

SHB 2576 - S COMM AMD  
By Committee on Judiciary

ADOPTED 03/01/2006

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

3 "NEW SECTION. **Sec. 1.** Sexual assault is the most heinous crime  
4 against another person short of murder. Sexual assault inflicts  
5 humiliation, degradation, and terror on victims. According to the FBI,  
6 a woman is raped every six minutes in the United States. Rape is  
7 recognized as the most underreported crime; estimates suggest that only  
8 one in seven rapes is reported to authorities. Victims who do not  
9 report the crime still desire safety and protection from future  
10 interactions with the offender. Some cases in which the rape is  
11 reported are not prosecuted. In these situations, the victim should be  
12 able to seek a civil remedy requiring that the offender stay away from  
13 the victim.

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

16 (1) "Nonconsensual" means a lack of freely given agreement.

17 (2) "Petitioner" means any named petitioner for the sexual assault  
18 protection order or any named victim of nonconsensual sexual conduct or  
19 nonconsensual sexual penetration on whose behalf the petition is  
20 brought.

21 (3) "Sexual assault protection order" means an ex parte temporary  
22 order or a final order granted under this chapter, which includes a  
23 remedy authorized by section 10 of this act.

24 (4) "Sexual conduct" means any of the following:

25 (a) Any intentional or knowing touching or fondling of the  
26 genitals, anus, or breasts, directly or indirectly, including through  
27 clothing;

28 (b) Any intentional or knowing display of the genitals, anus, or

1 breasts for the purposes of arousal or sexual gratification of the  
2 respondent;

3 (c) Any intentional or knowing touching or fondling of the  
4 genitals, anus, or breasts, directly or indirectly, including through  
5 clothing, that the petitioner is forced to perform by another person or  
6 the respondent;

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

10 (e) Any intentional or knowing touching of the clothed or unclothed  
11 body of a child under the age of thirteen, if done for the purpose of  
12 sexual gratification or arousal of the respondent or others; and

13 (f) Any coerced or forced touching or fondling by a child under the  
14 age of thirteen, directly or indirectly, including through clothing, of  
15 the genitals, anus, or breasts of the respondent or others.

16 (5) "Sexual penetration" means any contact, however slight, between  
17 the sex organ or anus of one person by an object, the sex organ, mouth,  
18 or anus of another person, or any intrusion, however slight, of any  
19 part of the body of one person or of any animal or object into the sex  
20 organ or anus of another person, including but not limited to  
21 cunnilingus, fellatio, or anal penetration. Evidence of emission of  
22 semen is not required to prove sexual penetration.

23 (6) "Nonphysical contact" includes, but is not limited to,  
24 telephone calls, mail, e-mail, fax, and written notes.

25 NEW SECTION. **Sec. 3.** A petition for a sexual assault protection  
26 order may be filed by a person:

27 (1) Who is a victim of nonconsensual sexual conduct or  
28 nonconsensual sexual penetration, including a single incident of  
29 nonconsensual sexual conduct or nonconsensual sexual penetration; or

30 (2) On behalf of any of the following persons who is a victim of  
31 nonconsensual sexual conduct or nonconsensual sexual penetration:

- 32 (a) A minor child;
- 33 (b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or
- 34 (c) Any other adult who, because of age, disability, health, or  
35 inaccessibility, cannot file the petition.

1        NEW SECTION.    **Sec. 4.**    (1) Any person may seek relief under this  
2 chapter by filing a petition with a court alleging that the person has  
3 been the victim of nonconsensual sexual conduct or nonconsensual sexual  
4 penetration committed by the respondent.

5        (2) A person under eighteen years of age who is sixteen years of  
6 age or older may seek relief under this chapter and is not required to  
7 seek relief by a guardian or next friend.

8        (3) No guardian or guardian ad litem need be appointed on behalf of  
9 a respondent to an action under this chapter who is under eighteen  
10 years of age if such respondent is sixteen years of age or older.

11       (4) The court may, if it deems necessary, appoint a guardian ad  
12 litem for a petitioner or respondent who is a party to an action under  
13 this chapter.

14       (5) Jurisdiction of the courts over proceedings under this chapter  
15 shall be the same as jurisdiction over domestic violence protection  
16 orders under RCW 26.50.020(5).

17       (6) An action under this chapter shall be filed in the county or  
18 the municipality where the petitioner resides.

19       NEW SECTION.    **Sec. 5.**    There shall exist an action known as a  
20 petition for a sexual assault protection order.

21       (1) A petition for relief shall allege the existence of  
22 nonconsensual sexual conduct or nonconsensual sexual penetration, and  
23 shall be accompanied by an affidavit made under oath stating the  
24 specific statements or actions made at the same time of the sexual  
25 assault or subsequently thereafter, which give rise to a reasonable  
26 fear of future dangerous acts, for which relief is sought. Petitioner  
27 and respondent shall disclose the existence of any other litigation or  
28 of any other restraining, protection, or no-contact orders between the  
29 parties.

30       (2) A petition for relief may be made regardless of whether or not  
31 there is a pending lawsuit, complaint, petition, or other action  
32 between the parties.

33       (3) Within ninety days of receipt of the master copy from the  
34 administrative office of the courts, all court clerk's offices shall  
35 make available the standardized forms, instructions, and informational  
36 brochures required by section 19 of this act and shall fill in and keep  
37 current specific program names and telephone numbers for community

1 resources. Any assistance or information provided by clerks under this  
2 section does not constitute the practice of law and clerks are not  
3 responsible for incorrect information contained in a petition.

4 (4) No filing fee may be charged for proceedings under this  
5 chapter. Forms and instructional brochures and the necessary number of  
6 certified copies shall be provided free of charge.

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

9 (6) If the petition states that disclosure of the petitioner's  
10 address would risk abuse of the petitioner or any member of the  
11 petitioner's family or household, that address may be omitted from all  
12 documents filed with the court. If the petitioner has not disclosed an  
13 address under this subsection, the petitioner shall designate an  
14 alternative address at which the respondent may serve notice of any  
15 motions.

16 NEW SECTION. **Sec. 6.** Upon receipt of the petition, the court  
17 shall order a hearing which shall be held not later than fourteen days  
18 from the date of the order. The court may schedule a hearing by  
19 telephone pursuant to local court rule, to reasonably accommodate a  
20 disability, or in exceptional circumstances to protect a petitioner  
21 from further nonconsensual sexual conduct or nonconsensual sexual  
22 penetration. The court shall require assurances of the petitioner's  
23 identity before conducting a telephonic hearing. Except as provided in  
24 section 12 of this act, personal service shall be made upon the  
25 respondent not less than five court days prior to the hearing. If  
26 timely personal service cannot be made, the court shall set a new  
27 hearing date and shall require additional attempts at obtaining  
28 personal service. The court may issue an ex parte temporary sexual  
29 assault order pending the hearing as provided in section 12 of this  
30 act.

31 NEW SECTION. **Sec. 7.** Sexual assault advocates, as defined in RCW  
32 5.60.060, shall be allowed to accompany the victim and confer with the  
33 victim, unless otherwise directed by the court. Court administrators  
34 shall allow sexual assault advocates to assist victims of nonconsensual  
35 sexual conduct or nonconsensual sexual penetration in the preparation  
36 of petitions for sexual assault protection orders. Sexual assault

1 advocates are not engaged in the unauthorized practice of law when  
2 providing assistance of the types specified in this section.  
3 Communications between the petitioner and a sexual assault advocate are  
4 protected as provided by RCW 5.60.060.

5 NEW SECTION. **Sec. 8.** The court may appoint counsel to represent  
6 the petitioner if the respondent is represented by counsel.

7 NEW SECTION. **Sec. 9.** (1) In proceedings for a sexual assault  
8 protection order and prosecutions for violating a sexual assault  
9 protection order, the prior sexual activity or the reputation of the  
10 petitioner is inadmissible except:

11 (a) As evidence concerning the past sexual conduct of the  
12 petitioner with the respondent when this evidence is offered by the  
13 respondent upon the issue of whether the petitioner consented to the  
14 sexual conduct with respect to which the offense is alleged; or

15 (b) When constitutionally required to be admitted.

16 (2) No evidence admissible under this section may be introduced  
17 unless ruled admissible by the court after an offer of proof has been  
18 made at a hearing held in camera to determine whether the respondent  
19 has evidence to impeach the witness in the event that prior sexual  
20 activity with the respondent is denied. The offer of proof shall  
21 include reasonably specific information as to the date, time, and place  
22 of the past sexual conduct between the petitioner and the respondent.  
23 Unless the court finds that reasonably specific information as to date,  
24 time, or place, or some combination thereof, has been offered as to  
25 prior sexual activity with the respondent, counsel for the respondent  
26 shall be ordered to refrain from inquiring into prior sexual activity  
27 between the petitioner and the respondent. The court may not admit  
28 evidence under this section unless it determines at the hearing that  
29 the evidence is relevant and the probative value of the evidence  
30 outweighs the danger of unfair prejudice. The evidence shall be  
31 admissible at trial to the extent an order made by the court specifies  
32 the evidence that may be admitted and areas with respect to which the  
33 petitioner may be examined or cross-examined.

34 NEW SECTION. **Sec. 10.** (1)(a) If the court finds by a  
35 preponderance of the evidence that the petitioner has been a victim of

1 nonconsensual sexual conduct or nonconsensual sexual penetration by the  
2 respondent, the court shall issue a sexual assault protection order;  
3 provided that the petitioner must also satisfy the requirements of  
4 section 12 of this act for ex parte temporary orders or section 13 of  
5 this act for final orders.

6 (b) The petitioner shall not be denied a sexual assault protection  
7 order because the petitioner or the respondent is a minor or because  
8 the petitioner did not report the assault to law enforcement. The  
9 court, when determining whether or not to issue a sexual assault  
10 protection order, may not require proof of physical injury on the  
11 person of the victim or proof that the petitioner has reported the  
12 sexual assault to law enforcement. Modification and extension of prior  
13 sexual assault protection orders shall be in accordance with this  
14 chapter.

15 (2) The court may provide relief as follows:

16 (a) Restrain the respondent from having any contact, including  
17 nonphysical contact, with the petitioner directly, indirectly, or  
18 through third parties regardless of whether those third parties know of  
19 the order;

20 (b) Exclude the respondent from the petitioner's residence,  
21 workplace, or school, or from the day care or school of a child, if the  
22 victim is a child;

23 (c) Prohibit the respondent from knowingly coming within, or  
24 knowingly remaining within, a specified distance from a specified  
25 location; and

26 (d) Order any other injunctive relief as necessary or appropriate  
27 for the protection of the petitioner.

28 (3) In cases where the petitioner and the respondent are under the  
29 age of eighteen and attend the same public or private elementary,  
30 middle, or high school, the court, when issuing a protection order and  
31 providing relief, shall consider, among the other facts of the case,  
32 the severity of the act, any continuing physical danger or emotional  
33 distress to the petitioner, and the expense difficulty, and educational  
34 disruption that would be caused by a transfer of the respondent to  
35 another school. The court may order that the person restrained in the  
36 order not attend the public or approved private elementary, middle, or  
37 high school attended by the person under the age of eighteen protected  
38 by the order. In the event the court orders a transfer of the

1 restrained person to another school, the parents or legal guardians of  
2 the person restrained in the order are responsible for transportation  
3 and other costs associated with the change of school by the person  
4 restrained in the order. The court shall send notice of the  
5 restriction on attending the same school as the person protected by the  
6 order to the public or approved private school the person restrained by  
7 the order will attend and to the school the person protected by the  
8 order attends.

9 (4) Denial of a remedy may not be based, in whole or in part, on  
10 evidence that:

11 (a) The respondent was voluntarily intoxicated;

12 (b) The petitioner was voluntarily intoxicated; or

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

14 (5) Monetary damages are not recoverable as a remedy.

15 (6) A knowing violation of a court order issued under this section  
16 is punishable under RCW 26.50.110.

17 NEW SECTION. **Sec. 11.** For the purposes of issuing a sexual  
18 assault protection order, deciding what relief should be included in  
19 the order, and enforcing the order, RCW 9A.08.020 shall govern whether  
20 the respondent is legally accountable for the conduct of another  
21 person.

22 NEW SECTION. **Sec. 12.** (1) An ex parte temporary sexual assault  
23 protection order shall issue if the petitioner satisfies the  
24 requirements of this subsection by a preponderance of the evidence.  
25 The petitioner shall establish that:

26 (a) The petitioner has been a victim of nonconsensual sexual  
27 conduct or nonconsensual sexual penetration by the respondent; and

28 (b) There is good cause to grant the remedy, regardless of prior  
29 service of process or of notice upon the respondent, because the harm  
30 which that remedy is intended to prevent would be likely to occur if  
31 the respondent were given any prior notice, or greater notice than was  
32 actually given, of the petitioner's efforts to obtain judicial relief.

33 (2) If the respondent appears in court for this hearing for an ex  
34 parte temporary order, he or she may elect to file a general appearance  
35 and testify. Any resulting order may be an ex parte temporary order,  
36 governed by this section.

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

5 (4) A knowing violation of a court order issued under this section  
6 is punishable under RCW 26.50.110.

7 NEW SECTION. **Sec. 13.** (1)(a) An ex parte temporary sexual assault  
8 protection order shall be effective for a fixed period not to exceed  
9 fourteen days. A full hearing, as provided in this chapter, shall be  
10 set for not later than fourteen days from the issuance of the temporary  
11 order. Except as provided in section 6 of this act, the respondent  
12 shall be personally served with a copy of the ex parte temporary sexual  
13 assault protection order along with a copy of the petition and notice  
14 of the date set for the hearing.

15 (b) Any ex parte temporary order issued under this section shall  
16 contain the date and time of issuance and the expiration date and shall  
17 be entered into a statewide judicial information system by the clerk of  
18 the court within one judicial day after issuance.

19 (2) Except as otherwise provided in this section or section 16 of  
20 this act, a final sexual assault protection order shall be effective  
21 for a fixed period of time, not to exceed two years.

22 (3) Any ex parte temporary or final sexual assault protection order  
23 may be renewed one or more times, as required. The petitioner may  
24 apply for renewal of the order by filing a petition for renewal at any  
25 time within the three months before the order expires. If the motion  
26 for renewal is uncontested and the petitioner seeks no modification of  
27 the order, the order may be renewed on the basis of the petitioner's  
28 motion or affidavit stating that there has been no material change in  
29 relevant circumstances since entry of the order and stating the reason  
30 for the requested renewal. Renewals may be granted only in open court.

31 (4) Any sexual assault protection order which would expire on a  
32 court holiday shall instead expire at the close of the next court  
33 business day.

34 (5) The practice of dismissing or suspending a criminal prosecution  
35 in exchange for the issuance of a sexual assault protection order  
36 undermines the purposes of this chapter. This section shall not be  
37 construed as encouraging that practice.



1        NEW SECTION.    **Sec. 14.**    (1) Any sexual assault protection order  
2 shall describe each remedy granted by the court, in reasonable detail  
3 and not by reference to any other document, so that the respondent may  
4 clearly understand what he or she must do or refrain from doing.

5        (2) A sexual assault protection order shall further state the  
6 following:

7        (a) The name of each petitioner that the court finds was the victim  
8 of nonconsensual sexual conduct or nonconsensual sexual penetration by  
9 the respondent;

10        (b) The date and time the sexual assault protection order was  
11 issued, whether it is an ex parte temporary or final order, and the  
12 duration of the order;

13        (c) The date, time, and place for any scheduled hearing for renewal  
14 of that sexual assault protection order or for another order of greater  
15 duration or scope;

16        (d) For each remedy in an ex parte temporary sexual assault  
17 protection order, the reason for entering that remedy without prior  
18 notice to the respondent or greater notice than was actually given;

19        (e) For ex parte temporary sexual assault protection orders, that  
20 the respondent may petition the court, to reopen the order if he or she  
21 did not receive actual prior notice of the hearing and if the  
22 respondent alleges that he or she had a meritorious defense to the  
23 order or that the order or its remedy is not authorized by this  
24 chapter.

25        (3) A sexual assault protection order shall include the following  
26 notice, printed in conspicuous type: "A knowing violation of this  
27 sexual assault protection order is a criminal offense under chapter  
28 26.50 RCW and will subject a violator to arrest. You can be arrested  
29 even if any person protected by the order invites or allows you to  
30 violate the order's prohibitions. You have the sole responsibility to  
31 avoid or refrain from violating the order's provisions. Only the court  
32 can change the order."

33        NEW SECTION.    **Sec. 15.**    (1) An order issued under this chapter  
34 shall be personally served upon the respondent, except as provided in  
35 subsection (6) of this section.

36        (2) The sheriff of the county or the peace officers of the

1 municipality in which the respondent resides shall serve the respondent  
2 personally unless the petitioner elects to have the respondent served  
3 by a private party.

4 (3) If service by a sheriff or municipal peace officer is to be  
5 used, the clerk of the court shall have a copy of any order issued  
6 under this chapter forwarded on or before the next judicial day to the  
7 appropriate law enforcement agency specified in the order for service  
8 upon the respondent. Service of an order issued under this chapter  
9 shall take precedence over the service of other documents unless they  
10 are of a similar emergency nature.

11 (4) If the sheriff or municipal peace officer cannot complete  
12 service upon the respondent within ten days, the sheriff or municipal  
13 peace officer shall notify the petitioner. The petitioner shall  
14 provide information sufficient to permit notification.

15 (5) Returns of service under this chapter shall be made in  
16 accordance with the applicable court rules.

17 (6) If an order entered by the court recites that the respondent  
18 appeared in person before the court, the necessity for further service  
19 is waived and proof of service of that order is not necessary.

20 NEW SECTION. **Sec. 16.** (1)(a) When any person charged with or  
21 arrested for a sex offense as defined in RCW 9.94A.030, a violation of  
22 RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor  
23 that is, under chapter 9A.28 RCW, a criminal attempt, criminal  
24 solicitation, or criminal conspiracy to commit an offense that is  
25 classified as a sex offense under RCW 9.94A.030, is released from  
26 custody before arraignment or trial on bail or personal recognizance,  
27 the court authorizing the release may prohibit that person from having  
28 any contact with the victim. The jurisdiction authorizing the release  
29 shall determine whether that person should be prohibited from having  
30 any contact with the victim. If there is no outstanding restraining or  
31 protective order prohibiting that person from having contact with the  
32 victim, the court authorizing release may issue, by telephone, a sexual  
33 assault protection order prohibiting the person charged or arrested  
34 from having contact with the victim or from knowingly coming within, or  
35 knowingly remaining within, a specified distance of a location.

36 (b) In issuing the order, the court shall consider the provisions  
37 of RCW 9.41.800.

1 (c) The sexual assault protection order shall also be issued in  
2 writing as soon as possible.

3 (2)(a) At the time of arraignment or whenever a motion is brought  
4 to modify the conditions of the defendant's release, the court shall  
5 determine whether a sexual assault protection order shall be issued or  
6 extended. If a sexual assault protection order is issued or extended,  
7 the court may also include in the conditions of release a requirement  
8 that the defendant submit to electronic monitoring. If electronic  
9 monitoring is ordered, the court shall specify who shall provide the  
10 monitoring services, and the terms under which the monitoring shall be  
11 performed. Upon conviction, the court may require as a condition of  
12 the sentence that the defendant reimburse the providing agency for the  
13 costs of the electronic monitoring.

14 (b) A sexual assault protection order issued by the court in  
15 conjunction with criminal charges shall terminate if the defendant is  
16 acquitted or the charges are dismissed, unless the victim files an  
17 independent action for a sexual assault protection order. If the  
18 victim files an independent action for a sexual assault protection  
19 order, the order may be continued by the court until a full hearing is  
20 conducted pursuant to section 6 of this act.

21 (3)(a) The written order releasing the person charged or arrested  
22 shall contain the court's directives and shall bear the legend:  
23 "Violation of this order is a criminal offense under chapter 26.50 RCW  
24 and will subject a violator to arrest. You can be arrested even if any  
25 person protected by the order invites or allows you to violate the  
26 order's prohibitions. You have the sole responsibility to avoid or  
27 refrain from violating the order's provisions. Only the court can  
28 change the order."

29 (b) A certified copy of the order shall be provided to the victim  
30 at no charge.

31 (4) If a sexual assault protection order has been issued prior to  
32 charging, that order shall expire at arraignment or within seventy-two  
33 hours if charges are not filed. Such orders need not be entered into  
34 the computer-based criminal intelligence information system in this  
35 state which is used by law enforcement agencies to list outstanding  
36 warrants.

37 (5) Whenever an order prohibiting contact is issued pursuant to  
38 subsection (2) of this section, the clerk of the court shall forward a

1 copy of the order on or before the next judicial day to the appropriate  
2 law enforcement agency specified in the order. Upon receipt of the  
3 copy of the order, the law enforcement agency shall enter the order for  
4 one year or until the expiration date specified on the order into any  
5 computer-based criminal intelligence information system available in  
6 this state used by law enforcement agencies to list outstanding  
7 warrants. Entry into the computer-based criminal intelligence  
8 information system constitutes notice to all law enforcement agencies  
9 of the existence of the order. The order is fully enforceable in any  
10 jurisdiction in the state.

11 (6)(a) When a defendant is found guilty of a sex offense as defined  
12 in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of  
13 RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28  
14 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy  
15 to commit an offense that is classified as a sex offense under RCW  
16 9.94A.030, and a condition of the sentence restricts the defendant's  
17 ability to have contact with the victim, the condition shall be  
18 recorded as a sexual assault protection order.

19 (b) The written order entered as a condition of sentencing shall  
20 contain the court's directives and shall bear the legend: "Violation  
21 of this order is a criminal offense under chapter 26.50 RCW and will  
22 subject a violator to arrest. You can be arrested even if any person  
23 protected by the order invites or allows you to violate the order's  
24 prohibitions. You have the sole responsibility to avoid or refrain  
25 from violating the order's provisions. Only the court can change the  
26 order."

27 (c) A final sexual assault protection order entered in conjunction  
28 with a criminal prosecution shall remain in effect for a period of two  
29 years following the expiration of any sentence of imprisonment and  
30 subsequent period of community supervision, conditional release,  
31 probation, or parole.

32 (d) A certified copy of the order shall be provided to the victim  
33 at no charge.

34 (7) A knowing violation of a court order issued under subsection  
35 (1), (2), or (6) of this section is punishable under RCW 26.50.110.

36 (8) Whenever a sexual assault protection order is issued, modified,  
37 or terminated under subsection (1), (2), or (6) of this section, the  
38 clerk of the court shall forward a copy of the order on or before the

1 next judicial day to the appropriate law enforcement agency specified  
2 in the order. Upon receipt of the copy of the order, the law  
3 enforcement agency shall enter the order for one year or until the  
4 expiration date specified on the order into any computer-based criminal  
5 intelligence information system available in this state used by law  
6 enforcement agencies to list outstanding warrants. Entry into the  
7 computer-based criminal intelligence information system constitutes  
8 notice to all law enforcement agencies of the existence of the order.  
9 The order is fully enforceable in any jurisdiction in the state. Upon  
10 receipt of notice that an order has been terminated under subsection  
11 (2) of this section, the law enforcement agency shall remove the order  
12 from the computer-based criminal intelligence information system.

13 NEW SECTION. **Sec. 17.** (1) A copy of a sexual assault protection  
14 order granted under this chapter shall be forwarded by the clerk of the  
15 court on or before the next judicial day to the appropriate law  
16 enforcement agency specified in the order. Upon receipt of the order,  
17 the law enforcement agency shall immediately enter the order into any  
18 computer-based criminal intelligence information system available in  
19 this state used by law enforcement agencies to list outstanding  
20 warrants. The order shall remain in the computer for one year or until  
21 the expiration date specified on the order. Upon receipt of notice  
22 that an order has been terminated, the law enforcement agency shall  
23 remove the order from the computer-based criminal intelligence  
24 information system. The law enforcement agency shall only expunge from  
25 the computer-based criminal intelligence information system orders that  
26 are expired, vacated, terminated, or superseded. Entry into the law  
27 enforcement information system constitutes notice to all law  
28 enforcement agencies of the existence of the order. The order is fully  
29 enforceable in any county in the state.

30 (2) The information entered into the computer-based criminal  
31 intelligence information system shall include notice to law enforcement  
32 whether the order was personally served, served by publication, or  
33 served by mail.

34 NEW SECTION. **Sec. 18.** Upon application with notice to all parties  
35 and after a hearing, the court may modify the terms of an existing  
36 sexual assault protection order. In any situation where an order is

1 terminated or modified before its expiration date, the clerk of the  
2 court shall forward on or before the next judicial day a true copy of  
3 the modified order or the termination order to the appropriate law  
4 enforcement agency specified in the modified or termination order.  
5 Upon receipt of the order, the law enforcement agency shall promptly  
6 enter it in the computer-based criminal intelligence information  
7 system, or if the order is terminated, remove the order from the  
8 computer-based criminal intelligence information system.

9 NEW SECTION. **Sec. 19.** (1) The administrative office of the courts  
10 shall develop and prepare instructions and informational brochures  
11 required under section 5 of this act, standard petition and order for  
12 protection forms, and a court staff handbook on sexual assault, and the  
13 protection order process. The standard petition and order for  
14 protection forms must be used after September 1, 2006, for all  
15 petitions filed and orders issued under this chapter. The  
16 instructions, brochures, forms, and handbook shall be prepared in  
17 consultation with interested persons, including a representative of the  
18 state, sexual assault coalition, judges, and law enforcement personnel.

19 (a) The instructions shall be designed to assist petitioners in  
20 completing the petition, and shall include a sample of standard  
21 petition and order for protection forms.

22 (b) The informational brochure shall describe the use of and the  
23 process for obtaining, modifying, and terminating a protection order as  
24 provided under this chapter.

25 (c) The order for protection form shall include, in a conspicuous  
26 location, notice of criminal penalties resulting from violation of the  
27 order, and the following statement: "You can be arrested even if the  
28 person or persons who obtained the order invite or allow you to violate  
29 the order's prohibitions. The respondent has the sole responsibility  
30 to avoid or refrain from violating the order's provisions. Only the  
31 court can change the order upon written application."

32 (d) The court staff handbook shall allow for the addition of a  
33 community resource list by the court clerk.

34 (2) All court clerks shall obtain a community resource list from a  
35 sexual assault program serving the county in which the court is  
36 located. The community resource list shall include the names and  
37 telephone numbers of sexual assault programs serving the community in

1 which the court is located, including law enforcement agencies,  
2 domestic violence agencies, sexual assault agencies, legal assistance  
3 programs, interpreters, multicultural programs, and batterers'  
4 treatment programs. The court shall make the community resource list  
5 available as part of or in addition to the informational brochures  
6 described in subsection (1) of this section.

7 (3) The administrative office of the courts shall distribute a  
8 master copy of the petition and order forms, instructions, and  
9 informational brochures to all court clerks and shall distribute a  
10 master copy of the petition and order forms to all superior, district,  
11 and municipal courts.

12 (4) For purposes of this section, "court clerks" means court  
13 administrators in courts of limited jurisdiction and elected court  
14 clerks.

15 (5) The administrative office of the courts shall determine the  
16 significant non-English-speaking or limited English-speaking  
17 populations in the state. The administrator shall then arrange for  
18 translation of the instructions and informational brochures required by  
19 this section, which shall contain a sample of the standard petition and  
20 order for protection forms, into the languages spoken by those  
21 significant non-English-speaking populations and shall distribute a  
22 master copy of the translated instructions and informational brochures  
23 to all court clerks by December 1, 2006.

24 (6) The administrative office of the courts shall update the  
25 instructions, brochures, standard petition and order for protection  
26 forms, and court staff handbook when changes in the law make an update  
27 necessary.

28 **Sec. 20.** RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read  
29 as follows:

30 As used in this chapter, "harassment" may include but is not  
31 limited to any of the following crimes:

- 32 (1) Harassment (RCW 9A.46.020);
- 33 (2) Malicious harassment (RCW 9A.36.080);
- 34 (3) Telephone harassment (RCW 9.61.230);
- 35 (4) Assault in the first degree (RCW 9A.36.011);
- 36 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 37 (6) Assault in the second degree (RCW 9A.36.021);

1 (7) Assault of a child in the second degree (RCW 9A.36.130);  
2 (8) Assault in the fourth degree (RCW 9A.36.041);  
3 (9) Reckless endangerment (RCW 9A.36.050);  
4 (10) Extortion in the first degree (RCW 9A.56.120);  
5 (11) Extortion in the second degree (RCW 9A.56.130);  
6 (12) Coercion (RCW 9A.36.070);  
7 (13) Burglary in the first degree (RCW 9A.52.020);  
8 (14) Burglary in the second degree (RCW 9A.52.030);  
9 (15) Criminal trespass in the first degree (RCW 9A.52.070);  
10 (16) Criminal trespass in the second degree (RCW 9A.52.080);  
11 (17) Malicious mischief in the first degree (RCW 9A.48.070);  
12 (18) Malicious mischief in the second degree (RCW 9A.48.080);  
13 (19) Malicious mischief in the third degree (RCW 9A.48.090);  
14 (20) Kidnapping in the first degree (RCW 9A.40.020);  
15 (21) Kidnapping in the second degree (RCW 9A.40.030);  
16 (22) Unlawful imprisonment (RCW 9A.40.040);  
17 (23) Rape in the first degree (RCW 9A.44.040);  
18 (24) Rape in the second degree (RCW 9A.44.050);  
19 (25) Rape in the third degree (RCW 9A.44.060);  
20 (26) Indecent liberties (RCW 9A.44.100);  
21 (27) Rape of a child in the first degree (RCW 9A.44.073);  
22 (28) Rape of a child in the second degree (RCW 9A.44.076);  
23 (29) Rape of a child in the third degree (RCW 9A.44.079);  
24 (30) Child molestation in the first degree (RCW 9A.44.083);  
25 (31) Child molestation in the second degree (RCW 9A.44.086);  
26 (32) Child molestation in the third degree (RCW 9A.44.089);  
27 (33) Stalking (RCW 9A.46.110);  
28 (34) Cyberstalking (RCW 9.61.260);  
29 (35) Residential burglary (RCW 9A.52.025);  
30 (36) Violation of a temporary ~~((or))~~ permanent, or final  
31 protective order issued pursuant to chapter 7.-- (sections 1 through 19  
32 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;  
33 (37) Unlawful discharge of a laser in the first degree (RCW  
34 9A.49.020); and  
35 (38) Unlawful discharge of a laser in the second degree (RCW  
36 9A.49.030).



1       **Sec. 21.** RCW 10.14.130 and 1987 c 280 s 13 are each amended to  
2 read as follows:

3       Protection orders authorized under this chapter shall not be issued  
4 for any action specifically covered by chapter 7.-- (sections 1 through  
5 19 of this act), 10.99, or 26.50 RCW.

6       **Sec. 22.** RCW 10.31.100 and 2000 c 119 s 4 are each amended to read  
7 as follows:

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

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

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

25       (a) An order has been issued of which the person has knowledge  
26 under RCW 26.44.063, or chapter 7.-- (sections 1 through 19 of this  
27 act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the  
28 person and the person has violated the terms of the order restraining  
29 the person from acts or threats of violence, or restraining the person  
30 from going onto the grounds of or entering a residence, workplace,  
31 school, or day care, or prohibiting the person from knowingly coming  
32 within, or knowingly remaining within, a specified distance of a  
33 location or, in the case of an order issued under RCW 26.44.063,  
34 imposing any other restrictions or conditions upon the person; or

35       (b) A foreign protection order, as defined in RCW 26.52.010, has  
36 been issued of which the person under restraint has knowledge and the  
37 person under restraint has violated a provision of the foreign

1 protection order prohibiting the person under restraint from contacting  
2 or communicating with another person, or excluding the person under  
3 restraint from a residence, workplace, school, or day care, or  
4 prohibiting the person from knowingly coming within, or knowingly  
5 remaining within, a specified distance of a location, or a violation of  
6 any provision for which the foreign protection order specifically  
7 indicates that a violation will be a crime; or

8 (c) The person is sixteen years or older and within the preceding  
9 four hours has assaulted a family or household member as defined in RCW  
10 10.99.020 and the officer believes: (i) A felonious assault has  
11 occurred; (ii) an assault has occurred which has resulted in bodily  
12 injury to the victim, whether the injury is observable by the  
13 responding officer or not; or (iii) that any physical action has  
14 occurred which was intended to cause another person reasonably to fear  
15 imminent serious bodily injury or death. Bodily injury means physical  
16 pain, illness, or an impairment of physical condition. When the  
17 officer has probable cause to believe that family or household members  
18 have assaulted each other, the officer is not required to arrest both  
19 persons. The officer shall arrest the person whom the officer believes  
20 to be the primary physical aggressor. In making this determination,  
21 the officer shall make every reasonable effort to consider: (i) The  
22 intent to protect victims of domestic violence under RCW 10.99.010;  
23 (ii) the comparative extent of injuries inflicted or serious threats  
24 creating fear of physical injury; and (iii) the history of domestic  
25 violence between the persons involved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **Sec. 23.** RCW 19.220.010 and 2003 c 268 s 1 are each amended to  
5 read as follows:

6 (1) Each international matchmaking organization doing business in  
7 Washington state shall disseminate to a recruit, upon request, state  
8 background check information and personal history information relating  
9 to any Washington state resident about whom any information is provided  
10 to the recruit, in the recruit's native language. The organization  
11 shall notify all recruits that background check and personal history  
12 information is available upon request. The notice that background  
13 check and personal history information is available upon request shall  
14 be in the recruit's native language and shall be displayed in a manner  
15 that separates it from other information, is highly noticeable, and in  
16 lettering not less than one-quarter of an inch high.

17 (2) If an international matchmaking organization receives a request  
18 for information from a recruit pursuant to subsection (1) of this  
19 section, the organization shall notify the Washington state resident of  
20 the request. Upon receiving notification, the Washington state  
21 resident shall obtain from the state patrol and provide to the  
22 organization the complete transcript of any background check  
23 information provided pursuant to RCW 43.43.760 based on a submission of  
24 fingerprint impressions and provided pursuant to RCW 43.43.838 and  
25 shall provide to the organization his or her personal history  
26 information. The organization shall require the resident to affirm  
27 that personal history information is complete and accurate. The  
28 organization shall refrain from knowingly providing any further  
29 services to the recruit or the Washington state resident in regards to  
30 facilitating future interaction between the recruit and the Washington  
31 state resident until the organization has obtained the requested  
32 information and provided it to the recruit.

33 (3) This section does not apply to a traditional matchmaking  
34 organization of a religious nature that otherwise operates in  
35 compliance with the laws of the countries of the recruits of such  
36 organization and the laws of the United States nor to any organization  
37 that does not charge a fee to any party for the service provided.

1 (4) As used in this section:

2 (a) "International matchmaking organization" means a corporation,  
3 partnership, business, or other legal entity, whether or not organized  
4 under the laws of the United States or any state, that does business in  
5 the United States and for profit offers to Washington state residents,  
6 including aliens lawfully admitted for permanent residence and residing  
7 in Washington state, dating, matrimonial, or social referral services  
8 involving citizens of a foreign country or countries who are not  
9 residing in the United States, by: (i) An exchange of names, telephone  
10 numbers, addresses, or statistics; (ii) selection of photographs; or  
11 (iii) a social environment provided by the organization in a country  
12 other than the United States.

13 (b) "Personal history information" means a declaration of the  
14 person's current marital status, the number of previous marriages,  
15 annulments, and dissolutions for the person, and whether any previous  
16 marriages occurred as a result of receiving services from an  
17 international matchmaking organization; founded allegations of child  
18 abuse or neglect; and any existing orders under chapter 7.-- (sections  
19 1 through 19 of this act), 10.14, 10.99, or 26.50 RCW. Personal  
20 history information shall include information from the state of  
21 Washington and any information from other states or countries.

22 (c) "Recruit" means a noncitizen, nonresident person, recruited by  
23 an international matchmaking organization for the purpose of providing  
24 dating, matrimonial, or social referral services.

25 **Sec. 24.** RCW 26.50.110 and 2000 c 119 s 24 are each amended to  
26 read as follows:

27 (1) Whenever an order is granted under this chapter, chapter 7.--  
28 (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or  
29 74.34 RCW, or there is a valid foreign protection order as defined in  
30 RCW 26.52.020, and the respondent or person to be restrained knows of  
31 the order, a violation of the restraint provisions, or of a provision  
32 excluding the person from a residence, workplace, school, or day care,  
33 or of a provision prohibiting a person from knowingly coming within, or  
34 knowingly remaining within, a specified distance of a location, or of  
35 a provision of a foreign protection order specifically indicating that  
36 a violation will be a crime, for which an arrest is required under RCW  
37 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in

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

9 (2) A peace officer shall arrest without a warrant and take into  
10 custody a person whom the peace officer has probable cause to believe  
11 has violated an order issued under this chapter, chapter 7.-- (sections  
12 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or  
13 a valid foreign protection order as defined in RCW 26.52.020, that  
14 restrains the person or excludes the person from a residence,  
15 workplace, school, or day care, or prohibits the person from knowingly  
16 coming within, or knowingly remaining within, a specified distance of  
17 a location, if the person restrained knows of the order. Presence of  
18 the order in the law enforcement computer-based criminal intelligence  
19 information system is not the only means of establishing knowledge of  
20 the order.

21 (3) A violation of an order issued under this chapter, chapter 7.--  
22 (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or  
23 74.34 RCW, or of a valid foreign protection order as defined in RCW  
24 26.52.020, shall also constitute contempt of court, and is subject to  
25 the penalties prescribed by law.

26 (4) Any assault that is a violation of an order issued under this  
27 chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99,  
28 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection  
29 order as defined in RCW 26.52.020, and that does not amount to assault  
30 in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a  
31 class C felony, and any conduct in violation of such an order that is  
32 reckless and creates a substantial risk of death or serious physical  
33 injury to another person is a class C felony.

34 (5) A violation of a court order issued under this chapter, chapter  
35 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26,  
36 or 74.34 RCW, or of a valid foreign protection order as defined in RCW  
37 26.52.020, is a class C felony if the offender has at least two  
38 previous convictions for violating the provisions of an order issued

1 under this chapter, chapter 7.-- (sections 1 through 19 of this act),  
2 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection  
3 order as defined in RCW 26.52.020. The previous convictions may  
4 involve the same victim or other victims specifically protected by the  
5 orders the offender violated.

6 (6) Upon the filing of an affidavit by the petitioner or any peace  
7 officer alleging that the respondent has violated an order granted  
8 under this chapter, chapter 7.-- (sections 1 through 19 of this act),  
9 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection  
10 order as defined in RCW 26.52.020, the court may issue an order to the  
11 respondent, requiring the respondent to appear and show cause within  
12 fourteen days why the respondent should not be found in contempt of  
13 court and punished accordingly. The hearing may be held in the court  
14 of any county or municipality in which the petitioner or respondent  
15 temporarily or permanently resides at the time of the alleged  
16 violation.

17 **Sec. 25.** RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are  
18 each reenacted and amended to read as follows:

19 To prevent the issuance of competing protection orders in different  
20 courts and to give courts needed information for issuance of orders,  
21 the judicial information system shall be available in each district,  
22 municipal, and superior court by July 1, 1997, and shall include a data  
23 base containing the following information:

24 (1) The names of the parties and the cause number for every order  
25 of protection issued under this title, every sexual assault protection  
26 order issued under chapter 7.-- RCW (sections 1 through 19 of this  
27 act), every criminal no-contact order issued under chapters 9A.46 and  
28 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW,  
29 every dissolution action under chapter 26.09 RCW, every third-party  
30 custody action under chapter 26.10 RCW, every parentage action under  
31 chapter 26.26 RCW, every restraining order issued on behalf of an  
32 abused child or adult dependent person under chapter 26.44 RCW, every  
33 foreign protection order filed under chapter 26.52 RCW, and every order  
34 for protection of a vulnerable adult under chapter 74.34 RCW. When a  
35 guardian or the department of social and health services has petitioned  
36 for relief on behalf of an abused child, adult dependent person, or

1 vulnerable adult, the name of the person on whose behalf relief was  
2 sought shall be included in the data base as a party rather than the  
3 guardian or department;

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

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

8 **Sec. 26.** RCW 59.18.575 and 2004 c 17 s 3 are each amended to read  
9 as follows:

10 (1)(a) If a tenant notifies the landlord in writing that he or she  
11 or a household member was a victim of an act that constitutes a crime  
12 of domestic violence, sexual assault, or stalking, and either (a)(i) or  
13 (ii) of this subsection applies, then subsection (2) of this section  
14 applies:

15 (i) The tenant or the household member has a valid order for  
16 protection under one or more of the following: Chapter 7.-- (sections  
17 1 through 19 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040,  
18 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

19 (ii) The tenant or the household member has reported the domestic  
20 violence, sexual assault, or stalking to a qualified third party acting  
21 in his or her official capacity and the qualified third party has  
22 provided the tenant or the household member a written record of the  
23 report signed by the qualified third party.

24 (b) When a copy of a valid order for protection or a written record  
25 of a report signed by a qualified third party, as required under (a) of  
26 this subsection, is made available to the landlord, the tenant may  
27 terminate the rental agreement and quit the premises without further  
28 obligation under the rental agreement or under chapter 59.12 RCW.  
29 However, the request to terminate the rental agreement must occur  
30 within ninety days of the reported act, event, or circumstance that  
31 gave rise to the protective order or report to a qualified third party.  
32 A record of the report to a qualified third party that is provided to  
33 the tenant or household member shall consist of a document signed and  
34 dated by the qualified third party stating: (i) That the tenant or the  
35 household member notified him or her that he or she was a victim of an  
36 act or acts that constitute a crime of domestic violence, sexual  
37 assault, or stalking; (ii) the time and date the act or acts occurred;



1 (iii) the location where the act or acts occurred; (iv) a brief  
2 description of the act or acts of domestic violence, sexual assault, or  
3 stalking; and (v) that the tenant or household member informed him or  
4 her of the name of the alleged perpetrator of the act or acts. The  
5 record of the report provided to the tenant or household member shall  
6 not include the name of the alleged perpetrator of the act or acts of  
7 domestic violence, sexual assault, or stalking. The qualified third  
8 party shall keep a copy of the record of the report and shall note on  
9 the retained copy the name of the alleged perpetrator of the act or  
10 acts of domestic violence, sexual assault, or stalking. The record of  
11 the report to a qualified third party may be accomplished by completion  
12 of a form provided by the qualified third party, in substantially the  
13 following form:

14 .....

15 [Name of organization, agency, clinic, professional service provider]

16 I and/or my ..... (household member) am/is a victim of

17 ... domestic violence as defined by RCW 26.50.010.

18 ... sexual assault as defined by RCW 70.125.030.

19 ... stalking as defined by RCW 9A.46.110.

20 Briefly describe the incident of domestic violence, sexual assault, or stalking: .....

21 .....

22 The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the  
23 following location(s): .....

24 The incident(s) that I rely on in support of this declaration were committed by the following person(s): .....

25 .....

26 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

27 Dated at ..... (city) ., Washington, this ... day of . . . ., 20 ..

28 .....

29 Signature of Tenant or

30 Household Member

31 I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and  
32 that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and  
33 that the individual informed me of the name of the alleged perpetrator of the act.

34 Dated this ... day of . . . ., 20 ..

1 .....  
2 Signature of authorized  
3 officer/employee of  
4 (Organization, agency,  
5 clinic, professional  
6 service provider)

7 (2) A tenant who terminates a rental agreement under this section  
8 is discharged from the payment of rent for any period following the  
9 last day of the month of the quitting date. The tenant shall remain  
10 liable for the rent for the month in which he or she terminated the  
11 rental agreement unless the termination is in accordance with RCW  
12 59.18.200(1). Notwithstanding lease provisions that allow for  
13 forfeiture of a deposit for early termination, a tenant who terminates  
14 under this section is entitled to the return of the full deposit,  
15 subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties  
16 to the rental agreement, except household members who are the victims  
17 of sexual assault, stalking, or domestic violence, are not released  
18 from their obligations under the rental agreement or other obligations  
19 under this chapter.

20 (3) The provision of verification of a report under subsection  
21 (1)(b) of this section does not waive the confidential or privileged  
22 nature of the communication between a victim of domestic violence,  
23 sexual assault, or stalking with a qualified third party pursuant to  
24 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence  
25 obtained from such disclosure may be used in any civil, administrative,  
26 or criminal proceeding against the victim unless a written waiver of  
27 applicable evidentiary privilege is obtained, except that the  
28 verification itself, and no other privileged information, under  
29 subsection (1)(b) of this section may be used in civil proceedings  
30 brought under this section.

31 NEW SECTION. **Sec. 27.** This act may be cited as the sexual assault  
32 protection order act.

33 NEW SECTION. **Sec. 28.** Sections 1 through 19 of this act  
34 constitute a new chapter in Title 7 RCW."

**ADOPTED 03/01/2006**

1       On page 1, line 1 of the title, after "victims;" strike the  
2 remainder of the title and insert "amending RCW 9A.46.060, 10.14.130,  
3 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and  
4 amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating  
5 a new section; and prescribing penalties."

--- END ---