
SENATE BILL 5029

State of Washington

65th Legislature

2017 Regular Session

By Senators Padden, Darneille, Hasegawa, Pearson, Pedersen, Miloscia, Frockt, Rolfes, Carlyle, Chase, Sheldon, Saldaña, Mullet, Conway, Keiser, and Kuderer; by request of Attorney General

Read first time 01/10/17. Referred to Committee on Law & Justice.

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 The victim must be informed by local law enforcement agencies or
12 the prosecuting attorney of the final disposition of the case in
13 which the victim is involved. If a defendant is found guilty of the
14 crime of trafficking under RCW 9A.40.100 and a condition of the
15 sentence restricts the defendant's ability to have contact with the
16 victim, the condition must be recorded and a written certified copy
17 of that order must be provided to the victim by the clerk of the
18 court. Willful violation of a court order issued under this section
19 is punishable under RCW 26.50.110. The written order must contain the
20 court's directives and shall bear the legend: Violation of this order
21 is a criminal offense under this chapter and the violator is subject
22 to arrest.

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

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

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

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

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

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

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

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

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

37 (4) Whenever a no-contact order is issued, modified, or
38 terminated under this section, the clerk of the court shall forward a
39 copy of the order on or before the next judicial day to the

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

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

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

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

31 (1)(a) Whenever an order is granted under this chapter, chapter
32 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26,
33 or 74.34 RCW, any temporary order for protection granted under
34 chapter 7.40 RCW pursuant to chapter 74.34 RCW, or there is a valid
35 foreign protection order as defined in RCW 26.52.020, and the
36 respondent or person to be restrained knows of the order, a violation
37 of any of the following provisions of the order is a gross

1 misdemeanor, except as provided in subsections (4) and (5) of this
2 section:

3 (i) The restraint provisions prohibiting acts or threats of
4 violence against, or stalking of, a protected party, or restraint
5 provisions prohibiting contact with a protected party;

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

8 (iii) A provision prohibiting a person from knowingly coming
9 within, or knowingly remaining within, a specified distance of a
10 location;

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

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

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

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

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

30 (2) A peace officer shall arrest without a warrant and take into
31 custody a person whom the peace officer has probable cause to believe
32 has violated an order issued under this chapter, chapter 7.92, 7.90,
33 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
34 any temporary order for protection granted under chapter 7.40 RCW
35 pursuant to chapter 74.34 RCW, or a valid foreign protection order as
36 defined in RCW 26.52.020, that restrains the person or excludes the
37 person from a residence, workplace, school, or day care, or prohibits
38 the person from knowingly coming within, or knowingly remaining
39 within, a specified distance of a location, if the person restrained
40 knows of the order. Presence of the order in the law enforcement

1 computer-based criminal intelligence information system is not the
2 only means of establishing knowledge of the order.

3 (3) A violation of an order issued under this chapter, chapter
4 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26,
5 or 74.34 RCW, or of a valid foreign protection order as defined in
6 RCW 26.52.020, shall also constitute contempt of court, and is
7 subject to the penalties prescribed by law.

8 (4) Any assault that is a violation of an order issued under this
9 chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99,
10 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection
11 order as defined in RCW 26.52.020, and that does not amount to
12 assault in the first or second degree under RCW 9A.36.011 or
13 9A.36.021 is a class C felony, and any conduct in violation of such
14 an order that is reckless and creates a substantial risk of death or
15 serious physical injury to another person is a class C felony.

16 (5) A violation of a court order issued under this chapter,
17 chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10,
18 26.26, or 74.34 RCW, or of a valid foreign protection order as
19 defined in RCW 26.52.020, is a class C felony if the offender has at
20 least two previous convictions for violating the provisions of an
21 order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88,
22 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign
23 protection order as defined in RCW 26.52.020. The previous
24 convictions may involve the same victim or other victims specifically
25 protected by the orders the offender violated.

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

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