another party, from contacting or coming within a specified distance of
35 another party, or from going onto the grounds of ((~~or~~)), entering, or
36 coming within a specified distance of the home, workplace, or school of
37 the other party or the day care or school of any child shall
38 prominently bear on the front page of the order the legend: VIOLATION

1 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
2 UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

3 (8) The court shall order that any temporary restraining order
4 bearing a criminal offense legend, any domestic violence protection
5 order, or any antiharassment protection order granted under this
6 section be forwarded by the clerk of the court on or before the next
7 judicial day to the appropriate law enforcement agency specified in the
8 order. Upon receipt of the order, the law enforcement agency shall
9 forthwith enter 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 law enforcement
12 information system constitutes notice to all law enforcement agencies
13 of the existence of the order. The order is fully enforceable in any
14 county in the state.

15 (9) A temporary order, temporary restraining order, or preliminary
16 injunction:

17 (a) Does not prejudice the rights of a party or any child which are
18 to be adjudicated at subsequent hearings in the proceeding;

19 (b) May be revoked or modified;

20 (c) Terminates when the final decree is entered, except as provided
21 under subsection (10) of this section, or when the petition for
22 dissolution, legal separation, or declaration of invalidity is
23 dismissed;

24 (d) May be entered in a proceeding for the modification of an
25 existing decree.

26 (10) Delinquent support payments accrued under an order for
27 temporary support remain collectible and are not extinguished when a
28 final decree is entered unless the decree contains specific language to
29 the contrary. A support debt under a temporary order owed to the state
30 for public assistance expenditures shall not be extinguished by the
31 final decree if:

32 (a) The obligor was given notice of the state's interest under
33 chapter 74.20A RCW; or

34 (b) The temporary order directs the obligor to make support
35 payments to the office of support enforcement or the Washington state
36 support registry.

37 **Sec. 7.** RCW 26.09.300 and 1996 c 248 s 9 are each amended to read
38 as follows:

1 (1) Whenever a restraining order is issued under this chapter, and
2 the person to be restrained knows of the order, a violation of the
3 provisions restricting the person from acts or threats of violence or
4 molesting or disturbing another party, from contacting or coming within
5 a specified distance of another party, or ~~((of a provision restraining~~
6 ~~the person))~~ from going onto the grounds of ~~((or)),~~ entering, or coming
7 within a specified distance of the residence, workplace, school, or day
8 care of 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 molesting or
34 disturbing another, from contacting or coming within a specified
35 distance of another party, or ~~((restraining the person))~~ from going
36 onto the grounds of ~~((or)),~~ entering, or coming within a specified
37 distance of the residence, workplace, school, or day care of another.

38 (5) It is a defense to prosecution under subsection (1) of this
39 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. 8.** RCW 26.10.040 and 1995 c 93 s 3 are each amended to read
5 as follows:

6 In entering an order under this chapter, the court shall consider,
7 approve, or make provision for:

8 (1) Child custody, visitation, and the support of any child
9 entitled to support;

10 (2) The allocation of the children as a federal tax exemption;

11 (3) Any necessary continuing restraining orders, including the
12 provisions contained in RCW 9.41.800;

13 (4) A domestic violence protection order under chapter 26.50 RCW or
14 an antiharassment protection order under chapter 10.14 RCW. The court
15 may grant any of the relief provided in RCW 26.50.060 except relief
16 pertaining to residential provisions for the children which provisions
17 shall be provided for under this chapter, and any of the relief
18 provided in RCW 10.14.080;

19 (5) Restraining orders issued under this section restraining the
20 person from acts or threats of violence or molesting or disturbing
21 another party, from contacting or coming within a specified distance of
22 another party, or from going onto the grounds of ((~~or~~)), entering, or
23 coming within a specified distance of the home, workplace, or school of
24 the other party or the day care or school of any child shall
25 prominently bear on the front page of the order the legend: VIOLATION
26 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
27 UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

28 (6) The court shall order that any restraining order bearing a
29 criminal offense legend, any domestic violence protection order, or any
30 antiharassment protection order granted under this section, in addition
31 to the law enforcement information sheet or proof of service of the
32 order, be forwarded by the clerk of the court on or before the next
33 judicial day to the appropriate law enforcement agency specified in the
34 order. Upon receipt of the order, the law enforcement agency shall
35 forthwith enter the order into any computer-based criminal intelligence
36 information system available in this state used by law enforcement
37 agencies to list outstanding warrants. The order is fully enforceable
38 in any county in the state.

1 **Sec. 9.** RCW 26.10.115 and 1995 c 246 s 29 are each amended to read
2 as follows:

3 (1) In a proceeding under this chapter either party may file a
4 motion for temporary support of children entitled to support. The
5 motion shall be accompanied by an affidavit setting forth the factual
6 basis for the motion and the amount requested.

7 (2) In a proceeding under this chapter either party may file a
8 motion for a temporary restraining order or preliminary injunction,
9 providing relief proper in the circumstances, and restraining or
10 enjoining any person from:

11 (a) Acts or threats of violence or molesting or disturbing the
12 peace of the other party or of any child;

13 (b) ~~((Entering the family home or the home of the other party))~~
14 Going onto the grounds of, entering, or coming within a specified
15 distance of the home, workplace, or school of another party or the day
16 care or school of any child upon a showing of the necessity therefor;

17 (c) Removing a child from the jurisdiction of the court;

18 (d) Contacting or coming within a specified distance of another
19 party.

20 (3) Either party may request a domestic violence protection order
21 under chapter 26.50 RCW or an antiharassment protection order under
22 chapter 10.14 RCW on a temporary basis. The court may grant any of the
23 relief provided in RCW 26.50.060 except relief pertaining to
24 residential provisions for the children which provisions shall be
25 provided for under this chapter, and any of the relief provided in RCW
26 10.14.080. Ex parte orders issued under this subsection shall be
27 effective for a fixed period not to exceed fourteen days, or upon court
28 order, not to exceed twenty-four days if necessary to ensure that all
29 temporary motions in the case can be heard at the same time.

30 (4) In issuing the order, the court shall consider the provisions
31 of RCW 9.41.800.

32 (5) The court may issue a temporary restraining order without
33 requiring notice to the other party only if it finds on the basis of
34 the moving affidavit or other evidence that irreparable injury could
35 result if an order is not issued until the time for responding has
36 elapsed.

37 (6) The court may issue a temporary restraining order or
38 preliminary injunction and an order for temporary support in such
39 amounts and on such terms as are just and proper in the circumstances.

1 (7) Restraining orders issued under this section restraining the
2 person from acts or threats of violence or molesting or disturbing
3 another party, from contacting or coming within a specified distance of
4 another party, or from going onto the grounds of ~~((or))~~, entering, or
5 coming within a specified distance of the home, workplace, or school of
6 the other party or the day care or school of any child shall
7 prominently bear on the front page of the order the legend: VIOLATION
8 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
9 UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

10 (8) The court shall order that any temporary restraining order
11 bearing a criminal offense legend, any domestic violence protection
12 order, or any antiharassment protection order granted under this
13 section be forwarded by the clerk of the court on or before the next
14 judicial day to the appropriate law enforcement agency specified in the
15 order. Upon receipt of the order, the law enforcement agency shall
16 forthwith enter the order into any computer-based criminal intelligence
17 information system available in this state used by law enforcement
18 agencies to list outstanding warrants. Entry into the law enforcement
19 information system constitutes notice to all law enforcement agencies
20 of the existence of the order. The order is fully enforceable in any
21 county in the state.

22 (9) A temporary order, temporary restraining order, or preliminary
23 injunction:

24 (a) Does not prejudice the rights of a party or any child which are
25 to be adjudicated at subsequent hearings in the proceeding;

26 (b) May be revoked or modified;

27 (c) Terminates when the final order is entered or when the motion
28 is dismissed;

29 (d) May be entered in a proceeding for the modification of an
30 existing order.

31 (10) A support debt owed to the state for public assistance
32 expenditures which has been charged against a party pursuant to RCW
33 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
34 extinguished by, the final decree or order, unless the office of
35 support enforcement has been given notice of the final proceeding and
36 an opportunity to present its claim for the support debt to the court
37 and has failed to file an affidavit as provided in this subsection.
38 Notice of the proceeding shall be served upon the office of support
39 enforcement personally, or by certified mail, and shall be given no

1 fewer than thirty days prior to the date of the final proceeding. An
2 original copy of the notice shall be filed with the court either before
3 service or within a reasonable time thereafter. The office of support
4 enforcement may present its claim, and thereby preserve the support
5 debt, by filing an affidavit setting forth the amount of the debt with
6 the court, and by mailing a copy of the affidavit to the parties or
7 their attorney prior to the date of the final proceeding.

8 **Sec. 10.** RCW 26.10.220 and 1996 c 248 s 10 are each amended to
9 read as follows:

10 (1) Whenever a restraining order is issued under this chapter, and
11 the person to be restrained knows of the order, a violation of the
12 provisions restricting the person from acts or threats of violence or
13 molesting or disturbing another party, from contacting or coming within
14 a specified distance of another party, or ~~((of a provision restraining~~
15 ~~the person))~~ from going onto the grounds of ~~((or))~~, entering, or coming
16 within a specified distance of the residence, workplace, school, or day
17 care of another is a misdemeanor.

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

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

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

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

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

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

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

32 (b) Obtaining a certified copy of the order, certified to be an
33 accurate copy of the original by a notary public or by the clerk of the
34 court.

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

38 (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 molesting or
5 disturbing another party, from contacting or coming within a specified
6 distance of another party, or restraining the person from going onto
7 the grounds of ((~~or~~)), entering, or coming within a specified distance
8 of the residence, workplace, school, or day care of another.

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 rule.

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

14 **Sec. 11.** RCW 26.26.130 and 1997 c 58 s 947 are each amended to
15 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 the
20 child's birth certificate, the court shall order that an amended birth
21 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 the father to pay the
29 reasonable expenses of the mother's pregnancy and confinement. 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 the social security
34 numbers of all parties to the order.

35 (5) Support judgment and orders shall be for periodic payments
36 which may vary in amount. The court may limit the father's liability
37 for the past support to the child to the proportion of the expenses
38 already incurred as the court deems just. The court shall not limit or

1 affect in any manner the right of nonparties including the state of
2 Washington to seek reimbursement for support and other services
3 previously furnished to the child.

4 (6) After considering all relevant factors, the court shall order
5 either or both parents to pay an amount determined pursuant to the
6 schedule and standards contained in chapter 26.19 RCW.

7 (7) On the same basis as provided in chapter 26.09 RCW, the court
8 shall make residential provisions with regard to minor children of the
9 parties, except that a parenting plan shall not be required unless
10 requested by a party.

11 (8) In any dispute between the natural parents of a child and a
12 person or persons who have (a) commenced adoption proceedings or who
13 have been granted an order of adoption, and (b) pursuant to a court
14 order, or placement by the department of social and health services or
15 by a licensed agency, have had actual custody of the child for a period
16 of one year or more before court action is commenced by the natural
17 parent or parents, the court shall consider the best welfare and
18 interests of the child, including the child's need for situation
19 stability, in determining the matter of custody, and the parent or
20 person who is more fit shall have the superior right to custody.

21 (9) In entering an order under this chapter, the court may issue
22 any necessary continuing restraining orders, including the restraint
23 provisions of domestic violence protection orders under chapter 26.50
24 RCW or antiharassment protection orders under chapter 10.14 RCW.

25 (10) Restraining orders issued under this section restraining the
26 person from acts or threats of violence or molesting or disturbing
27 another party, from contacting or coming within a specified distance of
28 another party, or from going onto the grounds of ((~~or~~)), entering, or
29 coming within a specified distance of the home, workplace, or school of
30 the other party or the day care or school of any child shall
31 prominently bear on the front page of the order the legend: VIOLATION
32 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
33 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

34 (11) The court shall order that any restraining order bearing a
35 criminal offense legend, any domestic violence protection order, or any
36 antiharassment protection order granted under this section be forwarded
37 by the clerk of the court on or before the next judicial day to the
38 appropriate law enforcement agency specified in the order. Upon
39 receipt of the order, the law enforcement agency shall forthwith enter

1 the order into any computer-based criminal intelligence information
2 system available in this state used by law enforcement agencies to list
3 outstanding warrants. The order is fully enforceable in any county in
4 the state.

5 **Sec. 12.** RCW 26.26.137 and 1995 c 246 s 32 are each amended to
6 read as follows:

7 (1) If the court has made a finding as to the paternity of a child,
8 or if a party's acknowledgment of paternity has been filed with the
9 court, or a party alleges he is the father of the child, any party may
10 move for temporary support for the child prior to the date of entry of
11 the final order. The motion shall be accompanied by an affidavit
12 setting forth the factual basis for the motion and the amounts
13 requested.

14 (2) Any party may request the court to issue a temporary
15 restraining order or preliminary injunction, providing relief proper in
16 the circumstances, and restraining or enjoining any party from:

17 (a) Acts or threats of violence or molesting or disturbing the
18 peace of another party;

19 (b) Going onto the grounds of ((~~or~~)), entering, or coming within a
20 specified distance of the home, workplace, or school of another party
21 or the day care or school of any child; ((~~or~~))

22 (c) Removing a child from the jurisdiction of the court; or

23 (d) Contacting or coming within a specified distance of another
24 party.

25 (3) Either party may request a domestic violence protection order
26 under chapter 26.50 RCW or an antiharassment protection order under
27 chapter 10.14 RCW on a temporary basis. The court may grant any of the
28 relief provided in RCW 26.50.060 except relief pertaining to
29 residential provisions for the children which provisions shall be
30 provided for under this chapter, and any of the relief provided in RCW
31 10.14.080. Ex parte orders issued under this subsection shall be
32 effective for a fixed period not to exceed fourteen days, or upon court
33 order, not to exceed twenty-four days if necessary to ensure that all
34 temporary motions in the case can be heard at the same time.

35 (4) Restraining orders issued under this section restraining the
36 person from acts or threats of violence or molesting or disturbing
37 another party, contacting or coming within a specified distance of
38 another party, or from going onto the grounds of ((~~or~~)), entering, or

1 coming within a specified distance of the home, workplace, or school of
2 the other party or the day care or school of any child shall
3 prominently bear on the front page of the order the legend: VIOLATION
4 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
5 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

6 (5) The court shall order that any temporary restraining order
7 bearing a criminal offense legend, any domestic violence protection
8 order, or any antiharassment protection order granted under this
9 section be forwarded by the clerk of the court on or before the next
10 judicial day to the appropriate law enforcement agency specified in the
11 order. Upon receipt of the order, the law enforcement agency shall
12 forthwith enter the order into any computer-based criminal intelligence
13 information system available in this state used by law enforcement
14 agencies to list outstanding warrants. The order is fully enforceable
15 in any county in the state.

16 (6) The court may issue a temporary restraining order without
17 requiring notice to the other party only if it finds on the basis of
18 the moving affidavit or other evidence that irreparable injury could
19 result if an order is not issued until the time for responding has
20 elapsed.

21 (7) The court may issue a temporary restraining order or
22 preliminary injunction and an order for temporary support in such
23 amounts and on such terms as are just and proper in the circumstances.
24 In issuing the order, the court shall consider the provisions of RCW
25 9.41.800.

26 (8) A temporary order, temporary restraining order, or preliminary
27 injunction:

28 (a) Does not prejudice the rights of a party or any child which are
29 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 petition
32 is dismissed; and

33 (d) May be entered in a proceeding for the modification of an
34 existing order.

35 (9) 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

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 before
7 service or within a reasonable time thereafter. The office of support
8 enforcement may present its claim, and thereby preserve the support
9 debt, by filing an affidavit setting forth the amount of the debt with
10 the court, and by mailing a copy of the affidavit to the parties or
11 their attorney prior to the date of the final proceeding.

12 **Sec. 13.** RCW 26.26.138 and 1996 c 248 s 11 are each amended to
13 read as follows:

14 (1) Whenever a restraining order is issued under this chapter, and
15 the person to be restrained knows of the order, a violation of the
16 provisions restricting the person from acts or threats of violence or
17 molesting or disturbing another party, or contacting or coming within
18 a specified distance of another party, or of a provision restraining
19 the person from going onto the grounds of ~~((or))~~, entering, or coming
20 within a specified distance of the residence, workplace, school, or day
21 care of another is a misdemeanor.

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

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

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

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

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

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

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

36 (b) Obtaining a certified copy of the order, certified to be an
37 accurate copy of the original by a notary public or by the clerk of the
38 court.

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

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

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

7 (c) The person to be arrested has violated the terms of the order
8 restraining the person from acts or threats of violence or molesting or
9 disturbing another party, from contacting or coming within a specified
10 distance of another party, or ((restraining the person)) from going
11 onto the grounds of ((~~or~~)), entering, or coming within a specified
12 distance of the residence, workplace, school, or day care of another.

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

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

18 **Sec. 14.** RCW 26.44.063 and 1993 c 412 s 15 are each amended to
19 read as follows:

20 (1) It is the intent of the legislature to minimize trauma to a
21 child involved in an allegation of sexual or physical abuse. The
22 legislature declares that removing the child from the home often has
23 the effect of further traumatizing the child. It is, therefore, the
24 legislature's intent that the alleged offender, rather than the child,
25 shall be removed from the home and that this should be done at the
26 earliest possible point of intervention in accordance with RCW
27 10.31.100, 13.34.130, this section, and RCW 26.44.130.

28 (2) In any judicial proceeding in which it is alleged that a child
29 has been subjected to sexual or physical abuse, if the court finds
30 reasonable grounds to believe that an incident of sexual or physical
31 abuse has occurred, the court may, on its own motion, or the motion of
32 the guardian ad litem or other parties, issue a temporary restraining
33 order or preliminary injunction restraining or enjoining the person
34 accused of committing the abuse from:

35 (a) Acts or threats of violence or molesting or disturbing the
36 peace of the alleged victim;

1 (b) Going onto the grounds of, entering, or coming within a
2 specified distance of the family home, school, or day care of the
3 alleged victim except as specifically authorized by the court; or

4 (c) Having any contact with or coming within a specified distance
5 of the alleged victim, except as specifically authorized by the court.

6 (3) In issuing a temporary restraining order or preliminary
7 injunction, the court may impose any additional restrictions that the
8 court in its discretion determines are necessary to protect the child
9 from further abuse or emotional trauma pending final resolution of the
10 abuse allegations.

11 (4) The court shall issue a temporary restraining order prohibiting
12 a person from entering the family home if the court finds that the
13 order would eliminate the need for an out-of-home placement to protect
14 the child's right to nurturance, health, and safety and is sufficient
15 to protect the child from further sexual or physical abuse or coercion.

16 (5) The court may issue a temporary restraining order without
17 requiring notice to the party to be restrained or other parties only if
18 it finds on the basis of the moving affidavit or other evidence that
19 irreparable injury could result if an order is not issued until the
20 time for responding has elapsed.

21 (6) A temporary restraining order or preliminary injunction:

22 (a) Does not prejudice the rights of a party or any child which are
23 to be adjudicated at subsequent hearings in the proceeding; and

24 (b) May be revoked or modified.

25 (7) The person having physical custody of the child shall have an
26 affirmative duty to assist in the enforcement of the restraining order
27 including but not limited to a duty to notify the court as soon as
28 practicable of any violation of the order, a duty to request the
29 assistance of law enforcement officers to enforce the order, and a duty
30 to notify the department of social and health services of any violation
31 of the order as soon as practicable if the department is a party to the
32 action. Failure by the custodial party to discharge these affirmative
33 duties shall be subject to contempt proceedings.

34 (8) Willful violation of a court order entered under this section
35 is a misdemeanor. A written order shall contain the court's directive
36 and shall bear the legend: "Violation of this order with actual notice
37 of its terms is a criminal offense under chapter 26.44 RCW, is also
38 subject to contempt proceedings, and will subject a violator to
39 arrest."

1 **Sec. 15.** RCW 10.99.040 and 1997 c 338 s 54 are each amended to
2 read as follows:

3 (1) Because of the serious nature of domestic violence, the court
4 in domestic violence actions:

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

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

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

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

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

36 (3) At the time of arraignment the court shall determine whether
37 (~~((a no-contact))~~) an order under this section shall be issued or
38 extended. If (~~((a no-contact))~~) an order is issued or extended, the
39 court may also include in the conditions of release a requirement that

1 the defendant submit to electronic monitoring. If electronic
2 monitoring is ordered, the court shall specify who shall provide the
3 monitoring services, and the terms under which the monitoring shall be
4 performed. Upon conviction, the court may require as a condition of
5 the sentence that the defendant reimburse the providing agency for the
6 costs of the electronic monitoring.

7 (4)(a) Willful violation of a court order issued under subsection
8 (2) or (3) of this section is a gross misdemeanor except as provided in
9 (b) and (c) of this subsection (4). Upon conviction and in addition to
10 other penalties provided by law, the court may require that the
11 defendant submit to electronic monitoring. The court shall specify who
12 shall provide the electronic monitoring services and the terms under
13 which the monitoring must be performed. The court also may include a
14 requirement that the defendant pay the costs of the monitoring. The
15 court shall consider the ability of the convicted person to pay for
16 electronic monitoring.

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

24 (c) A willful violation of a court order issued under this section
25 is a class C felony if the offender has at least two previous
26 convictions for violating the provisions of ~~((a no contact))~~ an order
27 issued under this chapter, a domestic violence protection order issued
28 under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-
29 of-state order that is comparable to a no-contact order or protection
30 order issued under Washington law. The previous convictions may
31 involve the same victim or other victims specifically protected by the
32 ~~((no contact orders or protection))~~ orders the offender violated.

33 (d) The written order releasing or holding in custody the person
34 charged or arrested shall contain the court's directives and shall bear
35 the legend: "Violation of this order is a criminal offense under
36 chapter 10.99 RCW and will subject a violator to arrest; any assault,
37 drive-by shooting, or reckless endangerment that is a violation of this
38 order is a felony. You can be arrested even if any person protected by
39 the order invites or allows you to violate the order's prohibitions.

1 You have the sole responsibility to avoid or refrain from violating the
2 order's provisions. Only the court can change the order." A certified
3 copy of the order shall be provided to the victim. If (~~a no-contact~~
4 ~~order~~) an order prohibiting contact with or coming within a specified
5 distance of the victim has been issued prior to charging, that order
6 shall expire at arraignment or within seventy-two hours if charges are
7 not filed. Such orders need not be entered into the computer-based
8 criminal intelligence information system in this state which is used by
9 law enforcement agencies to list outstanding warrants.

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

23 **Sec. 16.** RCW 10.99.050 and 1997 c 338 s 55 are each amended to
24 read as follows:

25 (1) When a defendant is found guilty of a crime and a condition of
26 the sentence restricts the defendant's ability to have contact with the
27 victim or to come within a specified distance of the victim, such
28 condition shall be recorded and a written certified copy of that order
29 shall be provided to the victim.

30 (2) Willful violation of a court order issued under this section is
31 a gross misdemeanor. Any assault that is a violation of an order
32 issued under this section and that does not amount to assault in the
33 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
34 felony, and any conduct in violation of a protective order issued under
35 this section that is reckless and creates a substantial risk of death
36 or serious physical injury to another person is a class C felony. A
37 willful violation of a court order issued under this section is also a
38 class C felony if the offender has at least two previous convictions

1 for violating the provisions of (~~a no-contact~~) an order issued under
2 this chapter, or a domestic violence protection order issued under
3 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-
4 state order that is comparable to a no-contact order or protection
5 order that is issued under Washington law. The previous convictions
6 may involve the same victim or other victims specifically protected by
7 the (~~no-contact orders or protection~~) orders the offender violated.

8 The written order shall contain the court's directives and shall
9 bear the legend: Violation of this order is a criminal offense under
10 chapter 10.99 RCW and will subject a violator to arrest; any assault,
11 drive-by shooting, or reckless endangerment that is a violation of this
12 order is a felony.

13 (3) Whenever an order prohibiting contact with or coming within a
14 specified distance of the victim is issued pursuant to this section,
15 the clerk of the court shall forward a copy of the order on or before
16 the next judicial day to the appropriate law enforcement agency
17 specified in the order. Upon receipt of the copy of the order the law
18 enforcement agency shall forthwith enter the order for one year into
19 any computer-based criminal intelligence information system available
20 in this state used by law enforcement agencies to list outstanding
21 warrants. Entry into the law enforcement information system
22 constitutes notice to all law enforcement agencies of the existence of
23 the order. The order is fully enforceable in any jurisdiction in the
24 state.

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