

SHB 1316 - S COMM AMD

By Committee on Law & Justice

ADOPTED 4/8/2015

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

3 "Sec. 1. RCW 26.50.110 and 2013 c 84 s 31 are each amended to
4 read as follows:

5 (1)(a) Whenever an order is granted under this chapter, chapter
6 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
7 any temporary order for protection granted under chapter 7.40 RCW
8 pursuant to chapter 74.34 RCW, or there is a valid foreign protection
9 order as defined in RCW 26.52.020, and the respondent or person to be
10 restrained knows of the order, a violation of any of the following
11 provisions of the order is a gross misdemeanor, except as provided in
12 subsections (4) and (5) of this section:

13 (i) The restraint provisions prohibiting acts or threats of
14 violence against, or stalking of, a protected party, or restraint
15 provisions prohibiting contact with a protected party;

16 (ii) A provision excluding the person from a residence,
17 workplace, school, or day care;

18 (iii) A provision prohibiting a person from knowingly coming
19 within, or knowingly remaining within, a specified distance of a
20 location;

21 (iv) A provision prohibiting interfering with the protected
22 party's efforts to remove a pet owned, possessed, leased, kept, or
23 held by the petitioner, respondent, or a minor child residing with
24 either the petitioner or the respondent; or

25 (v) A provision of a foreign protection order specifically
26 indicating that a violation will be a crime.

27 (b) Upon conviction, and in addition to any other penalties
28 provided by law, the court may require that the respondent submit to
29 electronic monitoring. The court shall specify who shall provide the
30 electronic monitoring services, and the terms under which the
31 monitoring shall be performed. The order also may include a
32 requirement that the respondent pay the costs of the monitoring. The

1 court shall consider the ability of the convicted person to pay for
2 electronic monitoring.

3 (2) A peace officer shall arrest without a warrant and take into
4 custody a person whom the peace officer has probable cause to believe
5 has violated an order issued under this chapter, chapter 7.92, 7.90,
6 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary
7 order for protection granted under chapter 7.40 RCW pursuant to
8 chapter 74.34 RCW, or a valid foreign protection order as defined in
9 RCW 26.52.020, that restrains the person or excludes the person from
10 a residence, workplace, school, or day care, or prohibits the person
11 from knowingly coming within, or knowingly remaining within, a
12 specified distance of a location, if the person restrained knows of
13 the order. Presence of the order in the law enforcement computer-
14 based criminal intelligence information system is not the only means
15 of establishing knowledge of the order.

16 (3) A violation of an order issued under this chapter, chapter
17 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
18 or of a valid foreign protection order as defined in RCW 26.52.020,
19 shall also constitute contempt of court, and is subject to the
20 penalties prescribed by law.

21 (4) Any assault that is a violation of an order issued under this
22 chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10,
23 26.26, or 74.34 RCW, or of a valid foreign protection order as
24 defined in RCW 26.52.020, and that does not amount to assault in the
25 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
26 felony, and any conduct in violation of such an order that is
27 reckless and creates a substantial risk of death or serious physical
28 injury to another person is a class C felony.

29 (5) A violation of a court order issued under this chapter,
30 chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or
31 74.34 RCW, or of a valid foreign protection order as defined in RCW
32 26.52.020, is a class C felony if the offender has at least two
33 previous convictions for violating the provisions of an order issued
34 under this chapter, chapter 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10,
35 26.26, or 74.34 RCW, or a valid foreign protection order as defined
36 in RCW 26.52.020. The previous convictions may involve the same
37 victim or other victims specifically protected by the orders the
38 offender violated.

39 (6) Upon the filing of an affidavit by the petitioner or any
40 peace officer alleging that the respondent has violated an order

1 granted under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99,
2 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 court may issue an order to
4 the respondent, requiring the respondent to appear and show cause
5 within fourteen days why the respondent should not be found in
6 contempt of court and punished accordingly. The hearing may be held
7 in the court of any county or municipality in which the petitioner or
8 respondent temporarily or permanently resides at the time of the
9 alleged violation."

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10 On page 1, line 1 of the title, after "order" strike the
11 remainder of the title and insert "for vulnerable adults; and
12 amending RCW 26.50.110."

EFFECT: Amends the title "AN ACT Relating to violations of a temporary protection order;" and inserts "for vulnerable adults" at the end of the title.

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