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HOUSE BILL 2154

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Pettigrew, Ormsby, Chase, Ericks, Roberts and Wood

Read first time 02/21/2005.      Referred to Committee on Juvenile Justice & Family Law.

1            AN ACT Relating to additional protections for domestic violence  
2 victims; and amending RCW 10.99.040.

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

4            **Sec. 1.** RCW 10.99.040 and 2000 c 119 s 18 are each amended to read  
5 as follows:

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

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

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

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

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

1 (2)(a) Because of the likelihood of repeated violence directed at  
2 those who have been victims of domestic violence in the past, when any  
3 person charged with or arrested for a crime involving domestic violence  
4 is released from custody before arraignment or trial on bail or  
5 personal recognizance, the court authorizing the release ((~~may~~)) shall  
6 prohibit that person from having any contact with the victim(~~(. The~~  
7 ~~jurisdiction authorizing the release shall determine whether that~~  
8 ~~person should be prohibited from having any contact with the victim))~~  
9 unless the court finds good cause why the person arrested or charged  
10 should have contact with the victim. If there is no outstanding  
11 restraining or protective order prohibiting that person from having  
12 contact with the victim, the court authorizing release ((~~may~~)) shall  
13 issue(~~(, by telephone,)~~) a no-contact order prohibiting the person  
14 charged or arrested from having contact with the victim or from  
15 knowingly coming within, or knowingly remaining within, a specified  
16 distance of a location, unless the court finds good cause why the  
17 person arrested or charged should have contact with the victim. The  
18 court may issue the no-contact order by telephone.

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

21 (c) The no-contact order shall also be issued in writing as soon as  
22 possible.

23 (3) At the time of arraignment the court shall determine whether a  
24 no-contact order shall be issued or extended. The no-contact order  
25 shall terminate if the defendant is acquitted or the charges are  
26 dismissed.

27 (4) If a no-contact order is issued or extended, the court ((~~may~~))  
28 shall also include in the conditions of release a requirement that the  
29 defendant submit to electronic monitoring, unless the court finds good  
30 cause why the electronic monitoring should not be ordered. If  
31 electronic monitoring is ordered, the court shall specify who shall  
32 provide the monitoring services, and the terms under which the  
33 monitoring shall be performed. Upon conviction, the court may require  
34 as a condition of the sentence that the defendant reimburse the  
35 providing agency for the costs of the electronic monitoring.

36 ((~~+4~~)) (5)(a) Willful violation of a court order issued under  
37 subsection (2) or (3) of this section is punishable under RCW  
38 26.50.110.

1 (b) The written order releasing the person charged or arrested  
2 shall contain the court's directives and shall bear the legend:  
3 "Violation of this order is a criminal offense under chapter 26.50 RCW  
4 and will subject a violator to arrest; any assault, drive-by shooting,  
5 or reckless endangerment that is a violation of this order is a felony.  
6 You can be arrested even if any person protected by the order invites  
7 or allows you to violate the order's prohibitions. You have the sole  
8 responsibility to avoid or refrain from violating the order's  
9 provisions. Only the court can change the order."

10 (c) A certified copy of the order shall be provided to the victim.

11 ~~((+5+))~~ (6) If a no-contact order has been issued prior to  
12 charging, that order shall expire at arraignment or within seventy-two  
13 hours if charges are not filed. Such orders need not be entered into  
14 the computer-based criminal intelligence information system in this  
15 state which is used by law enforcement agencies to list outstanding  
16 warrants.

17 ~~((+6+))~~ (7) Whenever a no-contact order is issued, modified, or  
18 terminated under subsection (2) or (3) of this section, the clerk of  
19 the court shall forward a copy of the order on or before the next  
20 judicial day to the appropriate law enforcement agency specified in the  
21 order. Upon receipt of the copy of the order the law enforcement  
22 agency shall enter the order for one year or until the expiration date  
23 specified on the order into any computer-based criminal intelligence  
24 information system available in this state used by law enforcement  
25 agencies to list outstanding warrants. Entry into the computer-based  
26 criminal intelligence information system constitutes notice to all law  
27 enforcement agencies of the existence of the order. The order is fully  
28 enforceable in any jurisdiction in the state. Upon receipt of notice  
29 that an order has been terminated under subsection (3) of this section,  
30 the law enforcement agency shall remove the order from the computer-  
31 based criminal intelligence information system.

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