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**Civil Rights & Judiciary Committee**

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**HB 2820**

**Brief Description:** Concerning court orders involving weapons or domestic violence.

**Sponsors:** Representatives Klippert, Kilduff, Davis, Goodman and Pollet.

**Brief Summary of Bill**

- Allows a deputy prosecuting attorney, assistant city attorney, or other person present to serve an order to surrender weapons on a defendant or respondent at a hearing where a protective order is entered.
- Allows a court to consider additional sources of information when determining whether to prohibit firearms possession as part of a domestic violence no-contact order.

**Hearing Date:** 2/4/20

**Staff:** Ingrid Lewis (786-7289).

**Background:**

Protection Orders, Restraining Orders, and No-Contact Orders.

There are a number of protection orders, restraining orders, and no-contact orders (protective orders) that allow a court to restrain a person from having contact with or threatening another person or that exclude the person from certain locations or coming within a specified distance of certain locations. Protection orders are available for victims of domestic violence, stalking, harassment, sexual assault, and vulnerable adult abuse. In addition to protection orders, a court may enter a civil restraining order in family law proceedings that may include provisions restraining a person from contacting another or excluding the person from certain locations. In the context of criminal proceedings, a court may issue a no-contact order to protect the victim of the crime during the pendency of the criminal proceedings or as a condition of the sentence.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Generally, a violation of a protective order is a gross misdemeanor offense. A violation of some orders is a class C felony if the person violating the order has two prior convictions for violations of a similar order or if the violation involved an assault or reckless endangerment.

*Surrender of Firearms and Dangerous Weapons.* A person who is subject to a protective order may be required to surrender his or her firearms, dangerous weapons, and concealed pistol license (CPL) while the order is in place. A protective order that includes an order to surrender firearms, dangerous weapons, and any CPL must require immediate surrender and must be served by a law enforcement officer.

*Domestic Violence No-Contact Orders.* Domestic violence offenses are certain crimes committed by either one family member or household member against another or one intimate partner against another intimate partner. A domestic violence no-contact order may be issued in criminal cases and prohibits a defendant from contacting or knowingly coming or remaining within a specified distance of a location of a victim of such a crime. Willful violation of a domestic violence no-contact order is a crime punishable as a gross misdemeanor and becomes a felony offense under some circumstances.

A law enforcement officer responding to a domestic violence call must take a complete offense report, which includes documentation about an alleged abuser's access to firearms. When considering the release of a defendant charged with a domestic violence offense, a court is required to determine the necessity of a no-contact order and issue or extend one if necessary. In its determination, a court must consider all information in the incident report concerning the defendant's possession of and access to firearms and whether firearms were removed at the time of the incident. The court may include a firearm prohibition as a condition of release and order the defendant to surrender all firearms to a law enforcement agency upon release.

**Summary of Bill:**

*Surrender of Firearms and Dangerous Weapons.* If a protective order is entered in open court with the defendant or respondent present, an order to surrender may be served by a deputy prosecuting attorney, assistant city attorney, or other person present. The record of service must be made on the record.

*Domestic Violence No-Contact Orders.* In addition to all information documented in a law enforcement officer domestic violence incident report, a court must consider a declaration in support of probable cause or other summary documentation of the incident report when issuing a domestic violence no-contact order.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.