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HOUSE BILL 2402

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Ballasiotes, O'Brien, Radcliff, Cody, Edwards, Benson, Haigh, Ruderman and Kagi; by request of Governor Locke

Read first time 01/12/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to domestic violence; amending RCW 10.31.100,  
2 10.99.020, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130,  
3 26.26.137, 26.50.060, 26.50.070, 10.99.040, 10.99.050, 26.09.300,  
4 26.10.220, 26.26.138, 26.50.110, 26.50.150, 26.50.160, 26.52.070,  
5 70.123.050, and 74.34.130; reenacting and amending RCW 9.94A.320;  
6 adding a new section to chapter 3.62 RCW; adding a new section to  
7 chapter 26.50 RCW; adding a new section to chapter 74.34 RCW; creating  
8 a new section; prescribing penalties; providing an effective date; and  
9 declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 3.62 RCW  
12 to read as follows:

13 (1) When any person is found guilty, in any court organized under  
14 Title 3 or 35 RCW, of a domestic violence offense as defined in RCW  
15 10.99.020, or of a violation of a similar municipal ordinance, the  
16 court shall impose upon the person a penalty assessment in addition to  
17 any other penalty or fine imposed or authorized by law. The amount of  
18 the penalty assessment shall be five hundred dollars for each case or  
19 cause of action that includes one or more convictions of a gross

1 misdemeanor, and two hundred fifty dollars for each case or cause of  
2 action that includes one or more convictions of only one or more  
3 misdemeanors. The court may not suspend or waive the penalty  
4 assessment.

5 (2) The court shall remit the assessments imposed and collected  
6 under this section to the city treasurer, in the case of a municipal  
7 court, or the county treasurer, in the case of a district court. The  
8 city or county treasurer shall monthly remit one-half of the funds  
9 received under this section to the state treasurer for deposit in the  
10 domestic violence reduction account under this section.

11 (3) The domestic violence reduction account is created in the state  
12 treasury. All receipts from domestic violence penalty assessments  
13 remitted to the state treasurer under this section shall be deposited  
14 in the account. Moneys in the account may be spent only after  
15 appropriation. Expenditures from the account may be used only for  
16 programs and services to prevent domestic violence, services to victims  
17 of domestic violence and their children, and improvements in law  
18 enforcement relating to domestic violence.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.50 RCW  
20 to read as follows:

21 The department of social and health services, in its discretion,  
22 may seek the relief provided in this chapter on behalf of and with the  
23 consent of any vulnerable adult as those persons are defined in RCW  
24 74.34.020. Neither the department nor the state of Washington shall be  
25 liable for failure to seek relief on behalf of any persons under this  
26 section.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.34 RCW  
28 to read as follows:

29 (1) An order for protection of a vulnerable adult issued under this  
30 chapter which restrains the respondent or another person from  
31 committing acts of abuse, prohibits contact with the petitioner,  
32 excludes the person from any specified location, or prohibits the  
33 person from coming within a specified distance from a location or  
34 another person, shall prominently bear on the front page of the order  
35 the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS  
36 A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR  
37 TO ARREST.

1 (2) Whenever an order for protection of a vulnerable adult is  
2 issued under this chapter, and the respondent or person to be  
3 restrained knows of the order, a violation of a provision restraining  
4 the person from committing acts of abuse, prohibiting contact with the  
5 petitioner, excluding the person from any specified location, or  
6 prohibiting the person from coming within a specified distance of a  
7 location or another person, shall be punishable under RCW 26.50.110,  
8 regardless of whether the person is a family or household member as  
9 defined in RCW 26.50.010.

10 **Sec. 4.** RCW 10.31.100 and 1999 c 184 s 14 are each amended to read  
11 as follows:

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

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

26 (2) A police 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) An order has been issued of which the person has knowledge  
30 under RCW (~~(10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,~~  
31 ~~26.10.115,~~) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 (~~(RCW, or~~  
32 ~~chapter)~~), 26.50, or 74.34 RCW restraining the person and the person  
33 has violated the terms of the order restraining the person from acts or  
34 threats of violence, or restraining the person from going onto the  
35 grounds of or entering a residence, workplace, school, or day care, or  
36 prohibiting the person from coming within a specified distance of a  
37 location or another person, or, in the case of an order issued under

1 RCW 26.44.063, imposing any other restrictions or conditions upon the  
2 person; or

3 (b) A foreign protection order, as defined in RCW 26.52.010, has  
4 been issued of which the person under restraint has knowledge and the  
5 person under restraint has violated a provision of the foreign  
6 protection order prohibiting the person under restraint from contacting  
7 or communicating with another person, or (~~of a provision~~) excluding  
8 the person under restraint from a residence, workplace, school, or day  
9 care, or prohibiting the person from coming within a specified distance  
10 of a location or another person, or a violation of any provision for  
11 which the foreign protection order specifically indicates that a  
12 violation will be a crime; or

13 (c) The person is sixteen years or older and within the preceding  
14 four hours has assaulted a family or household member as defined in RCW  
15 10.99.020 and the officer believes: (i) A felonious assault has  
16 occurred; (ii) an assault has occurred which has resulted in bodily  
17 injury to the victim, whether the injury is observable by the  
18 responding officer or not; or (iii) that any physical action has  
19 occurred which was intended to cause another person reasonably to fear  
20 imminent serious bodily injury or death. Bodily injury means physical  
21 pain, illness, or an impairment of physical condition. When the  
22 officer has probable cause to believe that family or household members  
23 have assaulted each other, the officer is not required to arrest both  
24 persons. The officer shall arrest the person whom the officer believes  
25 to be the primary physical aggressor. In making this determination,  
26 the officer shall make every reasonable effort to consider: (i) The  
27 intent to protect victims of domestic violence under RCW 10.99.010;  
28 (ii) the comparative extent of injuries inflicted or serious threats  
29 creating fear of physical injury; and (iii) the history of domestic  
30 violence between the persons involved.

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

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

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

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

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

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

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

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

12 (5) Any police officer having probable cause to believe that a  
13 person has committed or is committing a violation of RCW ((88.12.025))  
14 79A.60.040 shall have the authority to arrest the person.

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

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

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

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

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

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

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

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

7 **Sec. 5.** RCW 10.99.020 and 1997 c 338 s 53 are each amended to read  
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Family or household members" means spouses, former spouses,  
12 persons who have a child in common regardless of whether they have been  
13 married or have lived together at any time, adult persons related by  
14 blood or marriage, adult persons who are presently residing together or  
15 who have resided together in the past, persons sixteen years of age or  
16 older who are presently residing together or who have resided together  
17 in the past and who have or have had a dating relationship, persons  
18 sixteen years of age or older with whom a person sixteen years of age  
19 or older has or has had a dating relationship, and persons who have a  
20 biological or legal parent-child relationship, including stepparents  
21 and stepchildren and grandparents and grandchildren.

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

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

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

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

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

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

30 (e) Drive-by shooting (RCW 9A.36.045);

31 (f) Reckless endangerment (RCW 9A.36.050);

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

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

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

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

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

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

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

1 (n) Malicious mischief in the third degree (RCW 9A.48.090);  
2 (o) Kidnapping in the first degree (RCW 9A.40.020);  
3 (p) Kidnapping in the second degree (RCW 9A.40.030);  
4 (q) Unlawful imprisonment (RCW 9A.40.040);  
5 (r) Violation of the provisions of a restraining order, no-contact  
6 order, or protection order restraining the person or restraining the  
7 person from going onto the grounds of or entering a residence,  
8 workplace, school, or day care, or prohibiting the person from coming  
9 within a specified distance of a location or another person (RCW  
10 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((or)) 26.26.138,  
11 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 3 of this act);  
12 (s) (~~Violation of the provisions of a protection order or no-~~  
13 ~~contact order restraining the person or restraining the person from~~  
14 ~~going onto the grounds of or entering a residence, workplace, school,~~  
15 ~~or day care~~ (RCW ~~26.50.060, 26.50.070, 26.50.130, 10.99.040, or~~  
16 ~~10.99.050~~);  
17 (~~t~~)) Rape in the first degree (RCW 9A.44.040);  
18 ((~~u~~)) (t) Rape in the second degree (RCW 9A.44.050);  
19 ((~~v~~)) (u) Residential burglary (RCW 9A.52.025);  
20 ((~~w~~)) (v) Stalking (RCW 9A.46.110); and  
21 ((~~x~~)) (w) Interference with the reporting of domestic violence  
22 (RCW 9A.36.150).  
23 (4) "Victim" means a family or household member who has been  
24 subjected to domestic violence.

25 **Sec. 6.** RCW 26.09.050 and 1995 c 93 s 2 are each amended to read  
26 as follows:

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

1 protection order under chapter 10.14 RCW, and make provision for the  
2 change of name of any party.

3 (2) Restraining orders issued under this section restraining the  
4 person from molesting or disturbing another party, or from going onto  
5 the grounds of or entering the home, workplace, or school of the other  
6 party or the day care or school of any child, or prohibiting the person  
7 from coming within a specified distance of a location or another  
8 person, shall prominently bear on the front page of the order the  
9 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
10 CRIMINAL OFFENSE UNDER CHAPTER ((26.09)) 26.50 RCW AND WILL SUBJECT A  
11 VIOLATOR TO ARREST.

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

23 **Sec. 7.** RCW 26.09.060 and 1995 c 246 s 26 are each amended to read  
24 as follows:

25 (1) In a proceeding for:

26 (a) Dissolution of marriage, legal separation, or a declaration of  
27 invalidity; or

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

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

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

6 (b) Molesting or disturbing the peace of the other party or of any  
7 child;

8 (c) Going onto the grounds of or entering the home, workplace, or  
9 school of the other party or the day care or school of any child upon  
10 a showing of the necessity therefor;

11 (d) Coming within a specified distance of no more than one thousand  
12 feet from a specified location, or not less than one hundred feet or  
13 more than five hundred feet from a specified other person;

14 (e) Removing a child from the jurisdiction of the court.

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

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

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

32 (6) The court may issue a temporary restraining order or  
33 preliminary injunction and an order for temporary maintenance or  
34 support in such amounts and on such terms as are just and proper in the  
35 circumstances. The court may in its discretion waive the filing of the  
36 bond or the posting of security.

37 (7) Restraining orders issued under this section restraining the  
38 person from molesting or disturbing another party, or from going onto  
39 the grounds of or entering the home, workplace, or school of the other

1 party or the day care or school of any child, or prohibiting the person  
2 from coming within a specified distance of a location or another  
3 person, shall prominently bear on the front page of the order the  
4 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
5 CRIMINAL OFFENSE UNDER CHAPTER ((26-09)) 26.50 RCW AND WILL SUBJECT A  
6 VIOLATOR TO ARREST.

7 (8) The court shall order that any temporary restraining order  
8 bearing a criminal offense legend, any domestic violence protection  
9 order, or any antiharassment protection order granted under this  
10 section 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. Entry into the law enforcement  
16 information system constitutes notice to all law enforcement agencies  
17 of the existence of the order. The order is fully enforceable in any  
18 county in the state.

19 (9) A temporary order, temporary restraining order, or preliminary  
20 injunction:

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

23 (b) May be revoked or modified;

24 (c) Terminates when the final decree is entered, except as provided  
25 under subsection (10) of this section, or when the petition for  
26 dissolution, legal separation, or declaration of invalidity is  
27 dismissed;

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

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

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

1 (b) The temporary order directs the obligor to make support  
2 payments to the office of support enforcement or the Washington state  
3 support registry.

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 molesting or disturbing another party, or from going onto  
21 the grounds of or entering the home, workplace, or school of the other  
22 party or the day care or school of any child, or prohibiting the person  
23 from coming within a specified distance of a location or another  
24 person, shall prominently bear on the front page of the order the  
25 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
26 CRIMINAL OFFENSE UNDER CHAPTER ((26.10)) 26.50 RCW AND WILL SUBJECT A  
27 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) Molesting or disturbing the peace of the other party or of any  
12 child;

13       (b) Entering the family home or the home of the other party upon a  
14 showing of the necessity therefor;

15       (c) Coming within a specified distance of no more than one thousand  
16 feet from a specified location, or not less than one hundred feet or  
17 more than five hundred feet from a specified other person;

18       (d) Removing a child from the jurisdiction of the court.

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

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

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

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

1 (7) Restraining orders issued under this section restraining the  
2 person from molesting or disturbing another party, or from going onto  
3 the grounds of or entering the home, workplace, or school of the other  
4 party or the day care or school of any child, or prohibiting the person  
5 from coming within a specified distance of a location or another  
6 person, shall prominently bear on the front page of the order the  
7 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
8 CRIMINAL OFFENSE UNDER CHAPTER ((26.10)) 26.50 RCW AND WILL SUBJECT A  
9 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 26.26.130 and 1997 c 58 s 947 are each amended to  
9 read as follows:

10       (1) The judgment and order of the court determining the existence  
11 or nonexistence of the parent and child relationship shall be  
12 determinative for all purposes.

13       (2) If the judgment and order of the court is at variance with the  
14 child's birth certificate, the court shall order that an amended birth  
15 certificate be issued.

16       (3) The judgment and order shall contain other appropriate  
17 provisions directed to the appropriate parties to the proceeding,  
18 concerning the duty of current and future support, the extent of any  
19 liability for past support furnished to the child if that issue is  
20 before the court, the furnishing of bond or other security for the  
21 payment of the judgment, or any other matter in the best interest of  
22 the child. The judgment and order may direct the father to pay the  
23 reasonable expenses of the mother's pregnancy and confinement. The  
24 judgment and order may include a continuing restraining order or  
25 injunction. In issuing the order, the court shall consider the  
26 provisions of RCW 9.41.800.

27       (4) The judgment and order shall contain the social security  
28 numbers of all parties to the order.

29       (5) Support judgment and orders shall be for periodic payments  
30 which may vary in amount. The court may limit the father's liability  
31 for the past support to the child to the proportion of the expenses  
32 already incurred as the court deems just. The court shall not limit or  
33 affect in any manner the right of nonparties including the state of  
34 Washington to seek reimbursement for support and other services  
35 previously furnished to the child.

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

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

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

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

19 (10) Restraining orders issued under this section restraining the  
20 person from molesting or disturbing another party, or from going onto  
21 the grounds of or entering the home, workplace, or school of the other  
22 party or the day care or school of any child, or prohibiting the person  
23 from coming within a specified distance of a location or another  
24 person, shall prominently bear on the front page of the order the  
25 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
26 CRIMINAL OFFENSE UNDER CHAPTER ((26.26)) 26.50 RCW AND WILL SUBJECT A  
27 VIOLATOR TO ARREST.

28 (11) 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 be forwarded  
31 by the clerk of the court on or before the next judicial day to the  
32 appropriate law enforcement agency specified in the order. Upon  
33 receipt of the order, the law enforcement agency shall forthwith enter  
34 the order into any computer-based criminal intelligence information  
35 system available in this state used by law enforcement agencies to list  
36 outstanding warrants. The order is fully enforceable in any county in  
37 the state.

1       **Sec. 11.** RCW 26.26.137 and 1995 c 246 s 32 are each amended to  
2 read as follows:

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

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

13       (a) Molesting or disturbing the peace of another party;

14       (b) Going onto the grounds of or entering the home, workplace, or  
15 school of another party or the day care or school of any child; or

16       (c) Coming within a specified distance of no more than one thousand  
17 feet from a specified location, or not less than one hundred feet or  
18 more than five hundred feet from a specified other person; or

19       (d) Removing a child from the jurisdiction of the court.

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) Restraining orders issued under this section restraining the  
31 person from molesting or disturbing another party, or from going onto  
32 the grounds of or entering the home, workplace, or school of the other  
33 party or the day care or school of any child, or prohibiting the person  
34 from coming within a specified distance of a location or another  
35 person, shall prominently bear on the front page of the order the  
36 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
37 CRIMINAL OFFENSE UNDER CHAPTER ((26.26)) 26.50 RCW AND WILL SUBJECT A  
38 VIOLATOR TO ARREST.

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

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

16 (7) The court may issue a temporary restraining order or  
17 preliminary injunction and an order for temporary support in such  
18 amounts and on such terms as are just and proper in the circumstances.  
19 In issuing the order, the court shall consider the provisions of RCW  
20 9.41.800.

21 (8) A temporary order, temporary restraining order, or preliminary  
22 injunction:

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

25 (b) May be revoked or modified;

26 (c) Terminates when the final order is entered or when the petition  
27 is dismissed; and

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

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

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

7 **Sec. 12.** RCW 26.50.060 and 1999 c 147 s 2 are each amended to read  
8 as follows:

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

11 (a) Restrain the respondent from committing acts of domestic  
12 violence;

13 (b) Exclude the respondent from the dwelling which the parties  
14 share, from the residence, workplace, or school of the petitioner, or  
15 from the day care or school of a child;

16 (c) Prohibit the respondent from coming within a specified distance  
17 of no more than one thousand feet from a specified location;

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

22 (~~(d)~~) (e) Order the respondent to participate in a domestic  
23 violence perpetrator treatment program approved under RCW 26.50.150;

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

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

32 (~~(g)~~) (h) Restrain the respondent from having any contact with  
33 the victim of domestic violence or the victim's children or members of  
34 the victim's household or from coming within a specified distance of  
35 not less than one hundred feet or more than five hundred feet from the  
36 victim or the victim's children or members of the victim's household;

37 (~~(h)~~) (i) Require the respondent to submit to electronic  
38 monitoring. The order shall specify who shall provide the electronic

1 monitoring services and the terms under which the monitoring must be  
2 performed. The order also may include a requirement that the  
3 respondent pay the costs of the monitoring. The court shall consider  
4 the ability of the respondent to pay for electronic monitoring;

5 ~~((i))~~ (j) Consider the provisions of RCW 9.41.800;

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

9 ~~((k))~~ (l) Order use of a vehicle.

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

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

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

1 26.50.123. If the court permits service by publication or mail, the  
2 court shall set the new hearing date not later than twenty-four days  
3 from the date of the order. If the order expires because timely  
4 service cannot be made the court shall grant an ex parte order of  
5 protection as provided in RCW 26.50.070. The court shall grant the  
6 petition for renewal unless the respondent proves by a preponderance of  
7 the evidence that the respondent will not resume acts of domestic  
8 violence against the petitioner or the petitioner's children or family  
9 or household members when the order expires. The court may renew the  
10 protection order for another fixed time period or may enter a permanent  
11 order as provided in this section. The court may award court costs,  
12 service fees, and reasonable attorneys' fees as provided in subsection  
13 (1)(f) of this section.

14 (4) In providing relief under this chapter, the court may realign  
15 the designation of the parties as "petitioner" and "respondent" where  
16 the court finds that the original petitioner is the abuser and the  
17 original respondent is the victim of domestic violence and may issue an  
18 ex parte temporary order for protection in accordance with RCW  
19 26.50.070 on behalf of the victim until the victim is able to prepare  
20 a petition for an order for protection in accordance with RCW  
21 26.50.030.

22 (5) Except as provided in subsection (4) of this section, no order  
23 for protection shall grant relief to any party except upon notice to  
24 the respondent and hearing pursuant to a petition or counter-petition  
25 filed and served by the party seeking relief in accordance with RCW  
26 26.50.050.

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

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

35 **Sec. 13.** RCW 26.50.070 and 1996 c 248 s 14 are each amended to  
36 read as follows:

37 (1) Where an application under this section alleges that  
38 irreparable injury could result from domestic violence if an order is

1 not issued immediately without prior notice to the respondent, the  
2 court may grant an ex parte temporary order for protection, pending a  
3 full hearing, and grant relief as the court deems proper, including an  
4 order:

5 (a) Restraining any party from committing acts of domestic  
6 violence;

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

11 (c) Prohibiting any party from coming within a specified distance  
12 of no more than one thousand feet from a specified location;

13 (d) Restraining any party from interfering with the other's custody  
14 of the minor children or from removing the children from the  
15 jurisdiction of the court;

16 (~~(d)~~) (e) Restraining any party from having any contact with the  
17 victim of domestic violence or the victim's children or members of the  
18 victim's household, or from coming within a specified distance of not  
19 less than one hundred feet or more than five hundred feet of the victim  
20 or the victim's children or members of the victim's household; and

21 (e) Considering the provisions of RCW 9.41.800.

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

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

29 (4) An ex parte temporary order for protection shall be effective  
30 for a fixed period not to exceed fourteen days or twenty-four days if  
31 the court has permitted service by publication under RCW 26.50.085 or  
32 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
33 full hearing, as provided in this chapter, shall be set for not later  
34 than fourteen days from the issuance of the temporary order or not  
35 later than twenty-four days if service by publication or by mail is  
36 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
37 26.50.123, the respondent shall be personally served with a copy of the  
38 ex parte order along with a copy of the petition and notice of the date  
39 set for the hearing.

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

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

9 **Sec. 14.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and  
10 1999 c 45 s 4 are each reenacted and amended to read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

13	XVI	Aggravated Murder 1 (RCW 10.95.020)
14	XV	Homicide by abuse (RCW 9A.32.055)
15		Malicious explosion 1 (RCW 70.74.280(1))
16		Murder 1 (RCW 9A.32.030)
17	XIV	Murder 2 (RCW 9A.32.050)
18	XIII	Malicious explosion 2 (RCW 70.74.280(2))
19		Malicious placement of an explosive 1 (RCW
20		70.74.270(1))
21	XII	Assault 1 (RCW 9A.36.011)
22		Assault of a Child 1 (RCW 9A.36.120)
23		Malicious placement of an imitation device
24		1 (RCW 70.74.272(1)(a))
25		Rape 1 (RCW 9A.44.040)
26		Rape of a Child 1 (RCW 9A.44.073)
27	XI	Manslaughter 1 (RCW 9A.32.060)
28		Rape 2 (RCW 9A.44.050)
29		Rape of a Child 2 (RCW 9A.44.076)
30	X	Child Molestation 1 (RCW 9A.44.083)
31		Indecent Liberties (with forcible
32		compulsion) (RCW 9A.44.100(1)(a))
33		Kidnapping 1 (RCW 9A.40.020)

1           Leading       Organized       Crime       (RCW  
2                       9A.82.060(1)(a))  
3           Malicious explosion 3 (RCW 70.74.280(3))  
4           Manufacture       of       methamphetamine       (RCW  
5                       69.50.401(a)(1)(ii))  
6           Over       18       and       deliver       heroin,  
7                       methamphetamine,       a       narcotic       from  
8                       Schedule I or II, or flunitrazepam  
9                       from Schedule IV to someone under 18  
10                      (RCW 69.50.406)

11    IX       Assault of a Child 2 (RCW 9A.36.130)  
12           Controlled       Substance       Homicide       (RCW  
13                       69.50.415)  
14           Explosive       devices       prohibited       (RCW  
15                       70.74.180)  
16           Homicide by Watercraft, by being under the  
17                       influence of intoxicating liquor or  
18                       any       drug       (RCW       ((88.12.029))  
19                      79A.60.050)  
20           Inciting       Criminal       Profiteering       (RCW  
21                       9A.82.060(1)(b))  
22           Malicious placement of an explosive 2 (RCW  
23                       70.74.270(2))  
24           Over 18 and deliver narcotic from Schedule  
25                       III, IV, or V or a nonnarcotic, except  
26                       flunitrazepam or methamphetamine, from  
27                       Schedule I-V to someone under 18 and 3  
28                       years junior (RCW 69.50.406)  
29           Robbery 1 (RCW 9A.56.200)  
30           Sexual Exploitation (RCW 9.68A.040)  
31           Vehicular Homicide, by being under the  
32                       influence of intoxicating liquor or  
33                       any drug (RCW 46.61.520)

34    VIII     Arson 1 (RCW 9A.48.020)  
35           Deliver or possess with intent to deliver  
36                       m e t h a m p h e t a m i n e       ( R C W  
37                       69.50.401(a)(1)(ii))

1 Homicide by Watercraft, by the operation of  
2 any vessel in a reckless manner (RCW  
3 (~~88.12.029~~) 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Manufacture, deliver, or possess with  
6 intent to deliver amphetamine (RCW  
7 69.50.401(a)(1)(ii))  
8 Manufacture, deliver, or possess with  
9 intent to deliver heroin or cocaine  
10 (RCW 69.50.401(a)(1)(i))  
11 Possession of ephedrine or pseudoephedrine  
12 with intent to manufacture  
13 methamphetamine (RCW 69.50.440)  
14 Promoting Prostitution 1 (RCW 9A.88.070)  
15 Selling for profit (controlled or  
16 counterfeit) any controlled substance  
17 (RCW 69.50.410)  
18 Vehicular Homicide, by the operation of any  
19 vehicle in a reckless manner (RCW  
20 46.61.520)

21 VII Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Dealing in depictions of minor engaged in  
24 sexually explicit conduct (RCW  
25 9.68A.050)  
26 Drive-by Shooting (RCW 9A.36.045)  
27 Homicide by Watercraft, by disregard for  
28 the safety of others (RCW  
29 (~~88.12.029~~) 79A.60.050)  
30 Indecent Liberties (without forcible  
31 compulsion) (RCW 9A.44.100(1) (b) and  
32 (c))  
33 Introducing Contraband 1 (RCW 9A.76.140)  
34 Involving a minor in drug dealing (RCW  
35 69.50.401(f))  
36 Malicious placement of an explosive 3 (RCW  
37 70.74.270(3))

1 Sending, bringing into state depictions of  
2 minor engaged in sexually explicit  
3 conduct (RCW 9.68A.060)  
4 Unlawful Possession of a Firearm in the  
5 first degree (RCW 9.41.040(1)(a))  
6 Use of a Machine Gun in Commission of a  
7 Felony (RCW 9.41.225)  
8 Vehicular Homicide, by disregard for the  
9 safety of others (RCW 46.61.520)

10 VI Bail Jumping with Murder 1 (RCW  
11 9A.76.170(2)(a))  
12 Bribery (RCW 9A.68.010)  
13 Incest 1 (RCW 9A.64.020(1))  
14 Intimidating a Judge (RCW 9A.72.160)  
15 Intimidating a Juror/Witness (RCW  
16 9A.72.110, 9A.72.130)  
17 Malicious placement of an imitation device  
18 2 (RCW 70.74.272(1)(b))  
19 Manufacture, deliver, or possess with  
20 intent to deliver narcotics from  
21 Schedule I or II (except heroin or  
22 cocaine) or flunitrazepam from  
23 Schedule IV (RCW 69.50.401(a)(1)(i))  
24 Rape of a Child 3 (RCW 9A.44.079)  
25 Theft of a Firearm (RCW 9A.56.300)

26 V Abandonment of dependent person 1 (RCW  
27 9A.42.060)  
28 Advancing money or property for  
29 extortionate extension of credit (RCW  
30 9A.82.030)  
31 Bail Jumping with class A Felony (RCW  
32 9A.76.170(2)(b))  
33 Child Molestation 3 (RCW 9A.44.089)  
34 Criminal Mistreatment 1 (RCW 9A.42.020)  
35 Custodial Sexual Misconduct 1 (RCW  
36 9A.44.160)

1 Delivery of imitation controlled substance  
2 by person eighteen or over to person  
3 under eighteen (RCW 69.52.030(2))  
4 Domestic Violence Court Order Violation  
5 (RCW 10.99.040, 10.99.050, 26.09.300,  
6 26.10.220, 26.26.138, 26.50.110,  
7 26.52.070, or section 3 of this act)  
8 Extortion 1 (RCW 9A.56.120)  
9 Extortionate Extension of Credit (RCW  
10 9A.82.020)  
11 Extortionate Means to Collect Extensions of  
12 Credit (RCW 9A.82.040)  
13 Incest 2 (RCW 9A.64.020(2))  
14 Kidnapping 2 (RCW 9A.40.030)  
15 ~~((On and after July 1, 2000: No Contact~~  
16 ~~Order Violation: Domestic Violence~~  
17 ~~Pretrial Condition (RCW 10.99.040(4)~~  
18 ~~(b) and (c))~~  
19 ~~On and after July 1, 2000: No Contact~~  
20 ~~Order Violation: Domestic Violence~~  
21 ~~Sentence Condition (RCW 10.99.050(2))~~  
22 ~~On and after July 1, 2000: Protection~~  
23 ~~Order Violation: Domestic Violence~~  
24 ~~Civil Action (RCW 26.50.110 (4) and~~  
25 ~~(5))~~  
26 ~~On and after July 1, 2000: Stalking (RCW~~  
27 ~~9A.46.110))~~  
28 Perjury 1 (RCW 9A.72.020)  
29 Persistent prison misbehavior (RCW  
30 9.94.070)  
31 Possession of a Stolen Firearm (RCW  
32 9A.56.310)  
33 Rape 3 (RCW 9A.44.060)  
34 Rendering Criminal Assistance 1 (RCW  
35 9A.76.070)  
36 Sexual Misconduct with a Minor 1 (RCW  
37 9A.44.093)  
38 Sexually Violating Human Remains (RCW  
39 9A.44.105)

1                    Stalking (RCW 9A.46.110)

2        IV        Arson 2 (RCW 9A.48.030)

3                    Assault 2 (RCW 9A.36.021)

4                    Assault by Watercraft (RCW ((~~88.12.032~~))

5                                79A.60.060)

6                    Bribing a Witness/Bribe Received by Witness

7                                (RCW 9A.72.090, 9A.72.100)

8                    Commercial Bribery (RCW 9A.68.060)

9                    Counterfeiting (RCW 9.16.035(4))

10                    Escape 1 (RCW 9A.76.110)

11                    Hit and Run--Injury Accident (RCW

12                                46.52.020(4))

13                    Hit and Run with Vessel--Injury Accident

14                                (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))

15                    Indecent Exposure to Person Under Age

16                                Fourteen (subsequent sex offense) (RCW

17                                9A.88.010)

18                    Influencing Outcome of Sporting Event (RCW

19                                9A.82.070)

20                    Knowingly Trafficking in Stolen Property

21                                (RCW 9A.82.050(2))

22                    Malicious Harassment (RCW 9A.36.080)

23                    Manufacture, deliver, or possess with

24                                intent to deliver narcotics from

25                                Schedule III, IV, or V or nonnarcotics

26                                from Schedule I-V (except marijuana,

27                                amphetamine, methamphetamines, or

28                                flunitrazepam) (RCW 69.50.401(a)(1)

29                                (iii) through (v))

30                    Residential Burglary (RCW 9A.52.025)

31                    Robbery 2 (RCW 9A.56.210)

32                    Theft of Livestock 1 (RCW 9A.56.080)

33                    Threats to Bomb (RCW 9.61.160)

34                    Use of Proceeds of Criminal Profiteering

35                                (RCW 9A.82.080 (1) and (2))

36                    Vehicular Assault (RCW 46.61.522)

37                    Willful Failure to Return from Furlough

38                                (RCW 72.66.060)

1     III           Abandonment of dependent person 2 (RCW  
2                   9A.42.070)  
3           Assault 3 (RCW 9A.36.031)  
4           Assault of a Child 3 (RCW 9A.36.140)  
5           Bail Jumping with class B or C Felony (RCW  
6                   9A.76.170(2)(c))  
7           Burglary 2 (RCW 9A.52.030)  
8           Communication with a Minor for Immoral  
9                   Purposes (RCW 9.68A.090)  
10          Criminal Gang Intimidation (RCW 9A.46.120)  
11          Criminal Mistreatment 2 (RCW 9A.42.030)  
12          Custodial Assault (RCW 9A.36.100)  
13          Delivery of a material in lieu of a  
14                controlled substance (RCW  
15                69.50.401(c))  
16          Escape 2 (RCW 9A.76.120)  
17          Extortion 2 (RCW 9A.56.130)  
18          Harassment (RCW 9A.46.020)  
19          Intimidating a Public Servant (RCW  
20                9A.76.180)  
21          Introducing Contraband 2 (RCW 9A.76.150)  
22          Maintaining a Dwelling or Place for  
23                Controlled Substances (RCW  
24                69.50.402(a)(6))  
25          Malicious Injury to Railroad Property (RCW  
26                81.60.070)  
27          Manufacture, deliver, or possess with  
28                intent to deliver marijuana (RCW  
29                69.50.401(a)(1)(iii))  
30          Manufacture, distribute, or possess with  
31                intent to distribute an imitation  
32                controlled substance (RCW  
33                69.52.030(1))  
34          Patronizing a Juvenile Prostitute (RCW  
35                9.68A.100)  
36          Perjury 2 (RCW 9A.72.030)  
37          Possession of Incendiary Device (RCW  
38                9.40.120)

1 Possession of Machine Gun or Short-Barreled  
2 Shotgun or Rifle (RCW 9.41.190)  
3 Promoting Prostitution 2 (RCW 9A.88.080)  
4 Recklessly Trafficking in Stolen Property  
5 (RCW 9A.82.050(1))  
6 Securities Act violation (RCW 21.20.400)  
7 Tampering with a Witness (RCW 9A.72.120)  
8 Telephone Harassment (subsequent conviction  
9 or threat of death) (RCW 9.61.230)  
10 Theft of Livestock 2 (RCW 9A.56.080)  
11 Unlawful Imprisonment (RCW 9A.40.040)  
12 Unlawful possession of firearm in the  
13 second degree (RCW 9.41.040(1)(b))  
14 Unlawful Use of Building for Drug Purposes  
15 (RCW 69.53.010)  
16 Willful Failure to Return from Work Release  
17 (RCW 72.65.070)

18 II Computer Trespass 1 (RCW 9A.52.110)  
19 Counterfeiting (RCW 9.16.035(3))  
20 Create, deliver, or possess a counterfeit  
21 controlled substance (RCW  
22 69.50.401(b))  
23 Escape from Community Custody (RCW  
24 72.09.310)  
25 Health Care False Claims (RCW 48.80.030)  
26 Malicious Mischief 1 (RCW 9A.48.070)  
27 Possession of controlled substance that is  
28 either heroin or narcotics from  
29 Schedule I or II or flunitrazepam from  
30 Schedule IV (RCW 69.50.401(d))  
31 Possession of phencyclidine (PCP) (RCW  
32 69.50.401(d))  
33 Possession of Stolen Property 1 (RCW  
34 9A.56.150)  
35 Theft 1 (RCW 9A.56.030)  
36 Theft of Rental, Leased, or Lease-purchased  
37 Property (valued at one thousand five  
38 hundred dollars or more) (RCW  
39 9A.56.096(4))

1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful Practice of Law (RCW 2.48.180)  
4 Unlicensed Practice of a Profession or  
5 Business (RCW 18.130.190(7))  
6 I Attempting to Elude a Pursuing Police  
7 Vehicle (RCW 46.61.024)  
8 False Verification for Welfare (RCW  
9 74.08.055)  
10 Forged Prescription (RCW 69.41.020)  
11 Forged Prescription for a Controlled  
12 Substance (RCW 69.50.403)  
13 Forgery (RCW 9A.60.020)  
14 Malicious Mischief 2 (RCW 9A.48.080)  
15 Possess Controlled Substance that is a  
16 Narcotic from Schedule III, IV, or V  
17 or Non-narcotic from Schedule I-V  
18 (except phencyclidine or  
19 flunitrazepam) (RCW 69.50.401(d))  
20 Possession of Stolen Property 2 (RCW  
21 9A.56.160)  
22 Reckless Burning 1 (RCW 9A.48.040)  
23 Taking Motor Vehicle Without Permission  
24 (RCW 9A.56.070)  
25 Theft 2 (RCW 9A.56.040)  
26 Theft of Rental, Leased, or Lease-purchased  
27 Property (valued at two hundred fifty  
28 dollars or more but less than one  
29 thousand five hundred dollars) (RCW  
30 9A.56.096(4))  
31 Unlawful Issuance of Checks or Drafts (RCW  
32 9A.56.060)  
33 Unlawful Use of Food Stamps (RCW 9.91.140  
34 (2) and (3))  
35 Vehicle Prowl 1 (RCW 9A.52.095)

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

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

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

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

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

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

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

29 (3) At the time of arraignment the court shall determine whether a  
30 no-contact order shall be issued or extended. If a no-contact order is  
31 issued or extended, the court may also include in the conditions of  
32 release a requirement that the defendant submit to electronic  
33 monitoring. If electronic monitoring is ordered, the court shall  
34 specify who shall provide the monitoring services, and the terms under  
35 which the monitoring shall be performed. Upon conviction, the court  
36 may require as a condition of the sentence that the defendant reimburse  
37 the providing agency for the costs of the electronic monitoring.

38 (4)(a) Willful violation of a court order issued under subsection  
39 (2) or (3) of this section is ~~((a gross misdemeanor except as provided~~

1 in (b) and (c) of this subsection (4). Upon conviction and in addition  
2 to other penalties provided by law, the court may require that the  
3 defendant submit to electronic monitoring. The court shall specify who  
4 shall provide the electronic monitoring services and the terms under  
5 which the monitoring must be performed. The court also may include a  
6 requirement that the defendant pay the costs of the monitoring. The  
7 court shall consider the ability of the convicted person to pay for  
8 electronic monitoring.

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

16 (c) A willful violation of a court order issued under this section  
17 is a class C felony if the offender has at least two previous  
18 convictions for violating the provisions of a no-contact order issued  
19 under this chapter, a domestic violence protection order issued under  
20 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-  
21 state order that is comparable to a no-contact order or protection  
22 order issued under Washington law. The previous convictions may  
23 involve the same victim or other victims specifically protected by the  
24 no-contact orders or protection orders the offender violated))  
25 punishable under RCW 26.50.110.

26 ((d)) (b) The written order releasing the person charged or  
27 arrested shall contain the court's directives and shall bear the  
28 legend: "Violation of this order is a criminal offense under chapter  
29 ((10.99)) 26.50 RCW and will subject a violator to arrest; any assault,  
30 drive-by shooting, or reckless endangerment that is a violation of this  
31 order is a felony. You can be arrested even if any person protected by  
32 the order invites or allows you to violate the order's prohibitions.  
33 You have the sole responsibility to avoid or refrain from violating the  
34 order's provisions. Only the court can change the order." A certified  
35 copy of the order shall be provided to the victim. If a no-contact  
36 order has been issued prior to charging, that order shall expire at  
37 arraignment or within seventy-two hours if charges are not filed. Such  
38 orders need not be entered into the computer-based criminal

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

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

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

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

21 (2) ~~Willful violation of a court order issued under this section is~~  
22 ~~((a gross misdemeanor. Any assault that is a violation of an order~~  
23 ~~issued under this section and that does not amount to assault in the~~  
24 ~~first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C~~  
25 ~~felony, and any conduct in violation of a protective order issued under~~  
26 ~~this section that is reckless and creates a substantial risk of death~~  
27 ~~or serious physical injury to another person is a class C felony. A~~  
28 ~~willful violation of a court order issued under this section is also a~~  
29 ~~class C felony if the offender has at least two previous convictions~~  
30 ~~for violating the provisions of a no-contact order issued under this~~  
31 ~~chapter, or a domestic violence protection order issued under chapter~~  
32 ~~26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order~~  
33 ~~that is comparable to a no-contact order or protection order that is~~  
34 ~~issued under Washington law. The previous convictions may involve the~~  
35 ~~same victim or other victims specifically protected by the no-contact~~  
36 ~~orders or protection orders the offender violated)) punishable under~~  
37 RCW 26.50.110.

1 The written order shall contain the court's directives and shall  
2 bear the legend: Violation of this order is a criminal offense under  
3 chapter ((10.99)) 26.50 RCW and will subject a violator to arrest; any  
4 assault, drive-by shooting, or reckless endangerment that is a  
5 violation of this order is a felony.

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

17 **Sec. 17.** RCW 26.09.300 and 1996 c 248 s 9 are each amended to read  
18 as follows:

19 (1) Whenever a restraining order is issued under this chapter, and  
20 the person to be restrained knows of the order, a violation of the  
21 provisions restricting the person from acts or threats of violence or  
22 of a provision restraining the person from going onto the grounds of or  
23 entering the residence, workplace, school, or day care of another, or  
24 prohibiting the person from coming within a specified distance of a  
25 location or another person, is ((a misdemeanor)) punishable under RCW  
26 26.50.110.

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

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

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

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

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

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

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

3 (b) Obtaining a certified copy of the order, certified to be an  
4 accurate copy of the original by a notary public or by the clerk of the  
5 court.

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

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

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

12 (c) The person to be arrested has violated the terms of the order  
13 restraining the person from acts or threats of violence or restraining  
14 the person from going onto the grounds of or entering the residence,  
15 workplace, school, or day care of another, or prohibiting the person  
16 from coming within a specified distance of a location or another  
17 person.

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

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

23 **Sec. 18.** RCW 26.10.220 and 1999 c 184 s 11 are each amended to  
24 read as follows:

25 (1) Whenever a restraining order is issued under this chapter, and  
26 the person to be restrained knows of the order, a violation of the  
27 provisions restricting the person from acts or threats of violence or  
28 of a provision restraining the person from going onto the grounds of or  
29 entering the residence, workplace, school, or day care of another, or  
30 prohibiting the person from coming within a specified distance of a  
31 location or another person, is ((a gross misdemeanor)) punishable under  
32 RCW 26.50.110.

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

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

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

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

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

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

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

9 (b) Obtaining a certified copy of the order, certified to be an  
10 accurate copy of the original by a notary public or by the clerk of the  
11 court.

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

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

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

18 (c) The person to be arrested has violated the terms of the order  
19 restraining the person from acts or threats of violence or restraining  
20 the person from going onto the grounds of or entering the residence,  
21 workplace, school, or day care of another, or prohibiting the person  
22 from coming within a specified distance of a location or another  
23 person.

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

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

29 **Sec. 19.** RCW 26.26.138 and 1999 c 184 s 12 are each amended to  
30 read as follows:

31 (1) Whenever a restraining order is issued under this chapter, and  
32 the person to be restrained knows of the order, a violation of the  
33 provisions restricting the person from acts or threats of violence or  
34 of a provision restraining the person from going onto the grounds of or  
35 entering the residence, workplace, school, or day care of another, or  
36 prohibiting the person from coming within a specified distance of a  
37 location or another person, is ((a gross misdemeanor)) punishable under  
38 RCW 26.50.110.

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

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

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

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

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

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

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

15 (b) Obtaining a certified copy of the order, certified to be an  
16 accurate copy of the original by a notary public or by the clerk of the  
17 court.

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

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

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

24 (c) The person to be arrested has violated the terms of the order  
25 restraining the person from acts or threats of violence or restraining  
26 the person from going onto the grounds of or entering the residence,  
27 workplace, school, or day care of another, or prohibiting the person  
28 from coming within a specified distance of a location or another  
29 person.

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

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

35 **Sec. 20.** RCW 26.50.110 and 1996 c 248 s 16 are each amended to  
36 read as follows:

37 (1) Whenever an order (~~for protection~~) is granted under this  
38 chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is

1 a valid foreign protection order as defined in RCW 26.52.020, and the  
2 respondent or person to be restrained knows of the order, a violation  
3 of the restraint provisions, or of a provision excluding the person  
4 from a residence, workplace, school, or day care, or of a provision  
5 prohibiting a person from coming within a specified distance of a  
6 location or another person, is a gross misdemeanor except as provided  
7 in subsections (4) and (5) of this section. Upon conviction, and in  
8 addition to any other penalties provided by law, the court may require  
9 that the respondent submit to electronic monitoring. The court shall  
10 specify who shall provide the electronic monitoring services, and the  
11 terms under which the monitoring shall be performed. The order also  
12 may include a requirement that the respondent pay the costs of the  
13 monitoring. The court shall consider the ability of the convicted  
14 person to pay for electronic monitoring.

15 (2) A peace officer shall arrest without a warrant and take into  
16 custody a person whom the peace officer has probable cause to believe  
17 has violated an order issued under this chapter, chapter 10.99, 26.09,  
18 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as  
19 defined in RCW 26.52.020, that restrains the person or excludes the  
20 person from a residence, workplace, school, or day care, or prohibits  
21 the person from coming within a specified distance of a location or  
22 another person, if the person restrained knows of the order. Presence  
23 of the order in the law enforcement computer-based criminal  
24 intelligence information system is not the only means of establishing  
25 knowledge of the order.

26 (3) A violation of an order (~~(for protection)~~) issued under this  
27 chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a  
28 valid foreign protection order as defined in RCW 26.52.020, shall also  
29 constitute contempt of court, and is subject to the penalties  
30 prescribed by law.

31 (4) Any assault that is a violation of an order issued under this  
32 chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a  
33 valid foreign protection order as defined in RCW 26.52.020, and that  
34 does not amount to assault in the first or second degree under RCW  
35 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in  
36 violation of ((a protective)) such an order ((issued under this  
37 chapter)) that is reckless and creates a substantial risk of death or  
38 serious physical injury to another person is a class C felony.

1 (5) A violation of a court order issued under this chapter, chapter  
2 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign  
3 protection order as defined in RCW 26.52.020, is a class C felony if  
4 the offender has at least two previous convictions for violating the  
5 provisions of ~~((a no-contact))~~ an order issued under chapter 10.99  
6 ~~((RCW, a domestic violence protection order issued under chapter 26.09,~~  
7 ~~26.10, or 26.26 RCW or this chapter, or any federal or out-of-state~~  
8 ~~order that is comparable to a no-contact or protection order issued~~  
9 ~~under Washington law))~~, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid  
10 foreign protection order as defined in RCW 26.52.020. The previous  
11 convictions may involve the same victim or other victims specifically  
12 protected by the ~~((no-contact orders or protection))~~ orders the  
13 offender violated.

14 (6) Upon the filing of an affidavit by the petitioner or any peace  
15 officer alleging that the respondent has violated an order ~~((for~~  
16 ~~protection))~~ granted under this chapter, chapter 10.99, 26.09, 26.10,  
17 26.26, or 74.34 RCW, or a valid foreign protection order as defined in  
18 RCW 26.52.020, the court may issue an order to the respondent,  
19 requiring the respondent to appear and show cause within fourteen days  
20 why the respondent should not be found in contempt of court and  
21 punished accordingly. The hearing may be held in the court of any  
22 county or municipality in which the petitioner or respondent  
23 temporarily or permanently resides at the time of the alleged  
24 violation.

25 **Sec. 21.** RCW 26.50.150 and 1999 c 147 s 1 are each amended to read  
26 as follows:

27 (1) The department of social and health services shall adopt rules  
28 for standards of approval of domestic violence perpetrator programs  
29 that accept perpetrators of domestic violence into treatment to satisfy  
30 court orders or that represent the programs as ones that treat domestic  
31 violence perpetrators. The treatment must meet the following minimum  
32 qualifications:

33 ~~((1))~~ (a) All treatment must be based upon a full, complete  
34 clinical intake including: Current and past violence history; a  
35 lethality risk assessment; a complete diagnostic evaluation; a  
36 substance abuse assessment; criminal history; assessment of cultural  
37 issues, learning disabilities, literacy, and special language needs;

1 and a treatment plan that adequately and appropriately addresses the  
2 treatment needs of the individual.

3 ~~((2))~~ (b) To facilitate communication necessary for periodic  
4 safety checks and case monitoring, the program must require the  
5 perpetrator to sign the following releases:

6 ~~((a))~~ (i) A release for the program to inform the victim and  
7 victim's community and legal advocates that the perpetrator is in  
8 treatment with the program, and to provide information, for safety  
9 purposes, to the victim and victim's community and legal advocates;

10 ~~((b))~~ (ii) A release to prior and current treatment agencies to  
11 provide information on the perpetrator to the program; and

12 ~~((c))~~ (iii) A release for the program to provide information on  
13 the perpetrator to relevant legal entities including: Lawyers, courts,  
14 parole, probation, child protective services, and child welfare  
15 services.

16 ~~((3))~~ (c) Treatment must be for a minimum treatment period  
17 defined by the secretary of the department by rule. The weekly  
18 treatment sessions must be in a group unless there is a documented,  
19 clinical reason for another modality. Any other therapies, such as  
20 individual, marital, or family therapy, substance abuse evaluations or  
21 therapy, medication reviews, or psychiatric interviews, may be  
22 concomitant with the weekly group treatment sessions described in this  
23 section but not a substitute for it.

24 ~~((4))~~ (d) The treatment must focus primarily on ending the  
25 violence, holding the perpetrator accountable for his or her violence,  
26 and changing his or her behavior. The treatment must be based on  
27 nonvictim-blaming strategies and philosophies and shall include  
28 education about the individual, family, and cultural dynamics of  
29 domestic violence. If the perpetrator or the victim has a minor child,  
30 treatment must specifically include education regarding the effects of  
31 domestic violence on children, such as the emotional impacts of  
32 domestic violence on children and the long-term consequences that  
33 exposure to incidents of domestic violence may have on children.

34 ~~((5))~~ (e) Satisfactory completion of treatment must be contingent  
35 upon the perpetrator meeting specific criteria, defined by rule by the  
36 secretary of the department, and not just upon the end of a certain  
37 period of time or a certain number of sessions.

38 ~~((6))~~ (f) The program must have policies and procedures for  
39 dealing with reoffenses and noncompliance.

1       (~~(7)~~) (g) All evaluation and treatment services must be provided  
2 by, or under the supervision of, qualified personnel.

3       (2) The department shall conduct periodic evaluations of programs  
4 that have been approved under this section, to determine whether they  
5 are in compliance with the standards adopted under this section.

6       (~~(8)~~) (3) The secretary of the department may adopt rules and  
7 establish fees as necessary to implement this section.

8       **Sec. 22.** RCW 26.50.160 and 1995 c 246 s 18 are each amended to  
9 read as follows:

10       To prevent the issuance of competing protection orders in different  
11 courts and to give courts needed information for issuance of orders,  
12 the judicial information system shall be available in each district,  
13 municipal, and superior court by July 1, 1997, and shall include a data  
14 base containing the following information:

15       (1) The names of the parties and the cause number for every order  
16 of protection issued under this title, every criminal no-contact order  
17 issued under chapter 10.99 RCW, every antiharassment order issued under  
18 chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW,  
19 every third-party custody action under chapter 26.10 RCW, (~~and~~) every  
20 parentage action under chapter (~~26.10~~) 26.26 RCW, every foreign  
21 protection order filed under chapter 26.52 RCW, and every order for  
22 protection of a vulnerable adult under chapter 74.34 RCW. When a  
23 guardian or the department of social and health services has petitioned  
24 for relief on behalf of a vulnerable adult, the name of the vulnerable  
25 adult shall be included in the data base as a party rather than the  
26 guardian or department;

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

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

31       **Sec. 23.** RCW 26.52.070 and 1999 c 184 s 9 are each amended to read  
32 as follows:

33       (1) Whenever a foreign protection order is granted to a person  
34 entitled to protection and the person under restraint knows of the  
35 foreign protection order, a violation of a provision prohibiting the  
36 person under restraint from contacting or communicating with another  
37 person, or of a provision excluding the person under restraint from a

1 residence, workplace, school, or day care, or of a provision  
2 prohibiting a person from coming within a specified distance of a  
3 location or another person, or a violation of any provision for which  
4 the foreign protection order specifically indicates that a violation  
5 will be a crime, is ~~((a gross misdemeanor except as provided in~~  
6 ~~subsections (3) and (4) of this section. Upon conviction, and in~~  
7 ~~addition to any other penalties provided by law, the court may require~~  
8 ~~the person under restraint to submit to electronic monitoring. The~~  
9 ~~court shall specify who will provide the electronic monitoring~~  
10 ~~services, and the terms under which the monitoring will be performed.~~  
11 ~~The order also may include a requirement that the person under~~  
12 ~~restraint pay the costs of the monitoring. The court shall consider~~  
13 ~~the ability of the convicted person to pay for electronic monitoring))~~  
14 punishable under RCW 26.50.110.

15 (2) A peace officer shall arrest without a warrant and take into  
16 custody a person when the peace officer has probable cause to believe  
17 that a foreign protection order has been issued of which the person  
18 under restraint has knowledge and the person under restraint has  
19 violated a provision of the foreign protection order that prohibits the  
20 person under restraint from contacting or communicating with another  
21 person, or a provision that excludes the person under restraint from a  
22 residence, workplace, school, or day care, or of a provision  
23 prohibiting a person from coming within a specified distance of a  
24 location or another person, or a violation of any provision for which  
25 the foreign protection order specifically indicates that a violation  
26 will be a crime. Presence of the order in the law enforcement  
27 computer-based criminal intelligence information system is not the only  
28 means of establishing knowledge of the order.

29 ~~((3) An assault that is a violation of a valid foreign protection~~  
30 ~~order that does not amount to assault in the first or second degree~~  
31 ~~under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in~~  
32 ~~violation of a valid foreign protection order issued under this chapter~~  
33 ~~that is reckless and creates a substantial risk of death or serious~~  
34 ~~physical injury to another person is a class C felony.~~

35 (4) A violation of a valid foreign protection order is a class C  
36 felony if the offender has at least two previous convictions for  
37 violating the provisions of a no-contact order issued under chapter  
38 10.99 RCW, a domestic violence protection order issued under chapter  
39 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order

1 ~~that is comparable to a no contact or protection order issued under~~  
2 ~~Washington law. The previous convictions may involve the same person~~  
3 ~~entitled to protection or other person entitled to protection~~  
4 ~~specifically protected by the no contact orders or protection orders~~  
5 ~~the offender violated.))~~

6 **Sec. 24.** RCW 70.123.050 and 1979 ex.s. c 245 s 5 are each amended  
7 to read as follows:

8 The department shall contract, where appropriate, with public or  
9 private nonprofit groups or organizations with experience and expertise  
10 in the field of domestic violence to:

11 (1) Develop and implement an educational program designed to  
12 promote public and professional awareness of the problems of domestic  
13 violence and of the availability of services for victims of domestic  
14 violence. Particular emphasis should be given to the education needs  
15 of law enforcement agencies, the legal system, the medical profession,  
16 and other relevant professions that are engaged in the prevention,  
17 identification, and treatment of domestic violence;

18 (2) Maintain a directory of temporary shelters and other direct  
19 service facilities for the victims of domestic violence which is  
20 current, complete, detailed, and available, as necessary, to provide  
21 useful referral services to persons seeking help on an emergency basis;

22 (3) Create a state-wide toll-free telephone number that would  
23 provide information and referral to victims of domestic violence;

24 (4) Provide opportunities to persons working in the area of  
25 domestic violence to exchange information; ((and))

26 (5) Provide training opportunities for both volunteer workers and  
27 staff personnel; and

28 (6) Develop and provide advocacy, community education, and  
29 specialized services to underserved victims of domestic violence.

30 **Sec. 25.** RCW 74.34.130 and 1999 c 176 s 13 are each amended to  
31 read as follows:

32 The court may order relief as it deems necessary for the protection  
33 of the petitioner, including, but not limited to the following:

34 (1) Restraining respondent from committing acts of abandonment,  
35 abuse, neglect, or financial exploitation;

36 (2) Excluding the respondent from petitioner's residence for a  
37 specified period or until further order of the court;

1 (3) Prohibiting contact by respondent for a specified period or  
2 until further order of the court;

3 (4) Prohibiting the respondent from coming within a specified  
4 distance of no more than one thousand feet from a specified location,  
5 or not less than one hundred feet or more than one thousand feet from  
6 a specified other person;

7 (5) Requiring an accounting by respondent of the disposition of  
8 petitioner's income or other resources;

9 ~~((+5))~~ (6) Restraining the transfer of property for a specified  
10 period not exceeding ninety days;

11 ~~((+6))~~ (7) Requiring the respondent to pay the filing fee and  
12 court costs, including service fees, and to reimburse the petitioner  
13 for costs incurred in bringing the action, including a reasonable  
14 attorney's fee.

15 Any relief granted by an order for protection, other than a  
16 judgment for costs, shall be for a fixed period not to exceed one year.

17 NEW SECTION. Sec. 26. Section 14 of this act takes effect July 1,  
18 2000.

19 NEW SECTION. Sec. 27. Section 1 of this act is necessary for the  
20 immediate preservation of the public peace, health, or safety, or  
21 support of the state government and its existing public institutions,  
22 and takes effect immediately.

23 NEW SECTION. Sec. 28. (1) The penalties prescribed in section 1  
24 of this act apply to violations of court orders which occur on or after  
25 the effective date of section 1 of this act, regardless of the date the  
26 court issued the order.

27 (2) The penalties prescribed in this act, other than in section 1  
28 of this act, apply to violations of court orders which occur on or  
29 after July 1, 2000, regardless of the date the court issued the order.

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