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**SUBSTITUTE HOUSE BILL 1079**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Orwall, Klippert, Goodman, Stokesbary, Kilduff, Chapman, McCabe, Hudgins, Jinkins, Ortiz-Self, Bergquist, Stanford, Griffey, Hargrove, Smith, Tarleton, Harmsworth, Ormsby, Muri, Van Werven, Kraft, Fey, Slatter, Sawyer, McBride, and Gregerson; by request of Attorney General)

READ FIRST TIME 01/24/17.

1 AN ACT Relating to no-contact orders for human trafficking and  
2 promoting prostitution-related offenses; reenacting and amending RCW  
3 26.50.110; adding new sections to chapter 9A.40 RCW; adding new  
4 sections to chapter 9A.88 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.40  
7 RCW to read as follows:

8 A defendant who is charged by citation, complaint, or information  
9 with an offense involving trafficking, as described in RCW 9A.40.100,  
10 and not arrested shall appear in court for arraignment in person as  
11 soon as practicable, but in no event later than fourteen days after  
12 the next day on which court is in session following the issuance of  
13 the citation or the filing of the complaint or information. At that  
14 appearance, the court shall determine the necessity of imposing a no-  
15 contact order, and consider the provisions of RCW 9.41.800 or other  
16 conditions of pretrial release according to the procedures  
17 established by court rule for preliminary appearance or an  
18 arraignment.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.40  
20 RCW to read as follows:

1 Any law enforcement agency in this state may enforce this chapter  
2 as it relates to orders restricting the defendants' ability to have  
3 contact with the victim or others.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.40  
5 RCW to read as follows:

6 (1) Because of the likelihood of repeated harassment and  
7 intimidation directed at those who have been victims of trafficking  
8 as described in RCW 9A.40.100, when any defendant charged with or  
9 arrested for a crime involving trafficking is released from custody  
10 before arraignment or trial on bail or personal recognizance, the  
11 court authorizing the release may prohibit that person from having  
12 any contact with the victim. The jurisdiction authorizing the release  
13 shall determine whether that person should be prohibited from having  
14 any contact with the victim. If there is no outstanding restraining  
15 or protective order prohibiting that person from having contact with  
16 the victim, the court authorizing release may issue, by telephone, a  
17 no-contact order prohibiting the person charged or arrested from  
18 having contact with the victim or from knowingly coming within, or  
19 knowingly remaining within, a specified distance of a location.

20 (2) At the time of arraignment the court shall determine whether  
21 a no-contact order shall be issued or extended. So long as the court  
22 finds probable cause, the court may issue or extend a no-contact  
23 order even if the defendant fails to appear at arraignment. The no-  
24 contact order shall terminate if the defendant is acquitted or the  
25 charges are dismissed.

26 (3)(a) Willful violation of a court order issued under this  
27 section is punishable under RCW 26.50.110.

28 (b) The written order shall contain the court's directives and  
29 shall bear the legend: Violation of this order is a criminal offense  
30 under chapter 26.50 RCW and the violator is subject to arrest; any  
31 assault, drive-by shooting, or reckless endangerment that is a  
32 violation of this order is a felony.

33 (4) Whenever a no-contact order is issued, modified, or  
34 terminated under this section, the clerk of the court shall forward a  
35 copy of the order on or before the next judicial day to the  
36 appropriate law enforcement agency specified in the order. Upon  
37 receipt of the copy of the order the law enforcement agency shall  
38 enter the order for one year or until the expiration date specified  
39 on the order into any computer-based criminal intelligence

1 information system available in this state used by law enforcement  
2 agencies to list outstanding warrants. Entry into the computer-based  
3 criminal intelligence information system constitutes notice to all  
4 law enforcement agencies of the existence of the order. The order is  
5 fully enforceable in any jurisdiction in the state. Upon receipt of  
6 notice that an order has been terminated, the law enforcement agency  
7 shall remove the order from the computer-based criminal intelligence  
8 information system.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 9A.40  
10 RCW to read as follows:

11 If a defendant is found guilty of the crime of trafficking under  
12 RCW 9A.40.100 and a condition of the sentence restricts the  
13 defendant's ability to have contact with the victim, the condition  
14 must be recorded and a written certified copy of that order must be  
15 provided to the victim by the clerk of the court. Willful violation  
16 of a court order issued under this section is punishable under RCW  
17 26.50.110. The written order must contain the court's directives and  
18 shall bear the legend: Violation of this order is a criminal offense  
19 under this chapter and the violator is subject to arrest.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.88  
21 RCW to read as follows:

22 A defendant who is charged by citation, complaint, or information  
23 with an offense involving promoting prostitution in the first degree  
24 as described in RCW 9A.88.070 or promoting prostitution in the second  
25 degree as described in RCW 9A.88.080 and not arrested shall appear in  
26 court for arraignment in person as soon as practicable, but in no  
27 event later than fourteen days after the next day on which court is  
28 in session following the issuance of the citation or the filing of  
29 the complaint or information. At that appearance, the court shall  
30 determine the necessity of imposing a no-contact order, and consider  
31 the provisions of RCW 9.41.800 or other conditions of pretrial  
32 release according to the procedures established by court rule for  
33 preliminary appearance or an arraignment.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 9A.88  
35 RCW to read as follows:

1 Any law enforcement agency in this state may enforce this chapter  
2 as it relates to orders restricting the defendants' ability to have  
3 contact with the victim or others.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 9A.88  
5 RCW to read as follows:

6 (1) Because of the likelihood of repeated harassment and  
7 intimidation directed at those who have been victims of promoting  
8 prostitution in the first degree under RCW 9A.88.070 or promoting  
9 prostitution in the second degree under RCW 9A.88.080, when any  
10 defendant charged with or arrested for a crime involving promoting  
11 prostitution is released from custody before arraignment or trial on  
12 bail or personal recognizance, the court authorizing the release may  
13 prohibit that person from having any contact with the victim. The  
14 jurisdiction authorizing the release shall determine whether that  
15 person should be prohibited from having any contact with the victim.  
16 If there is no outstanding restraining or protective order  
17 prohibiting that person from having contact with the victim, the  
18 court authorizing release may issue, by telephone, a no-contact order  
19 prohibiting the person charged or arrested from having contact with  
20 the victim or from knowingly coming within, or knowingly remaining  
21 within, a specified distance of a location.

22 (2) At the time of arraignment, the court shall determine whether  
23 a no-contact order shall be issued or extended. So long as the court  
24 finds probable cause, the court may issue or extend a no-contact  
25 order even if the defendant fails to appear at arraignment. The no-  
26 contact order shall terminate if the defendant is acquitted or the  
27 charges are dismissed.

28 (3)(a) Willful violation of a court order issued under this  
29 section is punishable under RCW 26.50.110.

30 (b) The written order shall contain the court's directives and  
31 shall bear the legend: Violation of this order is a criminal offense  
32 under chapter 26.50 RCW and the violator is subject to arrest; any  
33 assault, drive-by shooting, or reckless endangerment that is a  
34 violation of this order is a felony.

35 (4) Whenever a no-contact order is issued, modified, or  
36 terminated under this section, the clerk of the court shall forward a  
37 copy of the order on or before the next judicial day to the  
38 appropriate law enforcement agency specified in the order. Upon  
39 receipt of the copy of the order the law enforcement agency shall

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

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 9A.88  
12 RCW to read as follows:

13 If a defendant is found guilty of the crime of promoting  
14 prostitution in the first degree under RCW 9A.88.070 or promoting  
15 prostitution in the second degree under RCW 9A.88.080, and a  
16 condition of the sentence restricts the defendant's ability to have  
17 contact with the victim or witnesses, the condition must be recorded  
18 and a written certified copy of that order must be provided to the  
19 victim or witnesses by the clerk of the court. Willful violation of a  
20 court order issued under this section is punishable under RCW  
21 26.50.110. The written order must contain the court's directives and  
22 shall bear the legend: Violation of this order is a criminal offense  
23 under chapter 9A.88 RCW and will subject a violator to arrest.

24 **Sec. 9.** RCW 26.50.110 and 2015 c 275 s 15 and 2015 c 248 s 1 are  
25 each reenacted and amended to read as follows:

26 (1)(a) Whenever an order is granted under this chapter, chapter  
27 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26,  
28 or 74.34 RCW, any temporary order for protection granted under  
29 chapter 7.40 RCW pursuant to chapter 74.34 RCW, or there is a valid  
30 foreign protection order as defined in RCW 26.52.020, and the  
31 respondent or person to be restrained knows of the order, a violation  
32 of any of the following provisions of the order is a gross  
33 misdemeanor, except as provided in subsections (4) and (5) of this  
34 section:

35 (i) The restraint provisions prohibiting acts or threats of  
36 violence against, or stalking of, a protected party, or restraint  
37 provisions prohibiting contact with a protected party;

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

3 (iii) A provision prohibiting a person from knowingly coming  
4 within, or knowingly remaining within, a specified distance of a  
5 location;

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

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

12 (b) Upon conviction, and in addition to any other penalties  
13 provided by law, the court:

14 (i) May require that the respondent submit to electronic  
15 monitoring. The court shall specify who shall provide the electronic  
16 monitoring services, and the terms under which the monitoring shall  
17 be performed. The order also may include a requirement that the  
18 respondent pay the costs of the monitoring. The court shall consider  
19 the ability of the convicted person to pay for electronic monitoring.

20 (ii) Shall impose a fine of fifteen dollars, in addition to any  
21 penalty or fine imposed, for a violation of a domestic violence  
22 protection order issued under this chapter. Revenue from the fifteen  
23 dollar fine must be remitted monthly to the state treasury for  
24 deposit in the domestic violence prevention account.

25 (2) A peace officer shall arrest without a warrant and take into  
26 custody a person whom the peace officer has probable cause to believe  
27 has violated an order issued under this chapter, chapter 7.92, 7.90,  
28 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,  
29 any temporary order for protection granted under chapter 7.40 RCW  
30 pursuant to chapter 74.34 RCW, or a valid foreign protection order as  
31 defined in RCW 26.52.020, that restrains the person or excludes the  
32 person from a residence, workplace, school, or day care, or prohibits  
33 the person from knowingly coming within, or knowingly remaining  
34 within, a specified distance of a location, if the person restrained  
35 knows of the order. Presence of the order in the law enforcement  
36 computer-based criminal intelligence information system is not the  
37 only means of establishing knowledge of the order.

38 (3) A violation of an order issued under this chapter, chapter  
39 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26,  
40 or 74.34 RCW, or of a valid foreign protection order as defined in

1 RCW 26.52.020, shall also constitute contempt of court, and is  
2 subject to the penalties prescribed by law.

3 (4) Any assault that is a violation of an order issued under this  
4 chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99,  
5 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection  
6 order as defined in RCW 26.52.020, and that does not amount to  
7 assault in the first or second degree under RCW 9A.36.011 or  
8 9A.36.021 is a class C felony, and any conduct in violation of such  
9 an order that is reckless and creates a substantial risk of death or  
10 serious physical injury to another person is a class C felony.

11 (5) A violation of a court order issued under this chapter,  
12 chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10,  
13 26.26, or 74.34 RCW, or of a valid foreign protection order as  
14 defined in RCW 26.52.020, is a class C felony if the offender has at  
15 least two previous convictions for violating the provisions of an  
16 order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88,  
17 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign  
18 protection order as defined in RCW 26.52.020. The previous  
19 convictions may involve the same victim or other victims specifically  
20 protected by the orders the offender violated.

21 (6) Upon the filing of an affidavit by the petitioner or any  
22 peace officer alleging that the respondent has violated an order  
23 granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88,  
24 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign  
25 protection order as defined in RCW 26.52.020, the court may issue an  
26 order to the respondent, requiring the respondent to appear and show  
27 cause within fourteen days why the respondent should not be found in  
28 contempt of court and punished accordingly. The hearing may be held  
29 in the court of any county or municipality in which the petitioner or  
30 respondent temporarily or permanently resides at the time of the  
31 alleged violation.

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