

SHB 1901 - S COMM AMD

By Committee on Law & Justice

OUT OF ORDER 03/03/2022

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

3 **"Sec. 1.** RCW 7.105.010 and 2021 c 215 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abandonment" means action or inaction by a person or entity
8 with a duty of care for a vulnerable adult that leaves the vulnerable
9 adult without the means or ability to obtain necessary food,
10 clothing, shelter, or health care.

11 (2) "Abuse," for the purposes of a vulnerable adult protection
12 order, means intentional, willful, or reckless action or inaction
13 that inflicts injury, unreasonable confinement, intimidation, or
14 punishment on a vulnerable adult. In instances of abuse of a
15 vulnerable adult who is unable to express or demonstrate physical
16 harm, pain, or mental anguish, the abuse is presumed to cause
17 physical harm, pain, or mental anguish. "Abuse" includes sexual
18 abuse, mental abuse, physical abuse, personal exploitation, and
19 improper use of restraint against a vulnerable adult, which have the
20 following meanings:

21 (a) "Improper use of restraint" means the inappropriate use of
22 chemical, physical, or mechanical restraints for convenience or
23 discipline, or in a manner that: (i) Is inconsistent with federal or
24 state licensing or certification requirements for facilities,
25 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
26 not medically authorized; or (iii) otherwise constitutes abuse under
27 this section.

28 (b) "Mental abuse" means an intentional, willful, or reckless
29 verbal or nonverbal action that threatens, humiliates, harasses,
30 coerces, intimidates, isolates, unreasonably confines, or punishes a
31 vulnerable adult. "Mental abuse" may include ridiculing, yelling,

1 swearing, or withholding or tampering with prescribed medications or
2 their dosage.

3 (c) "Personal exploitation" means an act of forcing, compelling,
4 or exerting undue influence over a vulnerable adult causing the
5 vulnerable adult to act in a way that is inconsistent with relevant
6 past behavior, or causing the vulnerable adult to perform services
7 for the benefit of another.

8 (d) "Physical abuse" means the intentional, willful, or reckless
9 action of inflicting bodily injury or physical mistreatment.
10 "Physical abuse" includes, but is not limited to, striking with or
11 without an object, slapping, pinching, strangulation, suffocation,
12 kicking, shoving, or prodding.

13 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
14 including, but not limited to, unwanted or inappropriate touching,
15 rape, molestation, indecent liberties, sexual coercion, sexually
16 explicit photographing or recording, voyeurism, indecent exposure,
17 and sexual harassment. "Sexual abuse" also includes any sexual
18 conduct between a staff person, who is not also a resident or client,
19 of a facility or a staff person of a program authorized under chapter
20 71A.12 RCW, and a vulnerable adult living in that facility or
21 receiving service from a program authorized under chapter 71A.12 RCW,
22 whether or not the sexual conduct is consensual.

23 (3) "Chemical restraint" means the administration of any drug to
24 manage a vulnerable adult's behavior in a way that reduces the safety
25 risk to the vulnerable adult or others, has the temporary effect of
26 restricting the vulnerable adult's freedom of movement, and is not
27 standard treatment for the vulnerable adult's medical or psychiatric
28 condition.

29 (4) "Consent" in the context of sexual acts means that at the
30 time of sexual contact, there are actual words or conduct indicating
31 freely given agreement to that sexual contact. Consent must be
32 ongoing and may be revoked at any time. Conduct short of voluntary
33 agreement does not constitute consent as a matter of law. Consent
34 cannot be freely given when a person does not have capacity due to
35 disability, intoxication, or age. Consent cannot be freely given when
36 the other party has authority or control over the care or custody of
37 a person incarcerated or detained.

38 (5) (a) "Course of conduct" means a pattern of conduct composed of
39 a series of acts over a period of time, however short, evidencing a
40 continuity of purpose. "Course of conduct" includes any form of

1 communication, contact, or conduct, including the sending of an
2 electronic communication, but does not include constitutionally
3 protected free speech. Constitutionally protected activity is not
4 included within the meaning of "course of conduct."

5 (b) In determining whether the course of conduct serves any
6 legitimate or lawful purpose, a court should consider whether:

7 (i) Any current contact between the parties was initiated by the
8 respondent only or was initiated by both parties;

9 (ii) The respondent has been given clear notice that all further
10 contact with the petitioner is unwanted;

11 (iii) The respondent's course of conduct appears designed to
12 alarm, annoy, or harass the petitioner;

13 (iv) The respondent is acting pursuant to any statutory authority
14 including, but not limited to, acts which are reasonably necessary
15 to:

16 (A) Protect property or liberty interests;

17 (B) Enforce the law; or

18 (C) Meet specific statutory duties or requirements;

19 (v) The respondent's course of conduct has the purpose or effect
20 of unreasonably interfering with the petitioner's privacy or the
21 purpose or effect of creating an intimidating, hostile, or offensive
22 living environment for the petitioner; or

23 (vi) Contact by the respondent with the petitioner or the
24 petitioner's family has been limited in any manner by any previous
25 court order.

26 (6) "Court clerk" means court administrators in courts of limited
27 jurisdiction and elected court clerks.

28 (7) "Dating relationship" means a social relationship of a
29 romantic nature. Factors that the court may consider in making this
30 determination include: (a) The length of time the relationship has
31 existed; (b) the nature of the relationship; and (c) the frequency of
32 interaction between the parties.

33 (8) "Domestic violence" means:

34 (a) Physical harm, bodily injury, assault, or the infliction of
35 fear of physical harm, bodily injury, or assault; nonconsensual
36 sexual conduct or nonconsensual sexual penetration; coercive control;
37 unlawful harassment; or stalking of one intimate partner by another
38 intimate partner; or

39 (b) Physical harm, bodily injury, assault, or the infliction of
40 fear of physical harm, bodily injury, or assault; nonconsensual

1 sexual conduct or nonconsensual sexual penetration; coercive control;
2 unlawful harassment; or stalking of one family or household member by
3 another family or household member.

4 (9) "Electronic monitoring" has the same meaning as in RCW
5 9.94A.030.

6 (10) "Essential personal effects" means those items necessary for
7 a person's immediate health, welfare, and livelihood. "Essential
8 personal effects" includes, but is not limited to, clothing, cribs,
9 bedding, medications, personal hygiene items, cellular phones and
10 other electronic devices, and documents, including immigration,
11 health care, financial, travel, and identity documents.

12 (11) "Facility" means a residence licensed or required to be
13 licensed under chapter 18.20 RCW, assisted living facilities; chapter
14 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
15 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
16 habilitation centers; or any other facility licensed or certified by
17 the department of social and health services.

18 (12) "Family or household members" means: (a) Persons related by
19 blood, marriage, domestic partnership, or adoption; (b) persons who
20 currently or formerly resided together; (c) persons who have a
21 biological or legal parent-child relationship, including stepparents
22 and stepchildren and grandparents and grandchildren, or a parent's
23 intimate partner and children; and (d) a person who is acting or has
24 acted as a legal guardian.

25 (13) "Financial exploitation" means the illegal or improper use
26 of, control over, or withholding of, the property, income, resources,
27 or trust funds of the vulnerable adult by any person or entity for
28 any person's or entity's profit or advantage other than for the
29 vulnerable adult's profit or advantage. "Financial exploitation"
30 includes, but is not limited to:

31 (a) The use of deception, intimidation, or undue influence by a
32 person or entity in a position of trust and confidence with a
33 vulnerable adult to obtain or use the property, income, resources,
34 government benefits, health insurance benefits, or trust funds of the
35 vulnerable adult for the benefit of a person or entity other than the
36 vulnerable adult;

37 (b) The breach of a fiduciary duty, including, but not limited
38 to, the misuse of a power of attorney, trust, or a guardianship or
39 conservatorship appointment, that results in the unauthorized
40 appropriation, sale, or transfer of the property, income, resources,

1 or trust funds of the vulnerable adult for the benefit of a person or
2 entity other than the vulnerable adult; or

3 (c) Obtaining or using a vulnerable adult's property, income,
4 resources, or trust funds without lawful authority, by a person or
5 entity who knows or clearly should know that the vulnerable adult
6 lacks the capacity to consent to the release or use of the vulnerable
7 adult's property, income, resources, or trust funds.

8 (14) "Firearm" means a weapon or device from which a projectile
9 or projectiles may be fired by an explosive such as gunpowder.
10 "Firearm" does not include a flare gun or other pyrotechnic visual
11 distress signaling device, or a powder-actuated tool or other device
12 designed solely to be used for construction purposes. "Firearm" also
13 includes parts that can be assembled to make a firearm.

14 (15) "Full hearing" means a hearing where the court determines
15 whether to issue a full protection order.

16 (16) "Full protection order" means a protection order that is
17 issued by the court after notice to the respondent and where the
18 parties had the opportunity for a full hearing by the court. "Full
19 protection order" includes a protection order entered by the court by
20 agreement of the parties to resolve the petition for a protection
21 order without a full hearing.

22 (17) "Hospital" means a facility licensed under chapter 70.41 or
23 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
24 employee, agent, officer, director, or independent contractor
25 thereof.

26 (18) "Interested person" means a person who demonstrates to the
27 court's satisfaction that the person is interested in the welfare of
28 a vulnerable adult, that the person has a good faith belief that the
29 court's intervention is necessary, and that the vulnerable adult is
30 unable, due to incapacity, undue influence, or duress at the time the
31 petition is filed, to protect his or her own interests.

32 (19) "Intimate partner" means: (a) Spouses or domestic partners;
33 (b) former spouses or former domestic partners; (c) persons who have
34 a child in common regardless of whether they have been married or
35 have lived together at any time, unless the child is conceived
36 through sexual assault; or (d) persons who have or have had a dating
37 relationship where both persons are at least 13 years of age or
38 older.

39 (20)(a) "Isolate" or "isolation" means to restrict a person's
40 ability to communicate, visit, interact, or otherwise associate with

1 persons of his or her choosing. Isolation may be evidenced by acts
2 including, but not limited to:

3 (i) Acts that prevent a person from sending, making, or receiving
4 his or her personal mail, electronic communications, or telephone
5 calls; or

6 (ii) Acts that prevent or obstruct a person from meeting with
7 others, such as telling a prospective visitor or caller that the
8 person is not present or does not wish contact, where the statement
9 is contrary to the express wishes of the person.

10 (b) The term "isolate" or "isolation" may not be construed in a
11 manner that prevents a guardian or limited guardian from performing
12 his or her fiduciary obligations under chapter 11.92 RCW or prevents
13 a hospital or facility from providing treatment consistent with the
14 standard of care for delivery of health services.

15 (21) "Judicial day" means days of the week other than Saturdays,
16 Sundays, or legal holidays.

17 (22) "Mechanical restraint" means any device attached or adjacent
18 to a vulnerable adult's body that the vulnerable adult cannot easily
19 remove that restricts freedom of movement or normal access to the
20 vulnerable adult's body. "Mechanical restraint" does not include the
21 use of devices, materials, or equipment that are (a) medically
22 authorized, as required, and (b) used in a manner that is consistent
23 with federal or state licensing or certification requirements for
24 facilities, hospitals, or programs authorized under chapter 71A.12
25 RCW.

26 (23) "Minor" means a person who is under 18 years of age.

27 (24) "Neglect" means: (a) A pattern of conduct or inaction by a
28 person or entity with a duty of care that fails to provide the goods
29 and services that maintain the physical or mental health of a
30 vulnerable adult, or that fails to avoid or prevent physical or
31 mental harm or pain to a vulnerable adult; or (b) an act or omission
32 by a person or entity with a duty of care that demonstrates a serious
33 disregard of consequences of such a magnitude as to constitute a
34 clear and present danger to the vulnerable adult's health, welfare,
35 or safety including, but not limited to, conduct prohibited under RCW
36 9A.42.100.

37 (25) "Nonconsensual" means a lack of freely given consent.

38 (26) "Nonphysical contact" includes, but is not limited to,
39 written notes, mail, telephone calls, email, text messages, contact

1 through social media applications, contact through other
2 technologies, (~~and~~) or contact through third parties.

3 (27) "Petitioner" means any named petitioner or any other person
4 identified in the petition on whose behalf the petition is brought.

5 (28) "Physical restraint" means the application of physical force
6 without the use of any device, for the purpose of restraining the
7 free movement of a vulnerable adult's body. "Physical restraint" does
8 not include (a) briefly holding, without undue force, a vulnerable
9 adult in order to calm or comfort him or her, or (b) holding a
10 vulnerable adult's hand to safely escort him or her from one area to
11 another.

12 (29) "Possession" means having an item in one's custody or
13 control. Possession may be either actual or constructive. Actual
14 possession occurs when the item is in the actual physical custody of
15 the person charged with possession. Constructive possession occurs
16 when there is no actual physical possession, but there is dominion
17 and control over the item.

18 (30) "Respondent" means the person who is identified as the
19 respondent in a petition filed under this chapter.

20 (31) "Sexual conduct" means any of the following:

21 (a) Any intentional or knowing touching or fondling of the
22 genitals, anus, or breasts, directly or indirectly, including through
23 clothing;

24 (b) Any intentional or knowing display of the genitals, anus, or
25 breasts for the purposes of arousal or sexual gratification of the
26 respondent;

27 (c) Any intentional or knowing touching or fondling of the
28 genitals, anus, or breasts, directly or indirectly, including through
29 clothing, that the petitioner is forced to perform by another person
30 or the respondent;

31 (d) Any forced display of the petitioner's genitals, anus, or
32 breasts for the purposes of arousal or sexual gratification of the
33 respondent or others;

34 (e) Any intentional or knowing touching of the clothed or
35 unclothed body of a child under the age of 16, if done for the
36 purpose of sexual gratification or arousal of the respondent or
37 others; or

38 (f) Any coerced or forced touching or fondling by a child under
39 the age of 16, directly or indirectly, including through clothing, of
40 the genitals, anus, or breasts of the respondent or others.

1 (32) "Sexual penetration" means any contact, however slight,
2 between the sex organ or anus of one person by an object, the sex
3 organ, mouth, or anus of another person, or any intrusion, however
4 slight, of any part of the body of one person or of any animal or
5 object into the sex organ or anus of another person including, but
6 not limited to, cunnilingus, fellatio, or anal penetration. Evidence
7 of emission of semen is not required to prove sexual penetration.

8 (33) "Stalking" means any of the following:

9 (a) Any act of stalking as defined under RCW 9A.46.110;

10 (b) Any act of cyberstalking as defined under RCW 9.61.260; or

11 (c) Any course of conduct involving repeated or continuing
12 contacts, attempts to contact, monitoring, tracking, surveillance,
13 keeping under observation, disrupting activities in a harassing
14 manner, or following of another person that:

15 (i) Would cause a reasonable person to feel intimidated,
16 frightened, under duress, significantly disrupted, or threatened and
17 that actually causes such a feeling;

18 (ii) Serves no lawful purpose; and

19 (iii) The respondent knows, or reasonably should know, threatens,
20 frightens, or intimidates the person, even if the respondent did not
21 intend to intimidate, frighten, or threaten the person.

22 (34) "Temporary protection order" means a protection order that
23 is issued before the court has decided whether to issue a full
24 protection order. "Temporary protection order" includes ex parte
25 temporary protection orders, as well as temporary protection orders
26 that are reissued by the court pending the completion of a full
27 hearing to decide whether to issue a full protection order. An "ex
28 parte temporary protection order" means a temporary protection order
29 that is issued without prior notice to the respondent.

30 (35) "Unlawful harassment" means:

31 (a) A knowing and willful course of conduct directed at a
32 specific person that seriously alarms, annoys, harasses, or is
33 detrimental to such person, and that serves no legitimate or lawful
34 purpose. The course of conduct must be such as would cause a
35 reasonable person to suffer substantial emotional distress, and must
36 actually cause substantial emotional distress to the petitioner; or

37 (b) A single act of violence or threat of violence directed at a
38 specific person that seriously alarms, annoys, harasses, or is
39 detrimental to such person, and that serves no legitimate or lawful
40 purpose, which would cause a reasonable person to suffer substantial

1 emotional distress, and must actually cause substantial emotional
2 distress to the petitioner. A single threat of violence must include:
3 (i) A malicious and intentional threat as described in RCW
4 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

5 (36) "Vulnerable adult" includes a person:

6 (a) Sixty years of age or older who has the functional, mental,
7 or physical inability to care for himself or herself; or

8 (b) Subject to a guardianship under RCW 11.130.265 or adult
9 subject to conservatorship under RCW 11.130.360; or

10 (c) Who has a developmental disability as defined under RCW
11 71A.10.020; or

12 (d) Admitted to any facility; or

13 (e) Receiving services from home health, hospice, or home care
14 agencies licensed or required to be licensed under chapter 70.127
15 RCW; or

16 (f) Receiving services from a person under contract with the
17 department of social and health services to provide services in the
18 home under chapter 74.09 or 74.39A RCW; or

19 (g) Who self-directs his or her own care and receives services
20 from a personal aide under chapter 74.39 RCW.

21 (37)(a) "Coercive control" means a pattern of behavior that is
22 used to cause another to suffer physical, emotional, or psychological
23 harm, and in purpose or effect unreasonably interferes with a
24 person's free will and personal liberty. In determining whether the
25 interference is unreasonable, the court shall consider the context
26 and impact of the pattern of behavior from the perspective of a
27 similarly situated person. Examples of coercive control include, but
28 are not limited to, engaging in any of the following:

29 (i) Intimidation or controlling or compelling conduct by:

30 (A) Damaging, destroying, or threatening to damage or destroy, or
31 forcing the other party to relinquish, goods, property, or items of
32 special value;

33 (B) Using technology to threaten, humiliate, harass, stalk,
34 intimidate, exert undue influence over, or abuse the other party,
35 including by engaging in cyberstalking, monitoring, surveillance,
36 impersonation, manipulation of electronic media, or distribution of
37 or threats to distribute actual or fabricated intimate images;

38 (C) Carrying, exhibiting, displaying, drawing, or threatening to
39 use, any firearm or any other weapon apparently capable of producing
40 bodily harm, in a manner, under circumstances, and at a time and

1 place that either manifests an intent to intimidate the other party
2 or that warrants alarm by the other party for their safety or the
3 safety of other persons;

4 (D) Driving recklessly with the other party or minor children in
5 the vehicle;

6 (E) Communicating, directly or indirectly, the intent to:

7 (I) Harm the other party's children, family members, friends, or
8 pets, including by use of physical forms of violence;

9 (II) Harm the other party's career;

10 (III) Attempt suicide or other acts of self-harm; or

11 (IV) Contact local or federal agencies based on actual or
12 suspected immigration status;

13 (F) Exerting control over the other party's identity documents;

14 (G) Making, or threatening to make, private information public,
15 including the other party's sexual orientation or gender identity,
16 medical or behavioral health information, or other confidential
17 information that jeopardizes safety; or

18 (H) Engaging in sexual or reproductive coercion;

19 (ii) Causing dependence, confinement, or isolation of the other
20 party from friends, relatives, or other sources of support, including
21 schooling and employment, or subjecting the other party to physical
22 confinement or restraint;

23 (iii) Depriving the other party of basic necessities or
24 committing other forms of financial exploitation;

25 (iv) Controlling, exerting undue influence over, interfering
26 with, regulating, or monitoring the other party's movements,
27 communications, daily behavior, finances, economic resources, or
28 employment, including but not limited to interference with or
29 attempting to limit access to services for children of the other
30 party, such as health care, medication, child care, or school-based
31 extracurricular activities;

32 (v) Engaging in vexatious litigation or abusive litigation as
33 defined in RCW 26.51.020 against the other party to harass, coerce,
34 or control the other party, to diminish or exhaust the other party's
35 financial resources, or to compromise the other party's employment or
36 housing; or

37 (vi) Engaging in psychological aggression, including inflicting
38 fear, humiliating, degrading, or punishing the other party.

39 (b) "Coercive control" does not include protective actions taken
40 by a party in good faith for the legitimate and lawful purpose of

1 protecting themselves or children from the risk of harm posed by the
2 other party.

3 **Sec. 2.** RCW 7.105.050 and 2021 c 215 s 4 are each amended to
4 read as follows:

5 (1) The superior(~~(7)~~) and district(~~(7 and municipal)~~) courts have
6 jurisdiction over domestic violence protection order proceedings
7 (~~and~~), sexual assault protection order proceedings, stalking
8 protection order proceedings, and antiharassment protection order
9 proceedings under this chapter(~~(. The jurisdiction of district and~~
10 ~~municipal courts is limited to enforcement of RCW 7.105.450(1), or~~
11 ~~the equivalent municipal ordinance, and the issuance and enforcement~~
12 ~~of temporary orders for protection provided for in RCW 7.105.305~~
13 ~~if)), except that such proceedings must be transferred from district
14 court to superior court when:~~

15 (a) A superior court has exercised or is exercising jurisdiction
16 over a proceeding involving the parties;

17 (b) (~~The petition for relief under this chapter presents issues~~
18 ~~of the residential schedule of, and contact with, children of the~~
19 ~~parties; or~~

20 ~~(c) The petition for relief under this chapter requests the court~~
21 ~~to exclude a party from the dwelling which the parties share)) The~~

22 action would have the effect of interfering with a respondent's care,
23 control, or custody of the respondent's minor child;

24 (c) The action would affect the use or enjoyment of real property
25 for which the respondent has a cognizable claim or would exclude a
26 party from a shared dwelling;

27 (d) The petitioner, victim, or respondent to the petition is
28 under 18 years of age; or

29 (e) The district court is unable to verify whether there are
30 potentially conflicting or related orders involving the parties as
31 required by RCW 7.105.105 or 7.105.555.

32 (2) (a) When the jurisdiction of a district (~~or municipal~~) court
33 is limited to the issuance and enforcement of a temporary protection
34 order, the district (~~or municipal~~) court shall set the full hearing
35 in superior court and transfer the case, indicating in the transfer
36 order the circumstances and findings supporting transfer to the
37 superior court.

38 (b) If the notice and order are not served on the respondent in
39 time for the full hearing, the issuing court shall have concurrent

1 jurisdiction with the superior court to extend the temporary
2 protection order. The superior court to which the case is being
3 transferred shall determine whether to grant any request for a
4 continuance.

5 (3) Transfer procedures, court calendars, and judicial officer
6 assignment must further the goals of this chapter to: Minimize delay;
7 make the system less complex; provide sufficient victim support,
8 consistency, safety, timeliness, and procedural fairness; enable
9 comprehensive use of electronic filing, case tracking, and records
10 management systems; provide for judicial officers with expertise and
11 training in protection orders and trauma-informed practices and
12 continuity of judicial officers at each hearing so the judicial
13 officer will have greater familiarity with the parties, history, and
14 allegations; and help ensure that there is compliance with timely and
15 comprehensive firearms relinquishment to reduce risk of harm. Courts
16 shall make publicly available in print and online information about
17 their transfer procedures, court calendars, and judicial officer
18 assignment.

19 **Sec. 3.** RCW 7.105.070 and 2021 c 215 s 8 are each amended to
20 read as follows:

21 The superior courts have jurisdiction over extreme risk
22 protection order proceedings under this chapter. The juvenile court
23 may hear an extreme risk protection order proceeding under this
24 chapter if the respondent is under the age of 18 years. Additionally,
25 district (~~and municipal~~) courts have limited jurisdiction over the
26 issuance and enforcement of temporary extreme risk protection orders
27 issued under RCW 7.105.330. The district (~~or municipal~~) court shall
28 set the full hearing in superior court and transfer the case. If the
29 notice and order are not served on the respondent in time for the
30 full hearing, the issuing court has concurrent jurisdiction with the
31 superior court to extend the temporary extreme risk protection order.
32 The superior court to which the case is being transferred shall
33 determine whether to grant any request for a continuance.

34 **Sec. 4.** RCW 7.105.075 and 2021 c 215 s 9 are each amended to
35 read as follows:

36 An action for a protection order should be filed in the county
37 (~~or municipality~~) where the petitioner resides. The petitioner may
38 also file in:

1 (1) The county (~~or municipality~~) where an act giving rise to
2 the petition for a protection order occurred;

3 (2) The county (~~or municipality~~) where a child to be protected
4 by the order primarily resides;

5 (3) The county (~~or municipality~~) where the petitioner resided
6 prior to relocating if relocation was due to the respondent's
7 conduct; or

8 (4) The court nearest to the petitioner's residence or former
9 residence under subsection (3) of this section.

10 **Sec. 5.** RCW 7.105.100 and 2021 c 215 s 13 are each amended to
11 read as follows:

12 (1) There exists an action known as a petition for a protection
13 order. The following types of petitions for a protection order may be
14 filed:

15 (a) A petition for a domestic violence protection order, which
16 must allege the existence of domestic violence committed against the
17 petitioner or petitioners by an intimate partner or a family or
18 household member. The petitioner may petition for relief on behalf of
19 himself or herself and on behalf of family or household members who
20 are minors or vulnerable adults. A petition for a domestic violence
21 protection order must specify whether the petitioner and the
22 respondent are intimate partners or family or household members. A
23 petitioner who has been sexually assaulted or stalked by an intimate
24 partner or a family or household member should, but is not required
25 to, seek a domestic violence protection order, rather than a sexual
26 assault protection order or a stalking protection order.

27 (b) A petition for a sexual assault protection order, which must
28 allege the existence of nonconsensual sexual conduct or nonconsensual
29 sexual penetration that was committed against the petitioner by the
30 respondent. A petitioner who has been sexually assaulted by an
31 intimate partner or a family or household member should, but is not
32 required to, seek a domestic violence protection order, rather than a
33 sexual assault protection order. A single incident of nonconsensual
34 sexual conduct or nonconsensual sexual penetration is sufficient
35 grounds for a petition for a sexual assault protection order. The
36 petitioner may petition for a sexual assault protection order on
37 behalf of:

38 (i) Himself or herself;

1 (ii) A minor child, where the petitioner is the parent, legal
2 guardian, or custodian;

3 (iii) A vulnerable adult, where the petitioner is an interested
4 person; or

5 (iv) Any other adult for whom the petitioner demonstrates to the
6 court's satisfaction that the petitioner is interested in the adult's
7 well-being, the court's intervention is necessary, and the adult
8 cannot file the petition because of age, disability, health, or
9 inaccessibility.

10 (c) A petition for a stalking protection order, which must allege
11 the existence of stalking committed against the petitioner or
12 petitioners by the respondent. A petitioner who has been stalked by
13 an intimate partner or a family or household member should, but is
14 not required to, seek a domestic violence protection order, rather
15 than a stalking protection order. The petitioner may petition for a
16 stalking protection order on behalf of:

17 (i) Himself or herself;

18 (ii) A minor child, where the petitioner is the parent, legal
19 guardian, or custodian;

20 (iii) A vulnerable adult, where the petitioner is an interested
21 person; or

22 (iv) Any other adult for whom the petitioner demonstrates to the
23 court's satisfaction that the petitioner is interested in the adult's
24 well-being, the court's intervention is necessary, and the adult
25 cannot file the petition because of age, disability, health, or
26 inaccessibility.

27 (d) A petition for a vulnerable adult protection order, which
28 must allege that the petitioner, or person on whose behalf the
29 petition is brought, is a vulnerable adult and that the petitioner,
30 or person on whose behalf the petition is brought, has been
31 abandoned, abused, financially exploited, or neglected, or is
32 threatened with abandonment, abuse, financial exploitation, or
33 neglect, by the respondent. ~~((If the petition is filed by an
34 interested person, the affidavit or declaration must also include a
35 statement of why the petitioner qualifies as an interested person.))~~

36 (e) A petition for an extreme risk protection order, which must
37 allege that the respondent poses a significant danger of causing
38 personal injury to self or others by having in the respondent's
39 custody or control, purchasing, possessing, accessing, receiving, or
40 attempting to purchase or receive, a firearm. The petition must also

1 identify information the petitioner is able to provide about the
2 firearms, such as the number, types, and locations of any firearms
3 the petitioner believes to be in the respondent's current ownership,
4 possession, custody, access, or control. A petition for an extreme
5 risk protection order may be filed by (i) an intimate partner or a
6 family or household member of the respondent; or (ii) a law
7 enforcement agency.

8 (f) A petition for an antiharassment protection order, which must
9 allege the existence of unlawful harassment committed against the
10 petitioner or petitioners by the respondent. If a petitioner is
11 seeking relief based on domestic violence, nonconsensual sexual
12 conduct, nonconsensual sexual penetration, or stalking, the
13 petitioner may, but is not required to, seek a domestic violence,
14 sexual assault, or stalking protection order, rather than an
15 antiharassment order. The petitioner may petition for an
16 antiharassment protection order on behalf of:

17 (i) Himself or herself;

18 (ii) A minor child, where the petitioner is the parent, legal
19 guardian, or custodian;

20 (iii) A vulnerable adult, where the petitioner is an interested
21 person; or

22 (iv) Any other adult for whom the petitioner demonstrates to the
23 court's satisfaction that the petitioner is interested in the adult's
24 well-being, the court's intervention is necessary, and the adult
25 cannot file the petition because of age, disability, health, or
26 inaccessibility.

27 (2) With the exception of vulnerable adult protection orders, a
28 person under 18 years of age who is 15 years of age or older may seek
29 relief under this chapter as a petitioner and is not required to seek
30 relief through a petition filed on his or her behalf. He or she may
31 also petition on behalf of a family or household member who is a
32 minor if chosen by the minor and capable of pursuing the minor's
33 stated interest in the action.

34 (3) A person under 15 years of age who is seeking relief under
35 this chapter is required to seek relief by a person authorized as a
36 petitioner under this section.

37 (4) If a petition for a protection order is filed by an
38 interested person, the affidavit or declaration must also include a
39 statement of why the petitioner qualifies as an interested person.

1 (5) A petition for any type of protection order must not be
2 dismissed or denied on the basis that the conduct alleged by the
3 petitioner would meet the criteria for the issuance of another type
4 of protection order. If a petition meets the criteria for a different
5 type of protection order other than the one sought by the petitioner,
6 the court shall consider the petitioner's preference, and enter a
7 temporary protection order or set the matter for a hearing as
8 appropriate under the law. The court's decision on the appropriate
9 type of order shall not be premised on alleviating any potential
10 stigma on the respondent.

11 (~~(5)~~) (6) The protection order petition must contain a section
12 where the petitioner, regardless of petition type, may request
13 specific relief provided for in RCW 7.105.310 that the petitioner
14 seeks for himself or herself or for family or household members who
15 are minors. The totality of selected relief, and any other relief the
16 court deems appropriate for the petitioner, or family or household
17 members who are minors, must be considered at the time of entry of
18 temporary protection orders and at the time of entry of full
19 protection orders.

20 (~~(6)~~) (7) If a court reviewing the petition for a protection
21 order or a request for a temporary protection order determines that
22 the petition was not filed in the correct court, the court shall
23 enter findings establishing the correct court, and direct the clerk
24 to transfer the petition to the correct court and to provide notice
25 of the transfer to all parties who have appeared.

26 (~~(7)~~) (8) Upon filing a petition for a protection order, the
27 petitioner may request that the court enter an ex parte temporary
28 protection order and an order to surrender and prohibit weapons
29 without notice until a hearing on a full protection order may be
30 held. When requested, there shall be a rebuttable presumption to
31 include the petitioner's minor children as protected parties in the
32 ex parte temporary domestic violence protection order until the full
33 hearing to reduce the risk of harm to children during periods of
34 heightened risk, unless there is good cause not to include the minor
35 children. If the court denies the petitioner's request to include the
36 minor children, the court shall make written findings why the
37 children should not be included, pending the full hearing. An ex
38 parte temporary protection order shall be effective for a fixed
39 period of time and shall be issued initially for a period not to
40 exceed 14 days, which may be extended for good cause.

1 ~~((8) The court may, at its discretion, issue a temporary order~~
2 ~~on the petition with or without a hearing. If an order is not signed~~
3 ~~upon presentation, the court shall set a hearing for a full~~
4 ~~protection order not later than 14 days from the date of the filing~~
5 ~~of the petition for a protection order, if the petition for a~~
6 ~~protection order is filed before close of business on a judicial day.~~
7 ~~If a petition for a protection order is filed after close of business~~
8 ~~on a judicial day or is filed on a nonjudicial day, the court shall~~
9 ~~set a hearing for a full protection order not later than 14 days from~~
10 ~~the first judicial day after the petition is filed.))~~

11 **Sec. 6.** RCW 7.105.105 and 2021 c 215 s 14 are each amended to
12 read as follows:

13 The following apply to all petitions for protection orders under
14 this chapter.

15 (1)(a) By January 1, 2023, county clerks on behalf of all
16 superior courts and, by January 1, 2026, all courts of limited
17 jurisdiction, must permit petitions for protection orders and all
18 other filings in connection with the petition to be submitted as
19 preferred by the petitioner either: (i) In person; (ii) remotely
20 through an electronic submission process; or (iii) by mail for
21 persons who are incarcerated or who are otherwise unable to file in
22 person or remotely through an electronic system. The court or clerk
23 must make ~~((all electronically filed court documents available for~~
24 ~~electronic access by)) available electronically to judicial officers
25 ~~((statewide)) any protection orders filed within the state. Judicial~~
26 officers may not be charged for access to such documents. The
27 electronic ~~((filing)) submission system must allow for petitions for~~
28 ~~protection orders and supportive documents to be ((filed)) submitted~~
29 ~~at any time of the day. When a petition and supporting documents for~~
30 ~~a protection order are submitted to the clerk after business hours,~~
31 ~~they must be processed as soon as possible on the next judicial day.~~
32 Petitioners and respondents should not ~~((be charged)) incur~~
33 ~~additional charges for electronic ((filing)) submission for petitions~~
34 and documents filed pursuant to this section.~~

35 (b) By January 1, 2023, all superior courts' systems and, by
36 January 1, 2026, all limited jurisdiction courts' systems, should
37 allow for the petitioner to electronically track the progress of the
38 petition for a protection order. Notification may be provided by text
39 messaging or email, and should provide reminders of court appearances

1 and alert the petitioner when the following occur: (i) The petition
2 has been processed and is under review by a judicial officer; (ii)
3 the order has been signed; (iii) the order has been transmitted to
4 law enforcement for entry into the Washington crime information
5 center system; (iv) (~~return~~) proof of service upon the respondent
6 has been filed with the court or clerk; (~~and~~) (v) a receipt for the
7 surrender of firearms has been filed with the court or clerk; and
8 (vi) the respondent has filed a motion for the release of surrendered
9 firearms. Respondents, once served, should be able to sign up for
10 similar electronic notification. Petitioners and respondents should
11 not be charged for electronic notification.

12 (2) The petition must be accompanied by a confidential document
13 to be used by the courts and law enforcement to fully identify the
14 parties and serve the respondent. This record will be exempt from
15 public disclosure at all times, and restricted access to this form is
16 governed by general rule 22 provisions governing access to the
17 confidential information form. The petitioner is required to fill out
18 the confidential party information form to the petitioner's fullest
19 ability. The respondent (~~must~~) should be (~~served with~~) provided a
20 blank confidential party information form at the time of service, and
21 when the respondent first appears, the respondent must confirm with
22 the court the respondent's identifying and current contact
23 information, including electronic means of contact, and file this
24 with the court.

25 (3) A petition must be accompanied by a declaration signed under
26 penalty of perjury stating the specific facts and circumstances for
27 which relief is sought. Parties, attorneys, and witnesses may
28 electronically sign sworn statements in all filings.

29 (4) The petitioner and the respondent must disclose the existence
30 of any other litigation or of any other restraining, protection, or
31 no-contact orders between the parties, to the extent that such
32 information is known by the petitioner and the respondent. To the
33 extent possible, the court shall take judicial notice of any existing
34 restraining, protection, or no-contact orders between the parties
35 before entering a protection order. The court shall not include
36 provisions in a protection order that would allow the respondent to
37 engage in conduct that is prohibited by another restraining,
38 protection, or no-contact order between the parties that was entered
39 in a different proceeding. The obligation to disclose the existence
40 of any other litigation includes, but is not limited to, the

1 existence of any other litigation concerning the custody or
2 residential placement of a child of the parties as set forth in RCW
3 26.27.281. The court administrator shall verify for the court the
4 terms of any existing protection order governing the parties.

5 (5) The petition may be made regardless of whether or not there
6 is a pending lawsuit, complaint, petition, or other action between
7 the parties, except in cases where the court has realigned the
8 parties in accordance with RCW 7.105.210.

9 (6) Relief under this chapter must not be denied or delayed on
10 the grounds that the relief is available in another action. The court
11 shall not defer acting on a petition for a protection order nor grant
12 a petitioner less than the full relief that the petitioner is
13 otherwise entitled to under this chapter because there is, or could
14 be, another proceeding involving the parties including, but not
15 limited to, any potential or pending family law matter or criminal
16 matter.

17 (7) A person's right to petition for relief under this chapter is
18 not affected by the person leaving his or her residence or household.

19 (8) A petitioner is not required to post a bond to obtain relief
20 in any proceeding for a protection order.

21 (9) (a) No fees for service of process may be charged by a court
22 or any public agency to petitioners seeking relief under this
23 chapter. Except as provided in (b) of this subsection, courts may not
24 charge petitioners any fees or surcharges the payment of which is a
25 condition precedent to the petitioner's ability to secure access to
26 relief under this chapter. Petitioners shall be provided the
27 necessary number of certified copies, forms, and instructional
28 brochures free of charge, including a certified copy of the service
29 packet that consists of all documents that are being served on the
30 respondent. A respondent who is served electronically with a
31 protection order shall be provided a certified copy of the order free
32 of charge upon request.

33 (b) A filing fee may be charged for a petition for an
34 antiharassment protection order except as follows:

35 (i) No filing fee may be charged to a petitioner seeking an
36 antiharassment protection order against a person who has engaged in
37 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW
38 9A.36.080(1)(c), or a single act of violence or threat of violence
39 under RCW 7.105.010(35)(b), or from a person who has engaged in
40 nonconsensual sexual conduct or penetration or conduct that would

1 constitute a sex offense as defined in RCW 9A.44.128, or from a
2 person who is a family or household member or intimate partner who
3 has engaged in conduct that would constitute domestic violence; and

4 (ii) The court shall waive the filing fee if the court determines
5 the petitioner is not able to pay the costs of filing.

6 (10) If the petition states that disclosure of the petitioner's
7 address or other identifying location information would risk harm to
8 the petitioner or any member of the petitioner's family or household,
9 that address may be omitted from all documents filed with the court.
10 If the petitioner has not disclosed an address under this subsection,
11 the petitioner shall designate an alternative address or email
12 address at which the respondent may serve the petitioner.

13 (11) Subject to the availability of amounts appropriated for this
14 specific purpose, or as provided through alternative sources
15 including, but not limited to, grants, local funding, or pro bono
16 means, if the court deems it necessary, the court may appoint a
17 guardian ad litem for a petitioner or a respondent who is under 18
18 years of age and who is not represented by counsel. If a guardian ad
19 litem is appointed by the court for either or both parties, neither
20 the petitioner nor the respondent shall be required by the court to
21 pay any costs associated with the appointment.

22 ~~(12) ((Minor children must only be referred to in the petition
23 and in all other publicly available filed documents by their initials
24 and date of birth. Any orders issued by the court for entry into a
25 law enforcement database must show the minor's full name for purposes
26 of identification, but be redacted to only display initials and date
27 of birth for purposes of public access.~~

28 ~~(13))~~ If a petitioner has requested an ex parte temporary
29 protection order, because these are often emergent situations, the
30 court shall prioritize review, either entering an order without a
31 hearing or scheduling and holding an ex parte hearing in person, by
32 telephone, by video, or by other electronic means on the day the
33 petition is filed if possible. Otherwise, it must be heard no later
34 than the following judicial day. The clerk shall ensure that the
35 request for an ex parte temporary protection order is presented
36 timely to a judicial officer, and signed orders will be returned
37 promptly to the clerk for entry and to the petitioner as specified in
38 this section.

39 ~~((14))~~ (13) Courts shall not require a petitioner to file
40 duplicative forms.

1 (~~(15)~~) (14) The Indian child welfare act applies in the
2 following manner.

3 (a) In a proceeding under this chapter where the petitioner seeks
4 to protect a minor and the petitioner is not the minor's parent as
5 defined by RCW 13.38.040, the petition must contain a statement
6 alleging whether the minor is or may be an Indian child as defined in
7 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and
8 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,
9 shall apply. A party should allege in the petition if these laws have
10 been satisfied in a prior proceeding and identify the proceeding.

11 (b) Every order entered in any proceeding under this chapter
12 where the petitioner is not a parent of the minor or minors protected
13 by the order must contain a finding that the federal Indian child
14 welfare act or chapter 13.38 RCW does or does not apply, or if there
15 is insufficient information to make a determination, the court must
16 make a finding that a determination must be made before a full
17 protection order may be entered. If there is reason to know the child
18 is an Indian child, but the court does not have sufficient evidence
19 to determine that the child is or is not an Indian child, 25 C.F.R.
20 Sec. 23.107(b) applies. Where there is a finding that the federal
21 Indian child welfare act or chapter 13.38 RCW does apply, the order
22 must also contain a finding that all notice, evidentiary
23 requirements, and placement preferences under the federal Indian
24 child welfare act and chapter 13.38 RCW have been satisfied, or a
25 finding that removal or placement of the child is necessary to
26 prevent imminent physical damage or harm to the child pursuant to
27 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
28 federal Indian child welfare act or chapter 13.38 RCW does not apply,
29 the order must also contain a finding as to why there is no reason to
30 know the child may be an Indian child.

31 **Sec. 7.** RCW 7.105.115 and 2021 c 215 s 16 are each amended to
32 read as follows:

33 (1) By (~~June~~) December 30, 2022, the administrative office of
34 the courts shall:

35 (a) Develop and distribute standard forms for petitions and
36 orders issued under this chapter, and facilitate the use of online
37 forms for electronic filings.

38 (i) For all protection orders except extreme risk protection
39 orders, the protection order must include, in a conspicuous location,

1 a notice of criminal penalties resulting from a violation of the
2 order, and the following statement: "You can be arrested even if the
3 protected person or persons invite or allow you to violate the order.
4 You alone are responsible for following the order. Only the court may
5 change the order. Requests for changes must be made in writing."

6 (ii) For extreme risk protection orders, the protection order
7 must include, in a conspicuous location, a notice of criminal
8 penalties resulting from a violation of the order, and the following
9 statement: "You have the sole responsibility to avoid or refrain from
10 violating this order's provisions. Only the court may change the
11 order. Requests for changes must be made in writing.";

12 (b) Develop and distribute instructions and informational
13 brochures regarding protection orders and a court staff handbook on
14 the protection order process, which shall be made available online to
15 view and download at no cost. Developing additional methods to inform
16 the public about protection orders in understandable terms and in
17 languages other than English through videos and social media should
18 also be considered. The instructions, brochures, forms, and handbook
19 must be prepared in consultation with civil legal aid, culturally
20 specific advocacy programs, and domestic violence and sexual assault
21 advocacy programs. The instructions must be designed to assist
22 petitioners in completing the petition, and must include a sample of
23 standard petition and protection order forms. The instructions and
24 standard petition must include a means for the petitioner to
25 identify, with only lay knowledge, the firearms the respondent may
26 own, possess, receive, have access to, or have in the respondent's
27 custody or control. The instructions must provide pictures of types
28 of firearms that the petitioner may choose from to identify the
29 relevant firearms, or an equivalent means to allow petitioners to
30 identify firearms without requiring specific or technical knowledge
31 regarding the firearms. The court staff handbook must allow for the
32 addition of a community resource list by the court clerk. The
33 informational brochure must describe the use of, and the process for,
34 obtaining, renewing, modifying, terminating, and enforcing protection
35 orders as provided under this chapter, as well as the process for
36 obtaining, modifying, terminating, and enforcing an antiharassment
37 no-contact order as provided under chapter 9A.46 RCW, a domestic
38 violence no-contact order as provided under chapter 10.99 RCW, a
39 restraining order as provided under chapters 26.09, 26.26A, 26.26B,
40 and 26.44 RCW, a foreign protection order as defined in chapter 26.52

1 RCW, and a Canadian domestic violence protection order as defined in
2 RCW 26.55.010;

3 (c) Determine the significant non-English-speaking or limited
4 English-speaking populations in the state. The administrative office
5 of the courts shall then arrange for translation of the instructions
6 and informational brochures required by this section, which must
7 contain a sample of the standard petition and protection order forms,
8 into the languages spoken by at least the top five significant non-
9 English-speaking populations, and shall distribute a master copy of
10 the translated instructions and informational brochures to all court
11 clerks and to the Washington supreme court's interpreter commission,
12 minority and justice commission, and gender and justice commission
13 (~~by July 25, 2021~~). Such materials must be updated and distributed
14 if needed due to relevant changes in the law;

15 (d) (i) Distribute a master copy of the petition and order forms,
16 instructions, and informational brochures to all court clerks, and
17 distribute a master copy of the petition and order forms to all
18 superior, district, and municipal courts;

19 (ii) In collaboration with civil legal aid attorneys, domestic
20 violence advocates, sexual assault advocates, elder abuse advocates,
21 clerks, and judicial officers, develop and distribute a single
22 petition form that a petitioner may use to file for any type of
23 protection order authorized by this chapter, with the exception of
24 extreme risk protection orders;

25 (iii) For extreme risk protection orders, develop and prepare:

26 (A) A standard petition and order form for an extreme risk
27 protection order, as well as a standard petition and order form for
28 an extreme risk protection order sought against a respondent under 18
29 years of age, titled "Extreme Risk Protection Order - Respondent
30 Under 18 Years";

31 (B) Pattern forms to assist in streamlining the process for those
32 persons who are eligible to seal records relating to an order under

33 (d) (i) of this subsection, including:

34 (I) A petition and declaration the respondent can complete to
35 ensure that requirements for public sealing have been met; and

36 (II) An order sealing the court records relating to that order;
37 and

38 (C) An informational brochure to be served on any respondent who
39 is subject to a temporary or full protection order under (d) (iii) (A)
40 of this subsection;

1 (e) Create a new confidential party information form to satisfy
2 the purposes of the confidential information form and the law
3 enforcement information sheet that will serve both the court's and
4 law enforcement's data entry needs without requiring a redundant
5 effort for the petitioner, and ensure the petitioner's confidential
6 information is protected for the purpose of safety. The form should
7 be created with the presumption that it will also be used by the
8 respondent to provide all current contact information needed by the
9 court and law enforcement, and full identifying information for
10 improved data entry. The form should also prompt the petitioner to
11 disclose on the form whether the person who the petitioner is seeking
12 to restrain has a disability, brain injury, or impairment requiring
13 special assistance; and

14 (f) Update the instructions, brochures, standard petition and
15 order for protection forms, and court staff handbook when changes in
16 the law make an update necessary.

17 (2) ((The)) By July 1, 2022, the administrative office of the
18 courts, through the gender and justice commission of the Washington
19 state supreme court, and with the support of the Washington state
20 women's commission, shall work with representatives of superior,
21 district, and municipal court judicial officers, court clerks, and
22 administrators, including those with experience in protection order
23 proceedings, as well as advocates and practitioners with expertise in
24 each type of protection order, and others with relevant expertise, to
25 develop for the courts:

26 (a) Standards for filing evidence in protection order proceedings
27 in a manner that protects victim safety and privacy, including
28 evidence in the form of text messages, social media messages, voice
29 mails, and other recordings, and the development of a sealed cover
30 sheet for explicit or intimate images and recordings; and

31 (b) Requirements for private vendors who provide services related
32 to filing systems for protection orders, as well as what data should
33 be collected.

34 **Sec. 8.** RCW 7.105.120 and 2021 c 215 s 17 are each amended to
35 read as follows:

36 (1) All court clerks' offices shall make available the
37 standardized forms, instructions, and informational brochures
38 required by this chapter, and shall ~~((fill in and))~~ keep current
39 specific program names and telephone numbers for community resources,

1 including civil legal aid and volunteer lawyer programs. Any
2 assistance or information provided by clerks under this chapter, or
3 any assistance or information provided by any person, including court
4 clerks, employees of the department of social and health services,
5 and other court facilitators, to complete the forms provided by the
6 court, does not constitute the practice of law, and clerks are not
7 responsible for incorrect information contained in a petition.

8 (2) All court clerks shall (~~obtain~~) accept and provide
9 community resource lists as described in (a) and (b) of this
10 subsection, which the court shall make available as part of, or in
11 addition to, the informational brochures described in RCW 7.105.115.

12 (a) The court clerk shall (~~obtain—~~a) accept an appropriate
13 community resource list from a domestic violence program and from a
14 sexual assault program serving the county in which the court is
15 located. The community resource list must include the names,
16 telephone numbers, and, as available, website links of domestic
17 violence programs, sexual assault programs, and elder abuse programs
18 serving the community in which the court is located, including law
19 enforcement agencies, domestic violence agencies, sexual assault
20 agencies, civil legal aid programs, elder abuse programs,
21 interpreters, multicultural programs, and batterers' treatment
22 programs. The list must be made available in print and online.

23 (b) The court clerk may create a community resource list of
24 crisis intervention, behavioral health, interpreter, counseling, and
25 other relevant resources serving the county in which the court is
26 located. The clerk may also create a community resource list for
27 respondents to include suicide prevention, treatment options, and
28 resources for when children are involved in protection order cases.
29 Any list (~~shall~~) must be made available in print and online.

30 (c) Courts may make the community resource lists specified in (a)
31 and (b) of this subsection available as part of, or in addition to,
32 the informational brochures described in subsection (1) of this
33 section, and should (~~translate~~) accept from the programs that
34 provided the resource lists translations of them into the languages
35 spoken by the county's top five significant non-English-speaking
36 populations.

37 (3) Court clerks should not make an assessment of the merits of a
38 petitioner's petition for a protection order or refuse to accept for
39 filing any petition that meets the basic procedural requirements.

1 **Sec. 9.** RCW 7.105.150 and 2021 c 215 s 18 are each amended to
2 read as follows:

3 (1) To minimize delays and the need for more hearings, which can
4 hinder access to justice and undermine judicial economy, to lessen
5 costs, to guarantee actual notice to the respondent, and to simplify
6 and modernize processes for petitioners, respondents, law
7 enforcement, and the courts, the following methods of service are
8 authorized for protection order proceedings, including petitions,
9 temporary protection orders, reissuances of temporary protection
10 orders, full protection orders, motions to renew protection orders,
11 and motions to modify or terminate protection orders.

12 (a) ~~((Personal))~~ (i) Except as provided in (a)(iii) and (b)(i) of
13 this subsection, personal service, consistent with court rules for
14 civil proceedings, ~~((must be made by law enforcement to mitigate~~
15 risks, increase safety, and ensure swift recovery of firearms in
16 eases)) is required in: (A) Cases requiring the surrender of
17 firearms, such as extreme risk protection orders and protection
18 orders with orders to surrender and prohibit weapons; (B) cases that
19 involve transferring the custody of a child or children from the
20 respondent to the petitioner; ~~((or))~~ (C) cases involving vacating the
21 respondent from the parties' shared residence~~((Personal service~~
22 should also be used in)); (D) cases involving a respondent who is
23 incarcerated; and (E) cases where a petition for a vulnerable adult
24 protection order is filed by someone other than the vulnerable adult.

25 (ii) Personal service in cases specified in (a)(i)(A) through (D)
26 of this subsection must be made by law enforcement including, at a
27 minimum, two timely attempts at personal service. To reduce risk of
28 harm for cases requiring personal service, law enforcement should
29 continue to attempt personal service up to the hearing date. Personal
30 service for cases specified in (a)(i)(E) of this subsection and when
31 used for other protection order cases must ~~((otherwise))~~ be made by
32 law enforcement unless the petitioner elects to have the respondent
33 served by a third party who is not a party to the action ~~((and))~~, is
34 ~~((over))~~ 18 years of age or older and competent to be a witness, and
35 can provide sworn proof of service to the court as required.

36 (iii) In cases where personal service is required under this
37 subsection, after two unsuccessful attempts at personal service,
38 service shall be permitted by electronic means in accordance with (b)
39 of this subsection.

1 (b) (i) Service by electronic means, including service by email,
2 text message, social media applications, or other technologies, must
3 be prioritized for all orders at the time of the issuance of
4 temporary protection orders, ~~((with the exception of the following~~
5 ~~cases, for which personal service must be prioritized: (A) Cases~~
6 ~~requiring the surrender of firearms, such as extreme risk protection~~
7 ~~orders and protection orders with orders to surrender weapons; (B)~~
8 ~~cases that involve transferring the custody of a child or children~~
9 ~~from the respondent to the petitioner; (C) cases involving vacating~~
10 ~~the respondent from the parties' shared residence; or (D) cases~~
11 ~~involving a respondent who is incarcerated)) except in cases where~~
12 personal service is required under (a) of this subsection. ((Onee))
13 For cases specified in (a) (i) (A) through (D) of this subsection, once
14 firearms and concealed pistol licenses have been surrendered and
15 verified by the court, or there is evidence the respondent does not
16 possess firearms, the restrained party has been vacated from the
17 shared residence, or the custody of the child or children has been
18 transferred, per court order, or the respondent is no longer
19 incarcerated, then subsequent motions and orders may be served
20 electronically.

21 (ii) Service by electronic means must be ~~((effected))~~ made by a
22 law enforcement agency, unless the petitioner elects to have the
23 respondent served by any person who is not a party to the action, is
24 ~~((over))~~ 18 years of age or older and competent to be a witness, and
25 can provide sworn proof of service to the court as required. Court
26 authorization permitting electronic service is not required except in
27 cases specified in (a) (i) (A) through (D) of this subsection. In those
28 cases, either request of the petitioner, or good cause for granting
29 an order for electronic service, such as two failed attempts at
30 personal service, are required to authorize service by electronic
31 means. No formal motion is necessary.

32 (iii) The respondent's email address, number for text messaging,
33 and username or other identification on social media applications and
34 other technologies, if known or available, must be provided by the
35 petitioner to law enforcement in the confidential information form,
36 and attested to by the petitioner as being the legitimate, current,
37 or last known contact information for the respondent.

38 (iv) Electronic service must be effected by transmitting copies
39 of the petition and any supporting materials filed with the petition,
40 notice of hearing, and any orders, or relevant materials for motions,

1 to the respondent at the respondent's electronic address or the
2 respondent's electronic account associated with email, text
3 messaging, social media applications, or other technologies.
4 Verification of (~~receipt~~) notice is required and may be
5 accomplished through read-receipt mechanisms, a response, a sworn
6 statement from the person who effected service verifying transmission
7 and any follow-up communications such as email or telephone contact
8 used to further verify, or an appearance by the respondent at a
9 hearing. Sworn proof of service must be filed with the court by the
10 person who effected service. (~~Service by electronic means is
11 complete upon transmission when made prior to 5:00 p.m. on a judicial
12 day. Service made on a Saturday, Sunday, legal holiday, or after 5:00
13 p.m. on any other day shall be deemed complete at 9:00 a.m. on the
14 first judicial day thereafter.~~)

15 (c) Service by mail is permitted when: (i) Personal service was
16 required, there have been two unsuccessful attempts at personal
17 service, and electronic service is not possible(~~(, and there have~~
18 ~~been two unsuccessful attempts at personal service or when the~~
19 ~~petitioner requests it in lieu of electronic service or personal~~
20 ~~service where personal service is not otherwise required)); or (ii)
21 personal service is not required and there have been two unsuccessful
22 attempts at personal or electronic service. If electronic service and
23 personal service are not successful, the court shall affirmatively
24 order service by mail without requiring additional motions to be
25 filed by the petitioner. Service by mail must be made by any person
26 who is not a party to the action and is (~~over~~) 18 years of age or
27 older and competent to be a witness, by mailing copies of the
28 materials to be served to the party to be served at the party's last
29 known address or any other address determined by the court to be
30 appropriate. Two copies must be mailed, postage prepaid, one by
31 ordinary first-class mail and the other by a form of mail requiring a
32 tracking or certified information showing when and where it was
33 delivered. The envelopes must bear the return address (~~of the~~
34 ~~sender~~) where the petitioner may receive legal mail. Service is
35 complete (~~upon~~) 10 calendar days after the mailing of two copies as
36 prescribed in this section. Where service by mail is provided by a
37 third party, the clerk shall forward proof of service by mail to the
38 law enforcement agency in the county or municipality where the
39 respondent resides.~~

1 (d) Service by publication is permitted only in those cases where
2 all other means of service have been unsuccessful or are not possible
3 due to lack of any known physical or electronic address of the
4 respondent. Publication must be made in a newspaper of general
5 circulation in the county where the petition was brought and in the
6 county of the last known address of the respondent once a week for
7 three consecutive weeks. The newspaper selected must be one of the
8 three most widely circulated papers in the county. The publication of
9 summons must not be made until the court orders service by
10 publication under this section. Service of the summons is considered
11 complete on the date of the third publication when ((the))
12 publication has been made for three consecutive weeks. The summons
13 must be signed by the petitioner. The summons must contain the date
14 of the first publication, and shall require the respondent upon whom
15 service by publication is desired to appear and answer the petition
16 on the date set for the hearing. The summons must also contain a
17 brief statement of the reason for the petition and a summary of the
18 provisions under the temporary protection order. The summons must be
19 essentially in the following form:

20 In the court of the state of Washington
21 for the county of
22, Petitioner
23 vs. No.
24, Respondent

25 The state of Washington to
26 (respondent):

27 You are hereby summoned to appear on the
28 day of, (year), at a.m./p.m., and
29 respond to the petition. If you fail to respond, a
30 protection order will be issued against you pursuant to
31 the provisions of chapter 7.105 RCW, for a minimum of
32 one year from the date you are required to appear. A
33 temporary protection order has been issued against you,
34 restraining you from the following: (Insert a brief
35 statement of the provisions of the temporary protection
36 order). A copy of the petition, notice of hearing, and
37 temporary protection order has been filed with the clerk
38 of this court.

.....

Petitioner.....

(2) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the

1 respondent resides, or the department of children, youth, and
2 families in the case where the respondent is the subject of a
3 dependency or court approved out-of-home placement. A minor
4 respondent shall not be served at the minor respondent's school
5 unless no other address for service is known.

6 (c) For extreme risk protection orders, the court shall also
7 provide a parent, guardian, or conservator of the respondent with
8 written notice of the legal obligation to safely secure any firearm
9 on the premises and the potential for criminal prosecution if a
10 prohibited person were to obtain access to any firearm. This notice
11 may be provided at the time the parent, guardian, or conservator of
12 the respondent appears in court or may be served along with a copy of
13 the order, whichever occurs first.

14 (6) When a petition for a vulnerable adult protection order is
15 filed by someone other than the vulnerable adult, notice of the
16 petition and hearing must be personally served upon the vulnerable
17 adult. In addition to copies of all pleadings filed by the
18 petitioner, the petitioner shall provide a written notice to the
19 vulnerable adult using a standard notice form developed by the
20 administrative office of the courts. The standard notice form must be
21 designed to explain to the vulnerable adult in clear, plain language
22 the purpose and nature of the petition and that the vulnerable adult
23 has the right to participate in the hearing and to either support or
24 object to the petition.

25 (7) The court shall not dismiss, over the objection of a
26 petitioner, a petition for a protection order or a motion to renew a
27 protection order based on the inability of law enforcement or the
28 petitioner to serve the respondent, unless the court determines that
29 all available methods of service have been attempted unsuccessfully
30 or are not possible.

31 **Sec. 10.** RCW 7.105.155 and 2021 c 215 s 19 are each amended to
32 read as follows:

33 When service is to be completed under this chapter by a law
34 enforcement officer:

35 (1) The clerk of the court shall have a copy of any order issued
36 under this chapter, the confidential information form, as well as the
37 petition for a protection order and any supporting materials,
38 electronically forwarded on or before the next judicial day to the
39 law enforcement agency in the county or municipality where the

1 respondent resides, as specified in the order, for service upon the
2 respondent. If the respondent has moved from that county or
3 municipality and personal service is not required, the law
4 enforcement agency specified in the order may serve the order;

5 (2) Service of an order issued under this chapter must take
6 precedence over the service of other documents by law enforcement
7 unless they are of a similar emergency nature;

8 (3) Where personal service is required, the first attempt at
9 service must occur within 24 hours of receiving the order from the
10 court whenever practicable, but not more than five days after
11 receiving the order. If the first attempt is not successful, no fewer
12 than two additional attempts should be made to serve the order,
13 particularly for respondents who present heightened risk of lethality
14 or other risk of physical harm to the petitioner or petitioner's
15 family or household members. ~~((Law enforcement shall document all))~~
16 All attempts at service must be documented on a ~~((return))~~ proof of
17 service form and ~~((submit it))~~ submitted to the court in a timely
18 manner;

19 (4) If service cannot be completed within 10 calendar days, the
20 law enforcement officer shall notify the petitioner. The petitioner
21 shall provide information sufficient to permit notification. Law
22 enforcement shall continue to attempt to complete service unless
23 otherwise directed by the court. In the event that the petitioner
24 does not provide a service address for the respondent or there is
25 evidence that the respondent is evading service, the law enforcement
26 officer shall use law enforcement databases to assist in locating the
27 respondent;

28 (5) If the respondent is in a protected person's presence at the
29 time of contact for service, the law enforcement officer should take
30 reasonable steps to separate the parties when possible prior to
31 completing the service or inquiring about or collecting firearms.
32 When the order requires the respondent to vacate the parties' shared
33 residence, law enforcement shall take reasonable steps to ensure that
34 the respondent has left the premises and is on notice that his or her
35 return is a violation of the terms of the order. The law enforcement
36 officer shall provide the respondent with copies of all forms with
37 the exception of the ~~((law enforcement information sheet))~~
38 confidential information form completed by the protected party and
39 the ~~((return))~~ proof of service form;

1 (6) Any law enforcement officer who serves a protection order on
2 a respondent with the knowledge that the respondent requires special
3 assistance due to a disability, brain injury, or impairment shall
4 make a reasonable effort to accommodate the needs of the respondent
5 to the extent practicable without compromise to the safety of the
6 petitioner;

7 (7) Proof of service must be submitted to the court on the
8 (~~return~~) proof of service form. The form must include the date and
9 time of service and each document that was served in order for the
10 service to be complete, along with any details such as conduct at the
11 time of service, threats, or avoidance of service, as well as
12 statements regarding possession of firearms, including any denials of
13 ownership despite positive purchase history, active concealed pistol
14 license, or sworn statements in the petition that allege the
15 respondent's access to, or possession of, firearms; or

16 (8) If attempts at service were not successful, the (~~return~~)
17 proof of service form or the form letter showing that the order was
18 not served, and stating the reason it was not served, must be
19 returned to the court by the next judicial day following the last
20 unsuccessful attempt at service. Each attempt at service must be
21 noted and reflected in computer aided dispatch records, with the
22 date, time, address, and reason service was not completed.

23 **Sec. 11.** RCW 7.105.165 and 2021 c 215 s 21 are each amended to
24 read as follows:

25 (~~Service~~) (1) Unless waived by the nonmoving party, service
26 must be completed on the nonmoving party not less than five judicial
27 days before the hearing date(~~, unless waived by the nonmoving~~
28 ~~party~~)). If service cannot be made, the court shall set a new hearing
29 date and shall either require an additional attempt at obtaining
30 service or permit service by other means authorized in this chapter.
31 The court shall not require more than two attempts at obtaining
32 service before permitting service by other means authorized in this
33 chapter unless the moving party requests additional time to attempt
34 service.

35 (2) Service is completed on the day the respondent is served
36 personally, on the date of transmission for electronic service, on
37 the 10th calendar day after mailing for service by mail, or on the
38 date of the third publication when publication has been made for
39 three consecutive weeks for service by publication.

1 (3) If the nonmoving party was served before the hearing, but
2 less than five judicial days before the hearing, it is not necessary
3 to re-serve materials that the nonmoving party already received, but
4 any new notice of hearing and reissued order must be served on the
5 nonmoving party. (~~The court shall not require more than two attempts~~
6 ~~at obtaining service before permitting service by other means~~
7 ~~authorized in this chapter unless the moving party requests~~
8 ~~additional time to attempt service. If the court permits service by~~
9 ~~mail or by publication, the court shall set the hearing date not~~
10 ~~later than 24 days from the date of the order authorizing such~~
11 ~~service.)) This additional service may be made by mail as an
12 alternative to other authorized methods of service under this
13 chapter. If done by mail, this additional service is considered
14 completed on the third calendar day after mailing.~~

15 (4) Where electronic service was not complete because there was
16 no verification of notice, and service by mail or publication has
17 been authorized, copies must also be sent by electronic means to any
18 known electronic addresses.

19 **Sec. 12.** RCW 7.105.200 and 2021 c 215 s 24 are each amended to
20 read as follows:

21 In hearings under this chapter, the following apply:

22 (1) Hearings under this chapter are special proceedings. The
23 procedures established under this chapter for protection order
24 hearings supersede inconsistent civil court rules. Courts should
25 evaluate the needs and procedures best suited to individual hearings
26 based on consideration of the totality of the circumstances,
27 including disparities that may be apparent in the parties' resources
28 and representation by counsel.

29 (2) (a) Courts shall prioritize hearings on petitions for ex parte
30 temporary protection orders over less emergent proceedings.

31 (b) For extreme risk protection order hearings where a law
32 enforcement agency is the petitioner, the court shall prioritize
33 scheduling because of the importance of immediate temporary removal
34 of firearms in situations of extreme risk and the goal of minimizing
35 the time law enforcement must otherwise wait for a particular case to
36 be called, which can hinder their other patrol and supervisory
37 duties. Courts also may allow a law enforcement petitioner to
38 participate (~~(telephonically)~~) remotely, or allow another
39 representative from that law enforcement agency or the prosecutor's

1 office to present the information to the court if personal presence
2 of the petitioning officer is not required for testimonial purposes.

3 ~~(3) ((A hearing on a petition for a protection order must be set
4 by the court even if the court has denied a request for a temporary
5 protection order in the proceeding where the petition is not
6 dismissed or continued pursuant to subsection (11) of this section.~~

7 ~~(4))~~ If the respondent does not appear ~~((, or the petitioner
8 informs the court that the respondent has not been served at least
9 five judicial days before the hearing date and the petitioner desires
10 to pursue service, or the parties have informed the court of an
11 agreed date of continuance for the hearing,))~~ for the full hearing
12 and there is no proof of timely and proper service on the respondent,
13 the court shall reissue any temporary protection order previously
14 issued ~~((, cancel the scheduled hearing,))~~ and reset the hearing date.
15 If a temporary protection order is reissued, the court shall reset
16 the hearing date not later than 14 days from the reissue date. If a
17 temporary protection order is reissued and the court permits service
18 by mail or by publication, the court shall reset the hearing date not
19 later than 30 days from the date of the order authorizing such
20 service. These time frames may be extended for good cause.

21 ~~((5))~~ (4) When considering any request to stay, continue, or
22 delay a hearing under this chapter because of the pendency of a
23 parallel criminal investigation or prosecution of the respondent,
24 courts shall apply a rebuttable presumption against such delay and
25 give due recognition to the purpose of this chapter to provide
26 victims quick and effective relief. Courts must consider on the
27 record the following factors:

28 (a) The extent to which a defendant's Fifth Amendment rights are
29 or are not implicated, given the special nature of protection order
30 proceedings, which burden a defendant's Fifth Amendment privilege
31 substantially less than do other civil proceedings;

32 (b) Similarities between the civil and criminal cases;

33 (c) Status of the criminal case;

34 (d) The interests of the petitioners in proceeding expeditiously
35 with litigation and the potential prejudice and risk to petitioners
36 of a delay;

37 (e) The burden that any particular aspect of the proceeding may
38 impose on respondents;

39 (f) The convenience of the court in the management of its cases
40 and the efficient use of judicial resources;

1 (g) The interests of persons not parties to the civil litigation;
2 and

3 (h) The interest of the public in the pending civil and criminal
4 litigation.

5 ~~((+6))~~ (5) Hearings ((must)) may be conducted upon ((live
6 ~~testimony of the parties and sworn declarations))~~ the information
7 provided in the sworn petition, live testimony of the parties should
8 they choose to testify, and any additional sworn declarations. Live
9 testimony of witnesses other than the parties may be requested by a
10 party, but shall not be permitted unless the court finds that live
11 testimony of witnesses other than the parties is necessary and
12 material. If either party requests a continuance to allow for proper
13 notice of witnesses or to afford a party time to seek counsel, the
14 court ~~((should))~~ may continue the hearing. In considering the
15 request, the court should consider the rebuttable presumption against
16 delay and the purpose of this chapter to provide victims quick and
17 effective relief.

18 (6) If the court continues ((the)) a hearing for any reason, the
19 court shall reissue any temporary orders, including orders to
20 surrender and prohibit weapons, issued with or without notice.

21 (7) Prehearing discovery under the civil court rules, including,
22 but not limited to, depositions, requests for production, or requests
23 for admission, is disfavored and only permitted if specifically
24 authorized by the court for good cause shown upon written motion of a
25 party filed six judicial days prior to the hearing and served prior
26 to the hearing.

27 (8) The rules of evidence need not be applied, other than with
28 respect to privileges, the requirements of the rape shield statute
29 under RCW 9A.44.020, and evidence rules 412 and 413.

30 (9)(a) The prior sexual activity or the reputation of the
31 petitioner is inadmissible except:

32 (i) As evidence concerning the past sexual conduct of the
33 petitioner with the respondent when this evidence is offered by the
34 respondent upon the issue of whether the petitioner consented to the
35 sexual conduct alleged for the purpose of a protection order; or

36 (ii) When constitutionally required to be admitted.

37 (b) To determine admissibility, a written motion must be made six
38 judicial days prior to the protection order hearing. The motion must
39 include an offer of proof of the relevancy of the proposed evidence
40 and reasonably specific information as to the date, time, and place

1 of the past sexual conduct between the petitioner and the respondent.
2 If the court finds that the offer of proof is relevant to the issue
3 of the victim's consent, the court shall conduct a hearing in camera.
4 The court may not admit evidence under this subsection unless it
5 determines at the hearing that the evidence is relevant and the
6 probative value of the evidence outweighs the danger of unfair
7 prejudice. The evidence shall be admissible at the hearing to the
8 extent an order made by the court specifies the evidence that may be
9 admitted. If the court finds that the motion and related documents
10 should be sealed pursuant to court rule and governing law, it may
11 enter an order sealing the documents.

12 (10) When a petitioner has alleged incapacity to consent to
13 sexual conduct or sexual penetration due to intoxicants, alcohol, or
14 other condition, the court must determine on the record whether the
15 petitioner had the capacity to consent.

16 ~~(11) ((If, prior to a full hearing, the court finds that the
17 petition for a protection order does not contain sufficient
18 allegations as a matter of law to support the issuance of a
19 protection order, the court shall permit the petitioner 14 days to
20 prepare and file an amended petition, provided the petitioner states
21 an intent to do so and the court does not find that amendment would
22 be futile. If the amended petition is not filed within 14 days, the
23 case must be administratively dismissed by the clerk's office.~~

24 ~~(12))~~ Courts shall not require parties to submit duplicate or
25 working copies of pleadings or other materials filed with the court,
26 unless the document or documents cannot be scanned or are illegible.

27 ~~((13))~~ (12) Courts shall, if possible, have petitioners and
28 respondents in protection order proceedings gather in separate
29 locations and enter and depart the court room at staggered times.
30 Where the option is available, for safety purposes, the court should
31 arrange for petitioners to leave the court premises first and to have
32 court security escort petitioners to their vehicles or
33 transportation.

34 **Sec. 13.** RCW 7.105.205 and 2021 c 215 s 25 are each amended to
35 read as follows:

36 (1) Hearings on protection orders, including hearings concerning
37 temporary protection orders, full protection orders, compliance,
38 reissuance, renewal, modification, or termination, may be conducted
39 in person or remotely in order to enhance access for all parties.

1 (2) In the court's discretion, parties (~~and~~), witnesses, and
2 others authorized by this chapter to participate in protection order
3 proceedings may attend a hearing on a petition for a protection
4 order, or any hearings conducted pursuant to this chapter, in person
5 or remotely, including by telephone, video, or other electronic means
6 where possible. No later than three judicial days before the hearing,
7 the parties may request to appear at the hearing, with witnesses,
8 remotely by telephone, video, or other electronic means. The court
9 shall grant any request for a remote appearance unless the court
10 finds good cause to require in-person attendance or attendance
11 through a specific means.

12 (3) Courts shall require assurances of the identity of persons
13 who appear by telephone, video, or other electronic means. Courts may
14 not charge fees for remote appearances.

15 (4) Courts shall not post or stream proceedings or recordings of
16 protection order hearings online unless (a) a waiver has been
17 received from all parties, or (b) the hearing is being conducted
18 online and members of the public do not have in-person access to
19 observe or listen to the hearing. Unless the court orders a hearing
20 to be closed to the public consistent with the requirements of
21 Washington law, courts should provide access to members of the public
22 who wish to observe or listen to a hearing conducted by telephone,
23 video, or other electronic means.

24 (5) If a hearing is held with any parties or witnesses appearing
25 remotely, the following apply:

26 (a) Courts should include directions to access a hearing remotely
27 in the order setting the hearing and in any order granting a party's
28 request for a remote appearance. Such orders shall also include
29 directions to request an interpreter and accommodations for
30 disabilities;

31 (b) Courts should endeavor to give a party or witness appearing
32 by telephone no more than a one-hour waiting time by the court for
33 the hearing to begin. For remote hearings, if the court anticipates
34 the parties or witnesses will need to wait longer than one hour to be
35 called or connected, the court should endeavor to inform them of the
36 estimated start time of the hearing;

37 (c) Courts should inform the parties before the hearing begins
38 that the hearing is being recorded by the court, in what manner the
39 public is able to view the hearing, how a party may obtain a copy of
40 the recording of the hearing, and that recording or broadcasting any

1 portion of the hearing by any means other than the court record is
2 strictly prohibited without prior court approval;

3 (d) To minimize trauma, while allowing remote hearings to be
4 observed by the public, courts should take appropriate measures to
5 prevent members of the public or the parties from harassing or
6 intimidating any party or witness to a case. Such practices may
7 include, but are not limited to, disallowing members of the public
8 from communicating with the parties or with the court during the
9 hearing, ensuring court controls over microphone and viewing
10 settings, and announcing limitations on allowing others to record the
11 hearing;

12 (e) Courts shall use technology that accommodates American sign
13 language and other languages;

14 (f) To help ensure that remote access does not undermine personal
15 safety or privacy, or introduce other risks, courts should protect
16 the privacy of telephone numbers, emails, and other contact
17 information for parties ~~((and))~~, witnesses, and others authorized by
18 this chapter to participate in protection order proceedings, and
19 inform ~~((parties and witnesses))~~ them of these safety considerations.
20 Materials available to ~~((parties and witnesses))~~ persons appearing
21 remotely should include warnings not to state their addresses or
22 telephone numbers at the hearing, and that they ~~((may use virtual~~
23 ~~backgrounds to help ensure that their backgrounds do not reveal their~~
24 ~~location))~~ should ensure that background surroundings do not reveal
25 their location;

26 (g) Courts should provide the parties, in orders setting the
27 hearing, with a telephone number and an email address for the court,
28 which the parties may use to inform the court if they have been
29 unable to appear remotely for a hearing. Before dismissing or
30 granting a petition due to the petitioner or respondent not appearing
31 for a remote hearing, or the court not being able to reach the party
32 via telephone or video, the court shall check for any notifications
33 to the court regarding issues with remote access or other
34 technological difficulties. If any party has provided such
35 notification to the court, the court shall not dismiss or grant the
36 petition, but shall reset the hearing by continuing it and reissuing
37 any temporary order in place. If a party was unable to provide the
38 notification regarding issues with remote access or other
39 technological difficulties on the day of the hearing prior to the

1 court's ruling, that party may seek relief via a motion for
2 reconsideration; and

3 (h) A party attending a hearing remotely who is unable to
4 participate in the hearing outside the presence of others who reside
5 with the party, but who are not part of the proceeding including, but
6 not limited to, children, and who asserts that the presence of those
7 individuals may hinder the party's testimony or the party's ability
8 to fully and meaningfully participate in the hearing, may request(~~(7~~
9 ~~and shall be granted, one)) a continuance on that basis.
10 ((Subsequent)) Such requests may be granted in the court's
11 discretion. In considering the request, the court may consider the
12 rebuttable presumption against delay and the purpose of this chapter
13 to provide victims quick and effective relief.~~

14 **Sec. 14.** RCW 7.105.250 and 2021 c 215 s 34 are each amended to
15 read as follows:

16 (1) Whether or not the petitioner has retained an attorney, a
17 sexual assault or domestic violence advocate, as defined in RCW
18 5.60.060, shall be allowed to accompany the petitioner, or appear
19 remotely with the petitioner, and confer with the petitioner during
20 court proceedings. The sexual assault or domestic violence advocate
21 shall not provide legal representation nor interpretation services.
22 Court administrators shall allow sexual assault and domestic violence
23 advocates to assist petitioners with their protection orders. Sexual
24 assault and domestic violence advocates are not engaged in the
25 unauthorized practice of law when providing assistance of the types
26 specified in this section. Unless the sexual assault or domestic
27 violence advocate seeks to speak directly to the court, advocates
28 shall not be required to be identified on the record beyond stating
29 their role as a sexual assault or domestic violence advocate and
30 identifying the program for which they work or volunteer for.
31 Communications between the petitioner and a sexual assault and
32 domestic violence advocate are protected as provided by RCW 5.60.060.

33 (2) Whether or not the petitioner has retained an attorney, a
34 protection order advocate must be allowed to accompany the petitioner
35 to any legal proceeding including, but not limited to, sitting or
36 standing next to the petitioner, appearing remotely with the
37 petitioner, and conferring with the petitioner during court
38 proceedings, or addressing the court when invited to do so.

1 (a) For purposes of this section, "protection order advocate"
2 means any employee or volunteer from a program that provides, as some
3 part of its services, information, advocacy, counseling, or support
4 to persons seeking protection orders.

5 (b) The protection order advocate shall not provide legal
6 representation nor interpretation services.

7 (c) Unless a protection order advocate seeks to speak directly to
8 the court, protection order advocates shall not be required to be
9 identified on the record beyond stating his or her role as a
10 protection order advocate and identifying the program for which he or
11 she works or volunteers.

12 (d) A protection order advocate who is not employed by, or under
13 the direct supervision of, a law enforcement agency, a prosecutor's
14 office, the child protective services section of the department of
15 children, youth, and families as defined in RCW 26.44.020, or other
16 governmental entity, has the same privileges, rights, and
17 responsibilities as a sexual assault advocate and domestic violence
18 advocate under RCW 5.60.060.

19 (3) Whether or not the petitioner has retained an attorney(~~(, if~~
20 ~~a petitioner does not have))~~ or has an advocate, the petitioner shall
21 be allowed a support person to accompany the petitioner to any legal
22 proceeding including, but not limited to, sitting or standing next to
23 the petitioner, appearing remotely with the petitioner, and
24 conferring with the petitioner during court proceedings. The support
25 person may be any third party of the petitioner's choosing, provided
26 that:

27 (a) The support person shall not provide legal representation nor
28 interpretation services; and

29 (b) A support person who is not employed by, or under the direct
30 supervision of, a law enforcement agency, a prosecutor's office, the
31 child protective services section of the department of children,
32 youth, and families as defined in RCW 26.44.020, or other government
33 entity, may not, without the consent of the petitioner, be examined
34 as to any communication between the petitioner and the support person
35 regarding the petition.

36 **Sec. 15.** RCW 7.105.255 and 2021 c 215 s 35 are each amended to
37 read as follows:

38 To help ensure familiarity with the unique nature of protection
39 order proceedings, and an understanding of trauma-informed practices

1 and best practices in the use of new technologies for remote
2 hearings, judicial officers, including persons who serve as judicial
3 officers pro tempore, should receive evidence-based training on
4 procedural justice, trauma-informed practices, gender-based violence
5 dynamics, coercive control, elder abuse, juvenile sex offending, teen
6 dating violence, and requirements for the surrender of weapons before
7 presiding over protection order hearings. Trainings should be
8 provided on an ongoing basis as best practices, research on trauma,
9 and legislation continue to evolve. As a method of continuous
10 training, court commissioners, including pro tempore commissioners,
11 shall be notified by the presiding judge or court administrator upon
12 revision of any decision made under this chapter.

13 **Sec. 16.** RCW 7.105.305 and 2021 c 215 s 38 are each amended to
14 read as follows:

15 (1) Where it appears from the petition and any additional
16 evidence that the respondent has engaged in conduct against the
17 petitioner that serves as a basis for a protection order under this
18 chapter, and (~~the petitioner alleges~~) that serious immediate harm
19 or irreparable injury could result if an order is not issued
20 immediately without prior notice to the respondent, the court may
21 grant an ex parte temporary protection order, pending a full hearing.
22 The court has broad discretion to grant such relief as the court
23 deems proper, including the forms of relief listed in RCW 7.105.310,
24 provided that the court shall not order a form of relief listed in
25 RCW 7.105.310 if it would not be feasible or appropriate for the
26 respondent to comply with such a requirement before a full hearing
27 may be held on the petition for a protection order. If the court does
28 not order all the relief requested by the petitioner in an ex parte
29 temporary protection order, the court shall still consider ordering
30 such relief at the full hearing on the petition for a protection
31 order. In issuing the order, the court shall consider the provisions
32 of RCW 9.41.800, and order the respondent to surrender, and prohibit
33 the respondent from accessing, having in his or her custody or
34 control, possessing, purchasing, attempting to purchase or receive,
35 or receiving, all firearms, dangerous weapons, and any concealed
36 pistol license, as required in RCW 9.41.800.

37 (2) Any order issued under this section must contain the date,
38 time of issuance, and expiration date.

1 (3) The court may issue an ex parte temporary protection order on
2 the petition with or without a hearing. If an ex parte temporary
3 protection order is denied, the court shall still set a full hearing
4 unless the court determines the petition does not contain prima facie
5 allegations to support the issuance of any type of protection order.
6 If the court declines to issue an ex parte temporary protection order
7 as requested or declines to set a hearing, the court shall state the
8 ~~((particular))~~ reasons ~~((for the court's denial))~~ in writing. The
9 court's denial of a motion for an ex parte temporary protection order
10 shall be filed with the court. ~~((If an ex parte temporary protection~~
11 ~~order is denied, the court shall still set a full hearing on the~~
12 ~~petition for a protection order.))~~

13 (4) If a full hearing is set on a petition that is filed before
14 close of business on a judicial day, the hearing must be set not
15 later than 14 days from the date of the filing of the petition. If a
16 full hearing is set on a petition that is submitted after close of
17 business on a judicial day or is submitted on a nonjudicial day, the
18 hearing must be set not later than 14 days from the first judicial
19 day after the petition is filed, which may be extended for good
20 cause.

21 (5) If the court does not set a full hearing, the petitioner may
22 file an amended petition within 14 days of the court's denial. If the
23 court determines the amended petition does not contain prima facie
24 allegations to support the issuance of any type of protection order
25 or if the petitioner fails to file an amended petition within the
26 required time, the court may enter an order dismissing the petition.

27 (6) A petitioner may not obtain an ex parte temporary
28 antiharassment protection order against a respondent if the
29 petitioner has previously obtained two such ex parte orders against
30 the same respondent, but has failed to obtain the issuance of a civil
31 antiharassment protection order, unless good cause for such failure
32 can be shown.

33 **Sec. 17.** RCW 7.105.310 and 2021 c 215 s 39 are each amended to
34 read as follows:

35 (1) In issuing any type of protection order, other than an ex
36 parte temporary antiharassment protection order as limited by
37 subsection (2) of this section, and other than an extreme risk
38 protection order, the court shall have broad discretion to grant such

1 relief as the court deems proper, including an order that provides
2 relief as follows:

3 (a) Restrain the respondent from committing any of the following
4 acts against the petitioner and other persons protected by the order:
5 Domestic violence; nonconsensual sexual conduct or nonconsensual
6 sexual penetration; sexual abuse; stalking; acts of abandonment,
7 abuse, neglect, or financial exploitation against a vulnerable adult;
8 and unlawful harassment;

9 (b) Restrain the respondent from making any attempts to have
10 contact, including nonphysical contact, with the petitioner or the
11 petitioner's family or household members who are minors or other
12 members of the petitioner's household, either directly, indirectly,
13 or through third parties regardless of whether those third parties
14 know of the order;

15 (c) Exclude the respondent from the (~~dwelling~~) residence that
16 the parties share;

17 (d) Exclude the respondent from the residence, workplace, or
18 school of the petitioner; or from the day care or school of a minor
19 child;

20 (~~(d)~~) (e) Restrain the respondent from knowingly coming within,
21 or knowingly remaining within, a specified distance from a specified
22 location including, but not limited to, a residence, school, day
23 care, workplace, the protected party's person, and the protected
24 party's vehicle. The specified distance shall presumptively be at
25 least 1,000 feet, unless the court for good cause finds that a
26 shorter specified distance is appropriate;

27 (~~(e)~~) (f) If the parties have children in common, make
28 residential provisions with regard to their minor children on the
29 same basis as is provided in chapter 26.09 RCW. However, parenting
30 plans as specified in chapter 26.09 RCW must not be required under
31 this chapter. The court may not delay or defer relief under this
32 chapter on the grounds that the parties could seek a parenting plan
33 or modification to a parenting plan in a different action. A
34 protection order must not be denied on the grounds that the parties
35 have an existing parenting plan in effect. A protection order may
36 suspend the respondent's contact with the parties' children under an
37 existing parenting plan, subject to further orders in a family law
38 proceeding;

39 (~~(f)~~) (g) Order the respondent to participate in a state-
40 certified domestic violence perpetrator treatment program approved

1 under RCW 43.20A.735 or a state-certified sex offender treatment
2 program approved under RCW 18.155.070;

3 ~~((g))~~ (h) Order the respondent to obtain a mental health or
4 chemical dependency evaluation. If the court determines that a mental
5 health evaluation is necessary, the court shall clearly document the
6 reason for this determination and provide a specific question or
7 questions to be answered by the mental health professional. The court
8 shall consider the ability of the respondent to pay for an
9 evaluation. Minors are presumed to be unable to pay. The parent or
10 legal guardian is responsible for costs unless the parent or legal
11 guardian demonstrates inability to pay;

12 ~~((h))~~ (i) In cases where the petitioner and the respondent are
13 students who attend the same public or private elementary, middle, or
14 high school, the court, when issuing a protection order and providing
15 relief, shall consider, among the other facts of the case, the
16 severity of the act, any continuing physical danger, emotional
17 distress, or educational disruption to the petitioner, and the
18 financial difficulty and educational disruption that would be caused
19 by a transfer of the respondent to another school. The court may
20 order that the respondent not attend the public or private
21 elementary, middle, or high school attended by the petitioner. If a
22 minor respondent is prohibited attendance at the minor's assigned
23 public school, the school district must provide the student
24 comparable educational services in another setting. In such a case,
25 the district shall provide transportation at no cost to the
26 respondent if the respondent's parent or legal guardian is unable to
27 pay for transportation. The district shall put in place any needed
28 supports to ensure successful transition to the new school
29 environment. The court shall send notice of the restriction on
30 attending the same school as the petitioner to the public or private
31 school the respondent will attend and to the school the petitioner
32 attends;

33 ~~((i))~~ (j) Require the respondent to pay the administrative
34 court costs and service fees, as established by the county or
35 municipality incurring the expense, and to reimburse the petitioner
36 for costs incurred in bringing the action, including reasonable
37 attorneys' fees or limited license legal technician fees when such
38 fees are incurred by a person licensed and practicing in accordance
39 with state supreme court admission and practice rule 28, the limited
40 practice rule for limited license legal technicians. Minors are

1 presumed to be unable to pay. The parent or legal guardian is
2 responsible for costs unless the parent or legal guardian
3 demonstrates inability to pay;

4 ~~((j))~~ (k) Restrain the respondent from harassing, following,
5 monitoring, keeping under physical or electronic surveillance,
6 cyberstalking as defined in RCW 9.61.260, and using telephonic,
7 audiovisual, or other electronic means to monitor the actions,
8 location, or communication of the petitioner or the petitioner's
9 family or household members who are minors or other members of the
10 petitioner's household. For the purposes of this subsection,
11 "communication" includes both "wire communication" and "electronic
12 communication" as defined in RCW 9.73.260;

13 ~~((k))~~ (l) Other than for respondents who are minors, require
14 the respondent to submit to electronic monitoring. The order must
15 specify who shall provide the electronic monitoring services and the
16 terms under which the monitoring must be performed. The order also
17 may include a requirement that the respondent pay the costs of the
18 monitoring. The court shall consider the ability of the respondent to
19 pay for electronic monitoring;

20 ~~((l))~~ (m) Consider the provisions of RCW 9.41.800, and order
21 the respondent to surrender, and prohibit the respondent from
22 accessing, having in his or her custody or control, possessing,
23 purchasing, attempting to purchase or receive, or receiving, all
24 firearms, dangerous weapons, and any concealed pistol license, as
25 required in RCW 9.41.800;

26 ~~((m))~~ (n) Order possession and use of essential personal
27 effects. The court shall list the essential personal effects with
28 sufficient specificity to make it clear which property is included.
29 Personal effects may include pets. The court may order that a
30 petitioner be granted the exclusive custody or control of any pet
31 owned, possessed, leased, kept, or held by the petitioner,
32 respondent, or minor child residing with either the petitioner or
33 respondent, and may prohibit the respondent from interfering with the
34 petitioner's efforts to obtain the pet. The court may also prohibit
35 the respondent from knowingly coming within, or knowingly remaining
36 within, a specified distance of specified locations where the pet is
37 regularly found;

38 ~~((n))~~ (o) Order use of a vehicle;

39 ~~((o))~~ (p) Enter an order restricting the respondent from
40 engaging in abusive litigation as set forth in chapter 26.51 RCW or

1 in frivolous filings against the petitioner, making harassing or
2 libelous communications about the petitioner to third parties, or
3 making false reports to investigative agencies. A petitioner may
4 request this relief in the petition or by separate motion. A
5 petitioner may request this relief by separate motion at any time
6 within five years of the date the protection order is entered even if
7 the order has since expired. A stand-alone motion for an order
8 restricting abusive litigation may be brought by a party who meets
9 the requirements of chapter 26.51 RCW regardless of whether the party
10 has previously sought a protection order under this chapter, provided
11 the motion is made within five years of the date the order that made
12 a finding of domestic violence was entered. In cases where a finding
13 of domestic violence was entered pursuant to an order under chapter
14 26.09, 26.26, or 26.26A RCW, a motion for an order restricting
15 abusive litigation may be brought under the family law case or as a
16 stand-alone action filed under this chapter, when it is not
17 reasonable or practical to file under the family law case;

18 ~~((p))~~ (q) Restrain the respondent from committing acts of
19 abandonment, abuse, neglect, or financial exploitation against a
20 vulnerable adult;

21 ~~((q))~~ (r) Require an accounting by the respondent of the
22 disposition of the vulnerable adult's income or other resources;

23 ~~((r))~~ (s) Restrain the transfer of either the respondent's or
24 vulnerable adult's property, or both, for a specified period not
25 exceeding 90 days;

26 ~~((s))~~ (t) Order financial relief and restrain the transfer of
27 jointly owned assets;

28 ~~((t))~~ (u) Restrain the respondent from possessing or
29 distributing intimate images, as defined in RCW 9A.86.010, depicting
30 the petitioner including, but not limited to, requiring the
31 respondent to: Take down and delete all intimate images and
32 recordings of the petitioner in the respondent's possession or
33 control; and cease any and all disclosure of those intimate images.
34 The court may also inform the respondent that it would be appropriate
35 to ask third parties in possession or control of the intimate images
36 of this protection order to take down and delete the intimate images
37 so that the order may not inadvertently be violated; or

38 ~~((u))~~ (v) Order other relief as it deems necessary for the
39 protection of the petitioner and other family or household members
40 who are minors or vulnerable adults for whom the petitioner has

1 sought protection, including orders or directives to a law
2 enforcement officer, as allowed under this chapter.

3 (2) In an antiharassment protection order proceeding, the court
4 may grant the relief specified in subsection (1)(c), (f), and (t) of
5 this section only as part of a full antiharassment protection order.

6 (3) The court in granting a temporary antiharassment protection
7 order or a civil antiharassment protection order shall not prohibit
8 the respondent from exercising constitutionally protected free
9 speech. Nothing in this section prohibits the petitioner from
10 utilizing other civil or criminal remedies to restrain conduct or
11 communications not otherwise constitutionally protected.

12 ~~((3))~~ (4) The court shall not take any of the following actions
13 in issuing a protection order.

14 (a) The court may not order the petitioner to obtain services
15 including, but not limited to, drug testing, victim support services,
16 a mental health assessment, or a psychological evaluation.

17 ~~((The court may not order the petitioner to pay the~~
18 ~~respondent's attorneys' fees or other costs.~~

19 ~~(e))~~ The court shall not issue a full protection order to any
20 party except upon notice to the respondent and the opportunity for a
21 hearing pursuant to a petition or counter-petition filed and served
22 by the party seeking relief in accordance with this chapter. Except
23 as provided in RCW 7.105.210, the court shall not issue a temporary
24 protection order to any party unless the party has filed a petition
25 or counter-petition for a protection order seeking relief in
26 accordance with this chapter.

27 ~~((d))~~ (c) Under no circumstances shall the court deny the
28 petitioner the type of protection order sought in the petition on the
29 grounds that the court finds that a different type of protection
30 order would have a less severe impact on the respondent.

31 ~~((4))~~ (5) The order shall specify the date the order expires,
32 if any. For permanent orders, the court shall set the date to expire
33 99 years from the issuance date. The order shall also state whether
34 the court issued the protection order following personal service,
35 service by electronic means, service by mail, or service by
36 publication, and whether the court has approved service by mail or
37 publication of an order issued under this section.

38 **Sec. 18.** RCW 7.105.320 and 2021 c 215 s 41 are each amended to
39 read as follows:

1 (1) When an order is issued under this chapter upon request of
2 the petitioner, the court may order a law enforcement officer to
3 accompany the petitioner and assist in placing the petitioner in
4 possession of those items indicated in the order or to otherwise
5 assist in the execution of the order of protection. The order must
6 list all items that are to be included with sufficient specificity to
7 make it clear which property is included. Orders issued under this
8 chapter must include a designation of the appropriate law enforcement
9 agency to execute, serve, or enforce the order. Any appropriate law
10 enforcement agency should act where assistance is needed, even if the
11 agency is not specifically named in the order, including assisting
12 with the recovery of firearms as ordered.

13 (2) Upon order of a court, a law enforcement officer shall
14 accompany the petitioner and assist in placing the petitioner in
15 possession of all items listed in the order and to otherwise assist
16 in the execution of the order.

17 (3) When the respondent is ordered to vacate the residence or
18 other shared property, the respondent may be permitted by the court
19 to remove personal clothing, personal items needed during the
20 duration of the order, and any other items specified by the court,
21 while a law enforcement officer is present.

22 (4) Where orders involve surrender of firearms, dangerous
23 weapons, and concealed pistol licenses, those items must be secured
24 and accounted for in a manner that prioritizes safety and compliance
25 with court orders.

26 **Sec. 19.** RCW 7.105.340 and 2021 c 215 s 45 are each amended to
27 read as follows:

28 (1) Upon the issuance of any extreme risk protection order under
29 this chapter, including a temporary extreme risk protection order,
30 the court shall:

31 (a) Order the respondent to surrender to the local law
32 enforcement agency all firearms in the respondent's custody, control,
33 or possession, and any concealed pistol license issued under RCW
34 9.41.070; and

35 (b) Other than for ex parte temporary protection orders, direct
36 law enforcement to revoke any concealed pistol license issued to the
37 respondent.

38 (2) The law enforcement officer serving any extreme risk
39 protection order under this chapter, including a temporary extreme

1 risk protection order, shall request that the respondent immediately
2 surrender all firearms in his or her custody, control, or possession,
3 and any concealed pistol license issued under RCW 9.41.070, and
4 conduct any search permitted by law for such firearms. The law
5 enforcement officer shall take possession of all firearms belonging
6 to the respondent that are surrendered, in plain sight, or discovered
7 pursuant to a lawful search. (~~The order must be personally served~~
8 ~~upon the respondent or defendant if~~) If the order is entered in open
9 court ((in the presence of)) and the respondent ((or defendant. The
10 respondent or defendant shall acknowledge receipt and service))
11 appears in person, the respondent must be provided a copy and further
12 service is not required. If the respondent ((or defendant)) refuses
13 ((service)) to accept a copy, an agent of the court may indicate on
14 the record that the respondent ((or defendant)) refused ((service))
15 to accept a copy of the order. If the respondent appears remotely for
16 the hearing, or leaves the hearing before a final ruling is issued or
17 order signed, and the court believes the respondent has sufficient
18 notice such that additional service is not necessary, the order must
19 recite that the respondent appeared before the court, has actual
20 notice of the order, the necessity for further service is waived, and
21 proof of service of the order is not necessary. The court shall enter
22 the service and receipt into the record. A copy of the order and
23 service must be transmitted immediately to law enforcement. The
24 respondent must immediately surrender all firearms and any concealed
25 pistol license, not previously surrendered, in a safe manner to the
26 control of the local law enforcement agency on the day of the hearing
27 at which the respondent was present in person or remotely. If the
28 respondent is in custody, arrangements to recover the firearms must
29 be made prior to release. Alternatively, if personal service by a law
30 enforcement officer is not possible, and the respondent did not
31 appear in person or remotely at the hearing, the respondent shall
32 surrender the firearms in a safe manner to the control of the local
33 law enforcement agency within 24 hours of being served with the order
34 by alternate service.

35 (3) At the time of surrender, a law enforcement officer taking
36 possession of a firearm or concealed pistol license shall issue a
37 receipt identifying all firearms that have been surrendered and
38 provide a copy of the receipt to the respondent. Within 72 hours
39 after service of the order, the officer serving the order shall file

1 the original receipt with the court and shall ensure that his or her
2 law enforcement agency retains a copy of the receipt.

3 (4) Upon the sworn statement or testimony of the petitioner or of
4 any law enforcement officer alleging that the respondent has failed
5 to comply with the surrender of firearms as required by an order
6 issued under this chapter, the court shall determine whether probable
7 cause exists to believe that the respondent has failed to surrender
8 all firearms in his or her possession, custody, or control. If
9 probable cause for a violation of the order exists, the court shall
10 issue a warrant describing the firearms and authorizing a search of
11 the locations where the firearms are reasonably believed to be and
12 the seizure of any firearms discovered pursuant to such search.

13 (5) If a person other than the respondent claims title to any
14 firearms surrendered pursuant to this section, and that person is
15 determined by the law enforcement agency to be the lawful owner of
16 the firearm, the firearm must be returned to that person, provided
17 that:

18 (a) The firearm is removed from the respondent's custody,
19 control, or possession, and the lawful owner provides written
20 verification to the court regarding how the lawful owner will safely
21 store the firearm in a manner such that the respondent does not have
22 access to, or control of, the firearm for the duration of the order;

23 (b) The court advises the lawful owner of the penalty for failure
24 to do so; and

25 (c) The firearm is not otherwise unlawfully possessed by the
26 owner.

27 (6) Upon the issuance of a one-year extreme risk protection
28 order, the court shall order a new compliance review hearing date and
29 require the respondent to appear not later than three judicial days
30 from the issuance of the order. The court shall require a showing
31 that the respondent has surrendered any firearms in the respondent's
32 custody, control, or possession, and any concealed pistol license
33 issued under RCW 9.41.070 to a law enforcement agency. The compliance
34 review hearing is not required upon a satisfactory showing on which
35 the court can otherwise enter findings on the record that the
36 respondent has timely and completely surrendered all firearms in the
37 respondent's custody, control, or possession, and any concealed
38 pistol license issued under RCW 9.41.070 to a law enforcement agency,
39 and is in compliance with the order. If the court does not have a
40 sufficient record before it on which to make such a finding, the

1 court must set a review hearing to occur as soon as possible, at
2 which the respondent must be present and provide proof of compliance
3 with the court's order.

4 (7)(a) If a court finds at the compliance review hearing, or any
5 other hearing where compliance with the order is addressed, that
6 there is probable cause to believe the respondent was aware of, and
7 failed to fully comply with, the order, failed to appear at the
8 compliance review hearing, or violated the order after the court
9 entered findings of compliance, pursuant to its authority under
10 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
11 own motion, or upon the motion of the prosecutor, city attorney, or
12 the petitioner's counsel, to impose remedial sanctions, and issue an
13 order requiring the respondent to appear, provide proof of compliance
14 with the order, and show cause why the respondent should not be held
15 in contempt of court.

16 (b) If the respondent is not present in court at the compliance
17 review hearing or if the court issues an order to appear and show
18 cause after a compliance review hearing, the clerk of the court shall
19 electronically transmit a copy of the order to show cause to the law
20 enforcement agency where the respondent resides for personal service
21 or service in the manner provided in the civil rules of superior
22 court or applicable statute.

23 (c) The order to show cause served upon the respondent shall
24 state the date, time, and location of the hearing, and shall include
25 a warning that the respondent may be held in contempt of court if the
26 respondent fails to promptly comply with the terms of the extreme
27 risk protection order and a warning that an arrest warrant could be
28 issued if the respondent fails to appear on the date and time
29 provided in the order to show cause.

30 (d)(i) At the show cause hearing, the respondent must be present
31 and provide proof of compliance with the extreme risk protection
32 order and demonstrate why the relief requested should not be granted.

33 (ii) The court shall take judicial notice of the receipt filed
34 with the court by the law enforcement agency pursuant to subsection
35 (3) of this section. The court shall also provide sufficient notice
36 to the law enforcement agency of the hearing. Upon receiving notice
37 pursuant to this subsection, a law enforcement agency must:

38 (A) Provide the court with a complete list of firearms
39 surrendered by the respondent or otherwise belonging to the

1 respondent that are in the possession of the law enforcement agency;
2 and

3 (B) Provide the court with verification that any concealed pistol
4 license issued to the respondent has been surrendered and that a law
5 enforcement agency with authority to revoke the license has been
6 notified.

7 (iii) If the law enforcement agency has a reasonable suspicion
8 that the respondent is not in full compliance with the terms of the
9 order, the law enforcement agency must submit the basis for its
10 belief to the court, and may do so through the filing of an
11 affidavit.

12 (e) If the court finds the respondent in contempt, the court may
13 impose remedial sanctions designed to ensure swift compliance with
14 the order to surrender and prohibit weapons.

15 (f) The court may order a respondent found in contempt of the
16 order to pay for any losses incurred by a party in connection with
17 the contempt proceeding, including reasonable attorneys' fees,
18 service fees, and other costs. The costs of the proceeding must not
19 be borne by the petitioner.

20 (8) (a) To help ensure that accurate and comprehensive information
21 about firearms compliance is provided to judicial officers, a
22 representative from either the prosecuting attorney's office or city
23 attorney's office, or both, from the relevant jurisdiction may appear
24 and be heard at any hearing that concerns compliance with an extreme
25 risk protection order.

26 (b) Either the prosecuting attorney's office or city attorney's
27 office, or both, from the relevant jurisdiction may designate an
28 advocate or a staff person from their office who is not an attorney
29 to appear on behalf of their office. Such appearance does not
30 constitute the unauthorized practice of law.

31 (9) (a) An extreme risk protection order must state that the act
32 of voluntarily surrendering firearms, or providing testimony relating
33 to the surrender of firearms, pursuant to such an order, may not be
34 used against the respondent (~~or—defendant~~) in any criminal
35 prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

36 (b) To provide relevant information to the court to determine
37 compliance with the order, the court may allow the prosecuting
38 attorney or city attorney to question the respondent regarding
39 compliance.

1 (10) All law enforcement agencies must develop and implement
2 policies and procedures regarding the acceptance, storage, and return
3 of firearms required to be surrendered under this chapter. Any
4 surrendered firearms must be handled and stored properly to prevent
5 damage or degradation in appearance or function, and the condition of
6 the surrendered firearms documented, including by digital photograph.
7 A law enforcement agency holding any surrendered firearm or concealed
8 pistol license shall comply with the provisions of RCW 9.41.340 and
9 9.41.345 before the return of the firearm or concealed pistol license
10 to the owner or individual from whom it was obtained.

11 **Sec. 20.** RCW 7.105.400 and 2021 c 215 s 53 are each amended to
12 read as follows:

13 (1) A temporary protection order issued under this chapter may be
14 reissued for the following reasons:

15 (a) Agreement of the parties;

16 (b) To provide additional time to effect service of the temporary
17 protection order on the respondent; or

18 (c) If the court, in writing, finds good cause to reissue the
19 order.

20 (2) Any temporary orders to surrender and prohibit weapons must
21 also be automatically reissued with the temporary protection order.

22 (3) To ensure that a petitioner is not delayed in receiving a
23 hearing on a petition for a protection order, there is a rebuttable
24 presumption that a temporary protection order should not be reissued
25 more than once or for more than 30 days at the request of the
26 respondent, absent agreement of the parties, good cause, or the need
27 to provide additional time to effect service.

28 (4) When considering any request to stay, continue, or delay a
29 hearing under this chapter because of the pendency of a parallel
30 criminal investigation or prosecution of the respondent, courts shall
31 apply a rebuttable presumption against such delay and give due
32 recognition to the purpose of this chapter to provide victims quick
33 and effective relief. Courts must consider on the record the
34 following factors:

35 (a) The extent to which a defendant's Fifth Amendment rights are
36 or are not implicated, given the special nature of protection order
37 proceedings which burden a defendant's Fifth Amendment privilege
38 substantially less than do other civil proceedings;

39 (b) Similarities between the civil and criminal cases;

- 1 (c) Status of the criminal case;
- 2 (d) The interests of the petitioners in proceeding expeditiously
3 with litigation and the potential prejudice and risk to petitioners
4 of a delay;
- 5 (e) The burden that any particular aspect of the proceeding may
6 impose on respondents;
- 7 (f) The convenience of the court in the management of its cases
8 and the efficient use of judicial resources;
- 9 (g) The interests of persons not parties to the civil litigation;
10 and
- 11 (h) The interest of the public in the pending civil and criminal
12 litigation.

13 (5) Courts shall not require a petitioner to complete a new (~~law~~
14 ~~enforcement information sheet~~) confidential information form when a
15 temporary protection order is reissued or when a full order for a
16 fixed time period is entered, unless the petitioner indicates that
17 the information needs to be updated or amended. The clerk shall
18 transmit the order to the law enforcement agency identified in the
19 order for service, along with a copy of the confidential party
20 information form received from the respondent, if available, or the
21 petitioner's confidential party information form to assist law
22 enforcement in serving the order.

23 **Sec. 21.** RCW 7.105.450 and 2021 c 215 s 56 are each amended to
24 read as follows:

25 (1)(a) Whenever a domestic violence protection order, a sexual
26 assault protection order, a stalking protection order, or a
27 vulnerable adult protection order is granted under this chapter, or
28 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
29 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
30 protection order as defined in RCW 26.52.020, or there is a Canadian
31 domestic violence protection order as defined in RCW 26.55.010, and
32 the respondent or person to be restrained knows of the order, a
33 violation of any of the following provisions of the order is a gross
34 misdemeanor, except as provided in subsections (4) and (5) of this
35 section:

36 (i) The restraint provisions prohibiting acts or threats of
37 violence against, or stalking of, a protected party, or the restraint
38 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 the person from knowingly coming
4 within, or knowingly remaining within, a specified distance of a
5 location, a protected party's person, or a protected party's vehicle;

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, the respondent, or a minor child residing
9 with either the petitioner or the respondent; or

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

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

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

22 (ii) Shall impose a fine of \$15, in addition to any penalty or
23 fine imposed, for a violation of a domestic violence protection order
24 issued under this chapter. Revenue from the \$15 fine must be remitted
25 monthly to the state treasury for deposit in the domestic violence
26 prevention account.

27 (2) A law enforcement officer shall arrest without a warrant and
28 take into custody a person whom the law enforcement officer has
29 probable cause to believe has violated a domestic violence protection
30 order, a sexual assault protection order, a stalking protection
31 order, or a vulnerable adult protection order, or an order issued
32 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
33 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
34 in RCW 26.52.020, or a Canadian domestic violence protection order as
35 defined in RCW 26.55.010, that restrains the person or excludes the
36 person from a residence, workplace, school, or day care, or prohibits
37 the person from knowingly coming within, or knowingly remaining
38 within, a specified distance of a location, a protected party's
39 person, or a protected party's vehicle, 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 a domestic violence protection order, a sexual
4 assault protection order, a stalking protection order, or a
5 vulnerable adult protection order, or an order issued under chapter
6 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
7 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
8 or a Canadian domestic violence protection order as defined in RCW
9 26.55.010, shall also constitute contempt of court, and is subject to
10 the penalties prescribed by law.

11 (4) Any assault that is a violation of a domestic violence
12 protection order, a sexual assault protection order, a stalking
13 protection order, or a vulnerable adult protection order, or an order
14 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
15 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
16 in RCW 26.52.020, or a Canadian domestic violence protection order as
17 defined in RCW 26.55.010, and that does not amount to assault in the
18 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
19 felony, and any conduct in violation of such an order that is
20 reckless and creates a substantial risk of death or serious physical
21 injury to another person is a class C felony.

22 (5) A violation of a domestic violence protection order, a sexual
23 assault protection order, a stalking protection order, or a
24 vulnerable adult protection order, or a court order issued under
25 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or
26 26.26B RCW, or a valid foreign protection order as defined in RCW
27 26.52.020, or a Canadian domestic violence protection order as
28 defined in RCW 26.55.010, is a class C felony if the offender has at
29 least two previous convictions for violating the provisions of a
30 domestic violence protection order, a sexual assault protection
31 order, a stalking protection order, or a vulnerable adult protection
32 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
33 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
34 protection order as defined in RCW 26.52.020, or a Canadian domestic
35 violence protection order as defined in RCW 26.55.010. The previous
36 convictions may involve the same victim or other victims specifically
37 protected by the orders the offender violated.

38 (6)(a) A defendant arrested for violating a domestic violence
39 protection order, sexual assault protection order, stalking
40 protection order, or vulnerable adult protection order, or an order

1 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,
2 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
3 defined in RCW 26.52.020, or a Canadian domestic violence protection
4 order as defined in RCW 26.55.010, is required to appear in person
5 before a magistrate within one judicial day after the arrest. At the
6 time of the appearance, the court shall determine the necessity of
7 imposing a no-contact order or other conditions of pretrial release.

8 (b) A defendant who is charged by citation, complaint, or
9 information with violating any protection order identified in (a) of
10 this subsection and not arrested shall appear in court for
11 arraignment in person as soon as practicable, but in no event later
12 than 14 days after the next day on which court is in session
13 following the issuance of the citation or the filing of the complaint
14 or information.

15 (7) Upon the filing of an affidavit by the petitioner or any law
16 enforcement officer alleging that the respondent has violated a
17 domestic violence protection order, a sexual assault protection
18 order, a stalking protection order, or a vulnerable adult protection
19 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
20 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
21 protection order as defined in RCW 26.52.020, or a Canadian domestic
22 violence protection order as defined in RCW 26.55.010, the court may
23 issue an order to the respondent, requiring the respondent to appear
24 and show cause within 14 days as to why the respondent should not be
25 found in contempt of court and punished accordingly. The hearing may
26 be held in the court of any county or municipality in which the
27 petitioner or respondent temporarily or permanently resides at the
28 time of the alleged violation.

29 (8) Appearances required under this section are mandatory and
30 cannot be waived.

31 **Sec. 22.** RCW 7.105.460 and 2021 c 215 s 58 are each amended to
32 read as follows:

33 (1) Any person who files a petition for an extreme risk
34 protection order knowing the information in such petition to be
35 materially false, or with the intent to harass the respondent, is
36 guilty of a gross misdemeanor.

37 ~~(2) ((Any))~~ (a) Except as provided in (b) of this subsection, any
38 person who has in his or her custody or control, accesses, purchases,
39 possesses, or receives, or attempts to purchase or receive, a firearm

1 with knowledge that he or she is prohibited from doing so by an
2 extreme risk protection order is guilty of a gross misdemeanor, and
3 further is prohibited from having in his or her custody or control,
4 accessing, purchasing, possessing, or receiving, or attempting to
5 purchase or receive, a firearm for a period of five years from the
6 date the existing order expires. (~~However, such~~)

7 (b) A person is guilty of a class C felony for a violation under
8 (a) of this subsection if the person has two or more previous
9 convictions for violating an order issued under this chapter.

10 **Sec. 23.** RCW 7.105.500 and 2021 c 215 s 61 are each amended to
11 read as follows:

12 This section applies to modification or termination of domestic
13 violence protection orders, sexual assault protection orders,
14 stalking protection orders, and antiharassment protection orders.

15 (1) Upon a motion with notice to all parties and after a hearing,
16 the court may modify the terms of an existing protection order or
17 terminate an existing order.

18 (2) A respondent's motion to modify or terminate an existing
19 protection order must include a declaration setting forth facts
20 supporting the requested order for modification or termination. The
21 nonmoving parties to the proceeding may file opposing declarations.
22 All motions to modify or terminate shall be based on the written
23 materials and evidence submitted to the court. The court shall set a
24 hearing only if the court finds that adequate cause is established.
25 If the court finds that the respondent established adequate cause,
26 the court shall set a date for hearing the respondent's motion, which
27 must be at least 14 days from the date the court finds adequate
28 cause.

29 (3) Upon the motion of a respondent, the court may not modify or
30 terminate an existing protection order unless the respondent proves
31 by a preponderance of the evidence that there has been a substantial
32 change in circumstances such that the respondent will not resume,
33 engage in, or attempt to engage in, the following acts against the
34 petitioner or those persons protected by the protection order if the
35 order is terminated or modified:

36 (a) Acts of domestic violence, in cases involving domestic
37 violence protection orders;

38 (b) Physical or nonphysical contact, in cases involving sexual
39 assault protection orders;

1 (c) Acts of stalking, in cases involving stalking protection
2 orders; or

3 (d) Acts of unlawful harassment, in cases involving
4 antiharassment protection orders.

5 The petitioner bears no burden of proving that he or she has a
6 current reasonable fear of harm by the respondent.

7 (4) In determining whether there has been a substantial change in
8 circumstances, the court may consider the following unweighted
9 factors, and no inference is to be drawn from the order in which the
10 factors are listed:

11 (a) Whether the respondent has committed or threatened sexual
12 assault, domestic violence, stalking, or other harmful acts against
13 the petitioner or any other person since the protection order was
14 entered;

15 (b) Whether the respondent has violated the terms of the
16 protection order and the time that has passed since the entry of the
17 order;

18 (c) Whether the respondent has exhibited suicidal ideation or
19 attempts since the protection order was entered;

20 (d) Whether the respondent has been convicted of criminal
21 activity since the protection order was entered;

22 (e) Whether the respondent has either acknowledged responsibility
23 for acts of sexual assault, domestic violence, stalking, or behavior
24 that resulted in the entry of the protection order, or successfully
25 completed state-certified perpetrator treatment or counseling since
26 the protection order was entered;

27 (f) Whether the respondent has a continuing involvement with drug
28 or alcohol abuse, if such abuse was a factor in the protection order;

29 (g) Whether the petitioner consents to terminating the protection
30 order, provided that consent is given voluntarily and knowingly; or

31 (h) Other factors relating to a substantial change in
32 circumstances.

33 (5) In determining whether there has been a substantial change in
34 circumstances, the court may not base its determination on the fact
35 that time has passed without a violation of the order.

36 (6) Regardless of whether there is a substantial change in
37 circumstances, the court may decline to terminate a protection order
38 if it finds that the acts of domestic violence, sexual assault,
39 stalking, unlawful harassment, and other harmful acts that resulted

1 in the issuance of the protection order were of such severity that
2 the order should not be terminated.

3 (7) A respondent may file a motion to modify or terminate an
4 order no more than once in every 12-month period that the order is in
5 effect, starting from the date of the order and continuing through
6 any renewal period.

7 (8) If a person who is protected by a protection order has a
8 child or adopts a child after a protection order has been issued, but
9 before the protection order has expired, the petitioner may seek to
10 include the new child in the order of protection on an ex parte basis
11 if the child is already in the physical custody of the petitioner. If
12 the restrained person is the legal or biological parent of the child,
13 a hearing must be set and notice given to the restrained person prior
14 to final modification of the full protection order.

15 (9) A court may require the respondent to pay the petitioner for
16 costs incurred in responding to a motion to modify or terminate a
17 protection order, including reasonable attorneys' fees.

18 **Sec. 24.** RCW 7.105.510 and 2021 c 215 s 63 are each amended to
19 read as follows:

20 This section applies to the modification or termination of
21 vulnerable adult protection orders.

22 (1) Any vulnerable adult who is not subject to ~~((a limited~~
23 ~~guardianship, limited conservatorship, or other protective~~
24 ~~arrangement))~~ an order under chapter 11.130 RCW may, at any time
25 subsequent to the entry of a permanent protection order under this
26 chapter, file a motion to modify or terminate the protection order.
27 Where a vulnerable adult is subject to an order under chapter 11.130
28 RCW, the vulnerable adult, or the vulnerable adult's guardian,
29 conservator, or person acting on behalf of the vulnerable adult under
30 a protective arrangement under chapter 11.130 RCW, may, ((at any time
31 subsequent to the entry of a permanent protection order under this
32 chapter,)) if within the person's authority under the guardianship,
33 conservatorship, or protective arrangement, file a motion to modify
34 or terminate the protection order at any time subsequent to the entry
35 of a permanent protection order under this chapter.

36 (2) In a hearing on a motion to modify or terminate the
37 protection order, the court shall grant such relief consistent with
38 RCW 7.105.310 as it deems necessary for the protection of the

1 vulnerable adult, including modification or termination of the
2 protection order.

3 **Sec. 25.** RCW 7.105.555 and 2021 c 215 s 66 are each amended to
4 read as follows:

5 (1) To prevent the issuance of competing protection orders in
6 different courts and to give courts needed information for the
7 issuance of orders, the judicial information system or alternative
8 databases must be available in each district, municipal, and superior
9 court, and must include a database containing the following
10 information:

11 ~~((1))~~ (a) The names of the parties and the cause number for
12 every order of protection issued under this chapter, protection
13 orders provided by military and tribal courts, every criminal no-
14 contact order issued under chapters 9A.46 and 10.99 RCW, every
15 dissolution action under chapter 26.09 RCW, every parentage action
16 under chapter 26.26A or 26.26B RCW, every restraining order issued on
17 behalf of an abused child or adult dependent person under chapter
18 26.44 RCW, every foreign protection order filed under chapter 26.52
19 RCW, and every Canadian domestic violence protection order filed
20 under chapter 26.55 RCW. When a guardian or the department of social
21 and health services or department of children, youth, and families
22 has petitioned for relief on behalf of an abused child, adult
23 dependent person, or vulnerable adult, the name of the person on
24 whose behalf relief was sought must be included in the database as a
25 party rather than the guardian or appropriate department;

26 ~~((2))~~ (b) A complete criminal history of the parties; and

27 ~~((3))~~ (c) Other relevant information necessary to assist courts
28 in issuing orders under this chapter as determined by the judicial
29 information system committee.

30 (2) Information within the database must be easily accessible and
31 accurately updated as soon as possible but no later than within one
32 judicial day.

33 (3) A document viewing system must be available as part of the
34 judicial information system or other databases used by the court, so
35 that in addition to having access to the summary information in
36 subsection (1) of this section, the court is able to view any
37 protection order filed within the state.

1 **Sec. 26.** RCW 7.105.902 and 2021 c 215 s 36 are each amended to
2 read as follows:

3 (1) The administrative office of the courts, through the gender
4 and justice commission of the Washington state supreme court, and
5 with the support of the Washington state women's commission, shall
6 work with representatives of superior, district, and municipal court
7 judicial officers, court clerks, and administrators, including those
8 with experience in protection order proceedings, as well as advocates
9 and practitioners with expertise in each type of protection order,
10 and others with relevant expertise, to consider and develop
11 recommendations regarding:

12 (a) Uses of technology to reduce administrative burdens in
13 protection order proceedings;

14 (b) Improving access to unrepresented parties in protection order
15 proceedings, including promoting access for pro bono attorneys for
16 remote protection order proceedings, in consultation with the
17 Washington state bar association;

18 (c) Developing best practices for courts when there are civil
19 protection order and criminal proceedings that concern the same
20 alleged conduct;

21 (d) Developing best practices in data collection and sharing,
22 including demographic information, in order to promote research and
23 study on protection orders and transparency of protection order data
24 for the public, in partnership with the Washington state center for
25 court research, the Washington state institute for public policy, the
26 University of Washington, and the urban Indian health institute;

27 (e) Developing best practices, including proposed training and
28 necessary forms, in partnership with the Washington tribal state
29 court consortium, to address how:

30 (i) Washington state court judges of all levels can see the
31 existence of, and parties to, tribal court, military, and other
32 jurisdiction protection orders, in comity with similar state court
33 orders;

34 (ii) Tribal courts can enter their protection orders into the
35 judicial information system used by courts to check for conflicting
36 orders and history; and

37 (iii) State courts can query the national crime information
38 center to check for tribal, military, and other jurisdictions'
39 protection orders prior to issuing protection orders;

1 (f) Developing best practices for minor respondents and
2 petitioners in civil protection order proceedings, including what
3 sanctions should be provided for in law, with input from legal
4 advocates for children and youth, juvenile public defense, juvenile
5 prosecutors, adolescent behavioral health experts, youth development
6 experts, educators, judicial officers, victim advocates, restorative-
7 informed or trauma-informed professionals, child advocacy centers,
8 and professionals experienced in evidenced-based modalities for the
9 treatment of trauma; and

10 (g) Assessing how the civil protection order law can more
11 effectively address the type of abuse known as "coercive control" so
12 that survivors can seek earlier protective intervention before abuse
13 further escalates.

14 (2) The gender and justice commission may hire a consultant to
15 assist with the requirements of this section with funds as
16 appropriated.

17 (3) The gender and justice commission shall provide a brief
18 report of its recommendations to the legislature for subsection
19 (1)(e) through (g) of this section by December 1, 2021, and, for
20 subsection (1)(a) through (d) of this section, provide
21 recommendations to the courts by July 1, 2022.

22 (4) This section expires October 1, 2022.

23 NEW SECTION. **Sec. 27.** (1) The gender and justice commission,
24 through its E2SHB 1320 stakeholder work groups, and in consultation
25 with the Washington state center for court research, shall include in
26 their 2022 work consideration of a study regarding how the inclusion
27 of coercive control under this act helps to further realize the
28 legislative intent of the law to increase safety for victims by
29 obtaining effective legal protection apart from, or in addition to,
30 the criminal legal system. The possible parameters for such a study
31 would be as follows:

32 (a) The center for court research may engage or partner with
33 other researchers with expertise in intimate partner violence,
34 coercive control, civil protection order processes, and related
35 research to conduct the study or help with study design, duration,
36 methods, measurements, data collection, and analysis.

37 (b) The administrative office of the courts and superior and
38 district courts shall provide the center for court research with

1 necessary data to conduct the study, as requested by the center for
2 court research.

3 (c) The study may include, if determined by the gender and
4 justice commission's E2SHB 1320 stakeholder work groups and the
5 center for court research to be empirically useful and readily
6 measurable through available data, measurements such as:

7 (i) The ability of survivors to obtain protection orders that
8 fully address the nature of the harm or threat of harm they are
9 experiencing;

10 (ii) The frequency of inclusion of coercive control in protection
11 order petitions and the nature of the harm or threatened harm
12 articulated;

13 (iii) Whether the orders were granted and if so, the relief
14 ordered by the court;

15 (iv) Whether the orders were denied, and if so, the reason for
16 the denial; and

17 (v) In proceedings involving domestic violence where coercive
18 control is part of the harm alleged:

19 (A) The frequency of conflicting protection orders, cross-
20 petitions (where each party files a petition against the other), or
21 re-aligned orders (where the court finds that the original petitioner
22 is the abuser and the original respondent is the victim);

23 (B) Enforcement of protection order violations;

24 (C) Other legal proceedings involving either party, such as
25 family, dependency, or criminal matters; and

26 (D) Whether the parties had legal representation or legal
27 advocates in the protection order proceedings.

28 (d) The study shall also assess judicial officer training
29 regarding protection orders, and coercive control in particular, and
30 whether additional judicial officers are required to hear protection
31 order proceedings.

32 (e) To the extent feasible, and considered best practice by the
33 center for court research, the evaluation should also: Gather
34 qualitative information from survivors of domestic violence, legal
35 counsel, protection order advocates and court navigators, court
36 clerks, and judicial officers; and include analysis of any
37 disproportionate impact on survivors by race, immigration status,
38 language, gender, sexual orientation, or disability.

1 (f) At the conclusion of any study conducted under this section,
2 the center for court research shall report its findings to the
3 legislature in compliance with RCW 43.01.036.

4 (2) By July 1, 2022, the gender and justice commission through
5 its E2SHB 1320 work groups and the center for court research shall
6 advise the chairs of the relevant policy committees of the
7 legislature of their recommendations regarding need, timing, and
8 design for such a study.

9 (3) This section expires January 1, 2028.

10 **Sec. 28.** RCW 9.41.040 and 2021 c 215 s 72 are each amended to
11 read as follows:

12 (1)(a) A person, whether an adult or juvenile, is guilty of the
13 crime of unlawful possession of a firearm in the first degree, if the
14 person owns, has in his or her possession, or has in his or her
15 control any firearm after having previously been convicted or found
16 not guilty by reason of insanity in this state or elsewhere of any
17 serious offense as defined in this chapter.

18 (b) Unlawful possession of a firearm in the first degree is a
19 class B felony punishable according to chapter 9A.20 RCW.

20 (2)(a) A person, whether an adult or juvenile, is guilty of the
21 crime of unlawful possession of a firearm in the second degree, if
22 the person does not qualify under subsection (1) of this section for
23 the crime of unlawful possession of a firearm in the first degree and
24 the person owns, has in his or her possession, or has in his or her
25 control any firearm:

26 (i) After having previously been convicted or found not guilty by
27 reason of insanity in this state or elsewhere of any felony not
28 specifically listed as prohibiting firearm possession under
29 subsection (1) of this section, or any of the following crimes when
30 committed by one family or household member against another or by one
31 intimate partner against another, as those terms are defined by the
32 statutes in effect at the time of the commission of the crime,
33 committed on or after July 1, 1993: Assault in the fourth degree,
34 coercion, stalking, reckless endangerment, criminal trespass in the
35 first degree, or violation of the provisions of a (~~domestic~~
36 ~~violence~~) protection order or no-contact order restraining the
37 person or excluding the person from a residence (~~(chapter 7.105~~
38 ~~RCW,~~) RCW 10.99.040(~~7~~) or any of the former RCW 26.50.060,
39 26.50.070, and 26.50.130);

1 (ii) After having previously been convicted or found not guilty
2 by reason of insanity in this state or elsewhere of harassment when
3 committed by one family or household member against another or by one
4 intimate partner against another, committed on or after June 7, 2018;

5 (iii) After having previously been convicted or found not guilty
6 by reason of insanity in this state or elsewhere of a violation of
7 the provisions of a protection order under chapter 7.105 RCW
8 restraining the person or excluding the person from a residence, when
9 committed by one family or household member against another or by one
10 intimate partner against another, committed on or after July 1, 2022;

11 (iv) During any period of time that the person is subject to a
12 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,
13 or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and
14 26.50 RCW that:

15 (A) Was issued after a hearing for which the person received
16 actual notice, and at which the person had an opportunity to
17 participate, whether the court then issues a full order or reissues a
18 temporary order. If the court enters an agreed order by the parties
19 without a hearing, such an order meets the requirements of this
20 subsection;

21 (B) Restrains the person from harassing, stalking, or threatening
22 the person protected under the order or child of the person or
23 protected person, or engaging in other conduct that would place the
24 protected person in reasonable fear of bodily injury to the protected
25 person or child; and

26 (C) (I) Includes a finding that the person represents a credible
27 threat to the physical safety of the protected person or child
28 ~~((and))~~ or by its terms explicitly prohibits the use, attempted use,
29 or threatened use of physical force against the protected person or
30 child that would reasonably be expected to cause bodily injury; or

31 (II) Includes an order under RCW 9.41.800 requiring the person to
32 surrender all firearms and prohibiting the person from accessing,
33 having in his or her custody or control, possessing, purchasing,
34 receiving, or attempting to purchase or receive, firearms;

35 ~~((+iv+))~~ (v) After having previously been involuntarily committed
36 based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,
37 71.34.750, chapter 10.77 RCW, or equivalent statutes of another
38 jurisdiction, unless his or her right to possess a firearm has been
39 restored as provided in RCW 9.41.047;

1 ~~((v))~~ (vi) After dismissal of criminal charges based on
2 incompetency to stand trial under RCW 10.77.088 when the court has
3 made a finding indicating that the defendant has a history of one or
4 more violent acts, unless his or her right to possess a firearm has
5 been restored as provided in RCW 9.41.047;

6 ~~((vi))~~ (vii) If the person is under 18 years of age, except as
7 provided in RCW 9.41.042; and/or

8 ~~((vii))~~ (viii) If the person is free on bond or personal
9 recognizance pending trial, appeal, or sentencing for a serious
10 offense as defined in RCW 9.41.010.

11 (b) Unlawful possession of a firearm in the second degree is a
12 class C felony punishable according to chapter 9A.20 RCW.

13 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,
14 as used in this chapter, a person has been "convicted," whether in an
15 adult court or adjudicated in a juvenile court, at such time as a
16 plea of guilty has been accepted or a verdict of guilty has been
17 filed, notwithstanding the pendency of any future proceedings
18 including, but not limited to, sentencing or disposition, post-trial
19 or post-fact-finding motions, and appeals. Conviction includes a
20 dismissal entered after a period of probation, suspension, or
21 deferral of sentence, and also includes equivalent dispositions by
22 courts in jurisdictions other than Washington state. A person shall
23 not be precluded from possession of a firearm if the conviction has
24 been the subject of a pardon, annulment, certificate of
25 rehabilitation, or other equivalent procedure based on a finding of
26 the rehabilitation of the person convicted or the conviction or
27 disposition has been the subject of a pardon, annulment, or other
28 equivalent procedure based on a finding of innocence. Where no record
29 of the court's disposition of the charges can be found, there shall
30 be a rebuttable presumption that the person was not convicted of the
31 charge.

32 (4)(a) Notwithstanding subsection (1) or (2) of this section, a
33 person convicted or found not guilty by reason of insanity of an
34 offense prohibiting the possession of a firearm under this section
35 other than murder, manslaughter, robbery, rape, indecent liberties,
36 arson, assault, kidnapping, extortion, burglary, or violations with
37 respect to controlled substances under RCW 69.50.401 and 69.50.410,
38 who received a probationary sentence under RCW 9.95.200, and who
39 received a dismissal of the charge under RCW 9.95.240, shall not be
40 precluded from possession of a firearm as a result of the conviction

1 or finding of not guilty by reason of insanity. Notwithstanding any
2 other provisions of this section, if a person is prohibited from
3 possession of a firearm under subsection (1) or (2) of this section
4 and has not previously been convicted or found not guilty by reason
5 of insanity of a sex offense prohibiting firearm ownership under
6 subsection (1) or (2) of this section and/or any felony defined under
7 any law as a class A felony or with a maximum sentence of at least 20
8 years, or both, the individual may petition a court of record to have
9 his or her right to possess a firearm restored:

10 (i) Under RCW 9.41.047; and/or

11 (ii) (A) If the conviction or finding of not guilty by reason of
12 insanity was for a felony offense, after five or more consecutive
13 years in the community without being convicted or found not guilty by
14 reason of insanity or currently charged with any felony, gross
15 misdemeanor, or misdemeanor crimes, if the individual has no prior
16 felony convictions that prohibit the possession of a firearm counted
17 as part of the offender score under RCW 9.94A.525; or

18 (B) If the conviction or finding of not guilty by reason of
19 insanity was for a nonfelony offense, after three or more consecutive
20 years in the community without being convicted or found not guilty by
21 reason of insanity or currently charged with any felony, gross
22 misdemeanor, or misdemeanor crimes, if the individual has no prior
23 felony convictions that prohibit the possession of a firearm counted
24 as part of the offender score under RCW 9.94A.525 and the individual
25 has completed all conditions of the sentence.

26 (b) An individual may petition a court of record to have his or
27 her right to possess a firearm restored under (a) of this subsection
28 only at:

29 (i) The court of record that ordered the petitioner's prohibition
30 on possession of a firearm; or

31 (ii) The superior court in the county in which the petitioner
32 resides.

33 (5) In addition to any other penalty provided for by law, if a
34 person under the age of 18 years is found by a court to have
35 possessed a firearm in a vehicle in violation of subsection (1) or
36 (2) of this section or to have committed an offense while armed with
37 a firearm during which offense a motor vehicle served an integral
38 function, the court shall notify the department of licensing within
39 24 hours and the person's privilege to drive shall be revoked under
40 RCW 46.20.265, unless the offense is the juvenile's first offense in

1 violation of this section and has not committed an offense while
2 armed with a firearm, an unlawful possession of a firearm offense, or
3 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

4 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
5 or interpreted as preventing an offender from being charged and
6 subsequently convicted for the separate felony crimes of theft of a
7 firearm or possession of a stolen firearm, or both, in addition to
8 being charged and subsequently convicted under this section for
9 unlawful possession of a firearm in the first or second degree.
10 Notwithstanding any other law, if the offender is convicted under
11 this section for unlawful possession of a firearm in the first or
12 second degree and for the felony crimes of theft of a firearm or
13 possession of a stolen firearm, or both, then the offender shall
14 serve consecutive sentences for each of the felony crimes of
15 conviction listed in this subsection.

16 (7) Each firearm unlawfully possessed under this section shall be
17 a separate offense.

18 **Sec. 29.** RCW 9.41.800 and 2021 c 215 s 74 are each amended to
19 read as follows:

20 (1) Any court when entering an order authorized under chapter
21 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
22 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of
23 the evidence, that a party has: Used, displayed, or threatened to use
24 a firearm or other dangerous weapon in a felony, or is ineligible to
25 possess a firearm under the provisions of RCW 9.41.040:

26 (a) Require that the party immediately surrender all firearms and
27 other dangerous weapons;

28 (b) Require that the party immediately surrender any concealed
29 pistol license issued under RCW 9.41.070;

30 (c) Prohibit the party from accessing, having in his or her
31 custody or control, possessing, purchasing, receiving, or attempting
32 to purchase or receive, any firearms or other dangerous weapons;

33 (d) Prohibit the party from obtaining or possessing a concealed
34 pistol license;

35 (e) Other than for ex parte temporary protection orders, unless
36 the ex parte temporary protection order was reissued after the party
37 received noticed and had an opportunity to be heard, direct law
38 enforcement to revoke any concealed pistol license issued to the
39 party.

1 (2) During any period of time that the party is subject to a
2 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,
3 or 26.26B RCW that:

4 (a) Was issued after a hearing of which the party received actual
5 notice, and at which the party had an opportunity to participate,
6 whether the court then issues a full order or reissues a temporary
7 order. If the court enters an agreed order by the parties without a
8 hearing, such an order meets the requirements of this subsection;

9 (b) Restrains the party from harassing, stalking, or threatening
10 an intimate partner of the party, the protected person, or child of
11 the intimate partner, party, or protected person, or engaging in
12 other conduct that would place an intimate partner or protected
13 person in reasonable fear of bodily injury to the intimate partner,
14 protected person, or child; and

15 (c) (i) Includes a finding that the party represents a credible
16 threat to the physical safety of the intimate partner, protected
17 person, or child; (~~and~~) or

18 (ii) By its terms, explicitly prohibits the use, attempted use,
19 or threatened use of physical force against the intimate partner,
20 protected person, or child that would reasonably be expected to cause
21 bodily injury, the court shall:

22 (A) Require that the party immediately surrender all firearms and
23 other dangerous weapons;

24 (B) Require that the party immediately surrender a concealed
25 pistol license issued under RCW 9.41.070;

26 (C) Prohibit the party from accessing, having in his or her
27 custody or control, possessing, purchasing, receiving, or attempting
28 to purchase or receive, any firearms or other dangerous weapons; and

29 (D) Prohibit the party from obtaining or possessing a concealed
30 pistol license.

31 (3) The court may order temporary surrender and prohibit the
32 purchase of all firearms and other dangerous weapons, and any
33 concealed pistol license, without notice to the other party if it
34 finds, on the basis of the moving affidavit or other evidence, that
35 irreparable injury could result if an order is not issued until the
36 time for response has elapsed.

37 (4) In addition to the provisions of subsections (1) and (3) of
38 this section, the court may enter an order requiring a party to
39 comply with the provisions in subsection (1) of this section if it
40 finds that the possession of a firearm or other dangerous weapon by

1 any party presents a serious and imminent threat to public health or
2 safety, or to the health or safety of any individual.

3 (5) The requirements of subsections (1) and (4) of this section
4 may be for a period of time less than the duration of the order.

5 (6) The court shall require the party to surrender all firearms
6 and other dangerous weapons in his or her immediate possession or
7 control or subject to his or her immediate possession or control, and
8 any concealed pistol license issued under RCW 9.41.070, to the local
9 law enforcement agency. Law enforcement officers shall use law
10 enforcement databases to assist in locating the party in situations
11 where the protected person does not know where the party lives or
12 where there is evidence that the party is trying to evade service.

13 (7) If the court enters a protection order, restraining order, or
14 no-contact order that includes an order to surrender firearms,
15 dangerous weapons, and any concealed pistol license under this
16 section:

17 (a) The order must be served by a law enforcement officer; and

18 (b) Law enforcement must immediately ensure entry of the order to
19 surrender and prohibit weapons and the revocation of any concealed
20 pistol license is made into the appropriate databases making the
21 party ineligible to possess firearms and a concealed pistol license.

22 **Sec. 30.** RCW 9.41.801 and 2021 c 215 s 75 are each amended to
23 read as follows:

24 (1) Because of the heightened risk of lethality to petitioners
25 when respondents to protection orders become aware of court
26 involvement and continue to have access to firearms, and the
27 frequency of noncompliance with court orders prohibiting possession
28 of firearms, law enforcement and judicial processes must emphasize
29 swift and certain compliance with court orders prohibiting access,
30 possession, and ownership of all firearms.

31 (2) A law enforcement officer serving a protection order, no-
32 contact order, or restraining order that includes an order to
33 surrender all firearms, dangerous weapons, and a concealed pistol
34 license under RCW 9.41.800 shall inform the respondent that the order
35 is effective upon service and the respondent must immediately
36 surrender all firearms and dangerous weapons in the respondent's
37 custody, control, or possession and any concealed pistol license
38 issued under RCW 9.41.070, and conduct any search permitted by law
39 for such firearms, dangerous weapons, and concealed pistol license.

1 The law enforcement officer shall take possession of all firearms,
2 dangerous weapons, and any concealed pistol license belonging to the
3 respondent that are surrendered, in plain sight, or discovered
4 pursuant to a lawful search. (~~The order must be personally served~~
5 ~~upon the respondent or defendant if~~) If the order is entered in open
6 court (~~in the presence of~~) and the respondent (~~or defendant~~)
7 appears in person, the respondent shall be provided a copy and
8 further service is not required. (~~The respondent or defendant shall~~
9 ~~acknowledge receipt and service.)~~ If the respondent (~~or defendant~~)
10 refuses (~~service~~) to receive a copy, an agent of the court may
11 indicate on the record that the respondent (~~or defendant~~) refused
12 (~~service~~) to receive a copy of the order. If the respondent appears
13 remotely for the hearing, or leaves the hearing before a final ruling
14 is issued or order signed, and the court believes the respondent has
15 sufficient notice such that additional service is not necessary, the
16 order must recite that the respondent appeared before the court, has
17 actual notice of the order, the necessity for further service is
18 waived, and proof of service of the order is not necessary. The court
19 shall enter the service and receipt into the record. A copy of the
20 order and service shall be transmitted immediately to law
21 enforcement. The respondent must immediately surrender all firearms,
22 dangerous weapons, and any concealed pistol license in a safe manner
23 to the control of the local law enforcement agency on the day of the
24 hearing at which the respondent was present in person or remotely.
25 Alternatively, if personal service by a law enforcement officer is
26 not possible, and the respondent did not appear in person or remotely
27 at the hearing, the respondent shall surrender the firearms in a safe
28 manner to the control of the local law enforcement agency within 24
29 hours of being served with the order by alternate service.

30 (3) At the time of surrender, a law enforcement officer taking
31 possession of firearms, dangerous weapons, and any concealed pistol
32 license shall issue a receipt identifying all firearms, dangerous
33 weapons, and any concealed pistol license that have been surrendered
34 and provide a copy of the receipt to the respondent. The law
35 enforcement agency shall file the original receipt with the court
36 within 24 hours after service of the order and retain a copy of the
37 receipt, electronically whenever electronic filing is available.

38 (4) Upon the sworn statement or testimony of the petitioner or of
39 any law enforcement officer alleging that the respondent has failed
40 to comply with the surrender of firearms or dangerous weapons as

1 required by an order issued under RCW 9.41.800, the court shall
2 determine whether probable cause exists to believe that the
3 respondent has failed to surrender all firearms and dangerous weapons
4 in their possession, custody, or control. If probable cause exists
5 that a crime occurred, the court shall issue a warrant describing the
6 firearms or dangerous weapons and authorizing a search of the
7 locations where the firearms and dangerous weapons are reasonably
8 believed to be and the seizure of all firearms and dangerous weapons
9 discovered pursuant to such search.

10 (5) If a person other than the respondent claims title to any
11 firearms or dangerous weapons surrendered pursuant to this section,
12 and the person is determined by the law enforcement agency to be the
13 lawful owner of the firearm or dangerous weapon, the firearm or
14 dangerous weapon shall be returned to the lawful owner, provided
15 that:

16 (a) The firearm or dangerous weapon is removed from the
17 respondent's access, custody, control, or possession and the lawful
18 owner agrees by written document signed under penalty of perjury to
19 store the firearm or dangerous weapon in a manner such that the
20 respondent does not have access to or control of the firearm or
21 dangerous weapon;

22 (b) The firearm or dangerous weapon is not otherwise unlawfully
23 possessed by the owner; and

24 (c) The requirements of RCW 9.41.345 are met.

25 (6) Courts shall develop procedures to verify timely and complete
26 compliance with orders to surrender and prohibit weapons under RCW
27 9.41.800, including compliance review hearings to be held as soon as
28 possible upon receipt from law enforcement of proof of service. A
29 compliance review hearing is not required if the court can otherwise
30 enter findings on the record or enter written findings that the proof
31 of surrender or declaration of nonsurrender attested to by the person
32 subject to the order, along with verification from law enforcement
33 and any other relevant evidence, makes a sufficient showing that the
34 person has timely and completely surrendered all firearms and
35 dangerous weapons in the person's custody, control, or possession,
36 and any concealed pistol license issued under RCW 9.41.070, to a law
37 enforcement agency. If the court does not have a sufficient record
38 before it on which to make such a finding, the court must set a
39 review hearing to occur as soon as possible at which the respondent
40 must be present and provide proof of compliance with the court's

1 order. Courts shall make available forms that petitioners may
2 complete and submit to the court in response to a respondent's
3 declaration of whether the respondent has surrendered weapons.

4 (7) (a) If a court finds at the compliance review hearing, or any
5 other hearing where compliance with the order to surrender and
6 prohibit weapons is addressed, that there is probable cause to
7 believe the respondent was aware of and failed to fully comply with
8 the order, failed to appear at the compliance review hearing, or
9 violated the order after the court entered findings of compliance,
10 pursuant to its authority under chapter 7.21 RCW, the court may
11 initiate a contempt proceeding to impose remedial sanctions on its
12 own motion, or upon the motion of the prosecutor, city attorney, or
13 the petitioner's counsel, and issue an order requiring the respondent
14 to appear, provide proof of compliance with the order, and show cause
15 why the respondent should not be held in contempt of court.

16 (b) If the respondent is not present in court at the compliance
17 review hearing or if the court issues an order to appear and show
18 cause after a compliance review hearing, the clerk of the court shall
19 electronically transmit a copy of the order to show cause to the law
20 enforcement agency where the respondent resides for personal service
21 or service in the manner provided in the civil rules of superior
22 court or applicable statute. Law enforcement shall also serve a copy
23 of the order to show cause on the petitioner, either electronically
24 or in person, at no cost.

25 (c) The order to show cause served upon the respondent shall
26 state the date, time, and location of the hearing and shall include a
27 warning that the respondent may be held in contempt of court if the
28 respondent fails to promptly comply with the terms of the order to
29 surrender and prohibit weapons and a warning that an arrest warrant
30 could be issued if the respondent fails to appear on the date and
31 time provided in the order.

32 (d) (i) At the show cause hearing, the respondent must be present
33 and provide proof of compliance with the underlying court order to
34 surrender and prohibit weapons and demonstrate why the relief
35 requested should not be granted.

36 (ii) The court shall take judicial notice of the receipt filed
37 with the court by the law enforcement agency pursuant to subsection
38 (3) of this section. The court shall also provide sufficient notice
39 to the law enforcement agency of the hearing. Upon receiving notice
40 pursuant to this subsection, a law enforcement agency must:

1 (A) Provide the court with a complete list of firearms and other
2 dangerous weapons surrendered by the respondent or otherwise
3 belonging to the respondent that are in the possession of the law
4 enforcement agency; and

5 (B) Provide the court with verification that any concealed pistol
6 license issued to the respondent has been surrendered and the agency
7 with authority to revoke the license has been notified.

8 (iii) If the law enforcement agency has a reasonable suspicion
9 that the respondent is not in full compliance with the terms of the
10 order, the law enforcement agency must submit the basis for its
11 belief to the court, and may do so through the filing of a
12 declaration.

13 (e) If the court finds the respondent in contempt, the court may
14 impose remedial sanctions designed to ensure swift compliance with
15 the order to surrender and prohibit weapons.

16 (f) The court may order a respondent found in contempt of the
17 order to surrender and prohibit weapons to pay for any losses
18 incurred by a party in connection with the contempt proceeding,
19 including reasonable attorneys' fees, service fees, and other costs.
20 The costs of the proceeding shall not be borne by the petitioner.

21 (8) (a) To help ensure that accurate and comprehensive information
22 about firearms compliance is provided to judicial officers, a
23 representative from either the prosecuting attorney's office or city
24 attorney's office, or both, from the relevant jurisdiction may appear
25 and be heard at any hearing that concerns compliance with an order to
26 surrender and prohibit weapons issued in connection with another type
27 of protection order.

28 (b) Either the prosecuting attorney's office or city attorney's
29 office, or both, from the relevant jurisdiction may designate an
30 advocate or a staff person from their office who is not an attorney
31 to appear on behalf of their office. Such appearance does not
32 constitute the unauthorized practice of law.

33 (9) (a) An order to surrender and prohibit weapons issued pursuant
34 to RCW 9.41.800 must state that the act of voluntarily surrendering
35 firearms or weapons, or providing testimony relating to the surrender
36 of firearms or weapons, pursuant to such an order, may not be used
37 against the respondent (~~or defendant~~) in any criminal prosecution
38 under this chapter, chapter (~~(9.41—[7.105])~~) 7.105 RCW, or RCW
39 9A.56.310.

1 (b) To provide relevant information to the court to determine
2 compliance with the order, the court may allow the prosecuting
3 attorney or city attorney to question the respondent regarding
4 compliance.

5 (10) All law enforcement agencies must have policies and
6 procedures to provide for the acceptance, storage, and return of
7 firearms, dangerous weapons, and concealed pistol licenses that a
8 court requires must be surrendered under RCW 9.41.800. A law
9 enforcement agency holding any firearm or concealed pistol license
10 that has been surrendered under RCW 9.41.800 shall comply with the
11 provisions of RCW 9.41.340 and 9.41.345 before the return of the
12 firearm or concealed pistol license to the owner or individual from
13 whom it was obtained.

14 (11) The administrative office of the courts shall create a
15 statewide pattern form to assist the courts in ensuring timely and
16 complete compliance in a consistent manner with orders issued under
17 this chapter. The administrative office of the courts shall report
18 annually on the number of orders issued under this chapter by each
19 court, the degree of compliance, and the number of firearms obtained,
20 and may make recommendations regarding additional procedures to
21 enhance compliance and victim safety.

22 **Sec. 31.** RCW 42.56.240 and 2019 c 300 s 1 are each amended to
23 read as follows:

24 The following investigative, law enforcement, and crime victim
25 information is exempt from public inspection and copying under this
26 chapter:

27 (1) Specific intelligence information and specific investigative
28 records compiled by investigative, law enforcement, and penology
29 agencies, and state agencies vested with the responsibility to
30 discipline members of any profession, the nondisclosure of which is
31 essential to effective law enforcement or for the protection of any
32 person's right to privacy;

33 (2) Information revealing the identity of persons who are
34 witnesses to or victims of crime or who file complaints with
35 investigative, law enforcement, or penology agencies, other than the
36 commission, if disclosure would endanger any person's life, physical
37 safety, or property. If at the time a complaint is filed the
38 complainant, victim, or witness indicates a desire for disclosure or
39 nondisclosure, such desire shall govern. However, all complaints

1 filed with the commission about any elected official or candidate for
2 public office must be made in writing and signed by the complainant
3 under oath;

4 (3) Any records of investigative reports prepared by any state,
5 county, municipal, or other law enforcement agency pertaining to sex
6 offenses contained in chapter 9A.44 RCW or sexually violent offenses
7 as defined in RCW 71.09.020, which have been transferred to the
8 Washington association of sheriffs and police chiefs for permanent
9 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

10 (4) License applications under RCW 9.41.070(~~(+)~~), except that
11 copies of license applications or information on the applications may
12 be released to law enforcement or corrections agencies or to persons
13 and entities as authorized under RCW 9.41.815;

14 (5) Information revealing the specific details that describe an
15 alleged or proven child victim of sexual assault under age eighteen,
16 or the identity or contact information of an alleged or proven child
17 victim of sexual assault who is under age eighteen. Identifying
18 information includes the child victim's name, addresses, location,
19 photograph, and in cases in which the child victim is a relative,
20 stepchild, or stepsibling of the alleged perpetrator, identification
21 of the relationship between the child and the alleged perpetrator.
22 Contact information includes phone numbers, email addresses, social
23 media profiles, and user names and passwords;

24 (6) Information contained in a local or regionally maintained
25 gang database as well as the statewide gang database referenced in
26 RCW 43.43.762;

27 (7) Data from the electronic sales tracking system established in
28 RCW 69.43.165;

29 (8) Information submitted to the statewide unified sex offender
30 notification and registration program under RCW 36.28A.040(6) by a
31 person for the purpose of receiving notification regarding a
32 registered sex offender, including the person's name, residential
33 address, and email address;

34 (9) Personally identifying information collected by law
35 enforcement agencies pursuant to local security alarm system programs
36 and vacation crime watch programs. Nothing in this subsection shall
37 be interpreted so as to prohibit the legal owner of a residence or
38 business from accessing information regarding his or her residence or
39 business;

1 (10) The felony firearm offense conviction database of felony
2 firearm offenders established in RCW 43.43.822;

3 (11) The identity of a state employee or officer who has in good
4 faith filed a complaint with an ethics board, as provided in RCW
5 42.52.410, or who has in good faith reported improper governmental
6 action, as defined in RCW 42.40.020, to the auditor or other public
7 official, as defined in RCW 42.40.020;

8 (12) The following security threat group information collected
9 and maintained by the department of corrections pursuant to RCW
10 72.09.745: (a) Information that could lead to the identification of a
11 person's security threat group status, affiliation, or activities;
12 (b) information that reveals specific security threats associated
13 with the operation and activities of security threat groups; and (c)
14 information that identifies the number of security threat group
15 members, affiliates, or associates;

16 (13) The global positioning system data that would indicate the
17 location of the residence of an employee or worker of a criminal
18 justice agency as defined in RCW 10.97.030;

19 (14) Body worn camera recordings to the extent nondisclosure is
20 essential for the protection of any person's right to privacy as
21 described in RCW 42.56.050, including, but not limited to, the
22 circumstances enumerated in (a) of this subsection. A law enforcement
23 or corrections agency shall not disclose a body worn camera recording
24 to the extent the recording is exempt under this subsection.

25 (a) Disclosure of a body worn camera recording is presumed to be
26 highly offensive to a reasonable person under RCW 42.56.050 to the
27 extent it depicts:

28 (i) (A) Any areas of a medical facility, counseling, or
29 therapeutic program office where:

30 (I) A patient is registered to receive treatment, receiving
31 treatment, waiting for treatment, or being transported in the course
32 of treatment; or

33 (II) Health care information is shared with patients, their
34 families, or among the care team; or

35 (B) Information that meets the definition of protected health
36 information for purposes of the health insurance portability and
37 accountability act of 1996 or health care information for purposes of
38 chapter 70.02 RCW;

39 (ii) The interior of a place of residence where a person has a
40 reasonable expectation of privacy;

1 (iii) An intimate image;
2 (iv) A minor;
3 (v) The body of a deceased person;
4 (vi) The identity of or communications from a victim or witness
5 of an incident involving domestic violence as defined in RCW
6 10.99.020 or sexual assault as defined in RCW 70.125.030, or
7 disclosure of intimate images as defined in RCW 9A.86.010. If at the
8 time of recording the victim or witness indicates a desire for
9 disclosure or nondisclosure of the recorded identity or
10 communications, such desire shall govern; or

11 (vii) The identifiable location information of a community-based
12 domestic violence program as defined in RCW 70.123.020, or emergency
13 shelter as defined in RCW 70.123.020.

14 (b) The presumptions set out in (a) of this subsection may be
15 rebutted by specific evidence in individual cases.

16 (c) In a court action seeking the right to inspect or copy a body
17 worn camera recording, a person who prevails against a law
18 enforcement or corrections agency that withholds or discloses all or
19 part of a body worn camera recording pursuant to (a) of this
20 subsection is not entitled to fees, costs, or awards pursuant to RCW
21 42.56.550 unless it is shown that the law enforcement or corrections
22 agency acted in bad faith or with gross negligence.

23 (d) A request for body worn camera recordings must:

24 (i) Specifically identify a name of a person or persons involved
25 in the incident;

26 (ii) Provide the incident or case number;

27 (iii) Provide the date, time, and location of the incident or
28 incidents; or

29 (iv) Identify a law enforcement or corrections officer involved
30 in the incident or incidents.

31 (e) (i) A person directly involved in an incident recorded by the
32 requested body worn camera recording, an attorney representing a
33 person directly involved in an incident recorded by the requested
34 body worn camera recording, a person or his or her attorney who
35 requests a body worn camera recording relevant to a criminal case
36 involving that person, or the executive director from either the
37 Washington state commission on African American affairs, Asian
38 Pacific American affairs, or Hispanic affairs, has the right to
39 obtain the body worn camera recording, subject to any exemption under
40 this chapter or any applicable law. In addition, an attorney who

1 represents a person regarding a potential or existing civil cause of
2 action involving the denial of civil rights under the federal or
3 state Constitution, or a violation of a United States department of
4 justice settlement agreement, has the right to obtain the body worn
5 camera recording if relevant to the cause of action, subject to any
6 exemption under this chapter or any applicable law. The attorney must
7 explain the relevancy of the requested body worn camera recording to
8 the cause of action and specify that he or she is seeking relief from
9 redaction costs under this subsection (14)(e).

10 (ii) A law enforcement or corrections agency responding to
11 requests under this subsection (14)(e) may not require the requesting
12 individual to pay costs of any redacting, altering, distorting,
13 pixelating, suppressing, or otherwise obscuring any portion of a body
14 worn camera recording.

15 (iii) A law enforcement or corrections agency may require any
16 person requesting a body worn camera recording pursuant to this
17 subsection (14)(e) to identify himself or herself to ensure he or she
18 is a person entitled to obtain the body worn camera recording under
19 this subsection (14)(e).

20 (f)(i) A law enforcement or corrections agency responding to a
21 request to disclose body worn camera recordings may require any
22 requester not listed in (e) of this subsection to pay the reasonable
23 costs of redacting, altering, distorting, pixelating, suppressing, or
24 otherwise obscuring any portion of the body worn camera recording
25 prior to disclosure only to the extent necessary to comply with the
26 exemptions in this chapter or any applicable law.

27 (ii) An agency that charges redaction costs under this subsection
28 (14)(f) must use redaction technology that provides the least costly
29 commercially available method of redacting body worn camera
30 recordings, to the extent possible and reasonable.

31 (iii) In any case where an agency charges a requestor for the
32 costs of redacting a body worn camera recording under this subsection
33 (14)(f), the time spent on redaction of the recording shall not count
34 towards the agency's allocation of, or limitation on, time or costs
35 spent responding to public records requests under this chapter, as
36 established pursuant to local ordinance, policy, procedure, or state
37 law.

38 (g) For purposes of this subsection (14):

39 (i) "Body worn camera recording" means a video and/or sound
40 recording that is made by a body worn camera attached to the uniform

1 or eyewear of a law enforcement or corrections officer while in the
2 course of his or her official duties; and

3 (ii) "Intimate image" means an individual or individuals engaged
4 in sexual activity, including sexual intercourse as defined in RCW
5 9A.44.010 and masturbation, or an individual's intimate body parts,
6 whether nude or visible through less than opaque clothing, including
7 the genitals, pubic area, anus, or postpubescent female nipple.

8 (h) Nothing in this subsection shall be construed to restrict
9 access to body worn camera recordings as otherwise permitted by law
10 for official or recognized civilian and accountability bodies or
11 pursuant to any court order.

12 (i) Nothing in this section is intended to modify the obligations
13 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
14 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
15 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
16 the relevant Washington court criminal rules and statutes.

17 (j) A law enforcement or corrections agency must retain body worn
18 camera recordings for at least sixty days and thereafter may destroy
19 the records in accordance with the applicable records retention
20 schedule;

21 (15) Any records and information contained within the statewide
22 sexual assault kit tracking system established in RCW 43.43.545;

23 (16)(a) Survivor communications with, and survivor records
24 maintained by, campus-affiliated advocates.

25 (b) Nothing in this subsection shall be construed to restrict
26 access to records maintained by a campus-affiliated advocate in the
27 event that:

28 (i) The survivor consents to inspection or copying;

29 (ii) There is a clear, imminent risk of serious physical injury
30 or death of the survivor or another person;

31 (iii) Inspection or copying is required by federal law; or

32 (iv) A court of competent jurisdiction mandates that the record
33 be available for inspection or copying.

34 (c) "Campus-affiliated advocate" and "survivor" have the
35 definitions in RCW 28B.112.030;

36 (17) Information and records prepared, owned, used, or retained
37 by the Washington association of sheriffs and police chiefs and
38 information and records prepared, owned, used, or retained by the
39 Washington state patrol pursuant to chapter 261, Laws of 2017; and

1 (18) Any and all audio or video recordings of child forensic
2 interviews as defined in chapter 26.44 RCW. Such recordings are
3 confidential and may only be disclosed pursuant to a court order
4 entered upon a showing of good cause and with advance notice to the
5 child's parent, guardian, or legal custodian. However, if the child
6 is an emancipated minor or has attained the age of majority as
7 defined in RCW 26.28.010, advance notice must be to the child.
8 Failure to disclose an audio or video recording of a child forensic
9 interview as defined in chapter 26.44 RCW is not grounds for
10 penalties or other sanctions available under this chapter.

11 **TECHNICAL AMENDMENTS**

12 **Sec. 32.** RCW 4.08.050 and 2021 c 215 s 89 are each amended to
13 read as follows:

14 Except as provided under RCW 28A.225.035 and (~~7.105.105~~)
15 7.105.100, when an infant is a party he or she shall appear by
16 guardian, or if he or she has no guardian, or in the opinion of the
17 court the guardian is an improper person, the court shall appoint one
18 to act. Said guardian shall be appointed as follows:

19 (1) When the infant is plaintiff, upon the application of the
20 infant, if he or she be of the age of fourteen years, or if under
21 that age, upon the application of a relative or friend of the infant.

22 (2) When the infant is defendant, upon the application of the
23 infant, if he or she be of the age of fourteen years, and applies
24 within thirty days after the service of the summons; if he or she be
25 under the age of fourteen, or neglects to apply, then upon the
26 application of any other party to the action, or of a relative or
27 friend of the infant.

28 **Sec. 33.** RCW 9.41.042 and 2020 c 18 s 6 are each amended to read
29 as follows:

30 RCW 9.41.040(2)(a)(~~(vi)~~) (vii) shall not apply to any person
31 under the age of eighteen years who is:

32 (1) In attendance at a hunter's safety course or a firearms
33 safety course;

34 (2) Engaging in practice in the use of a firearm or target
35 shooting at an established range authorized by the governing body of
36 the jurisdiction in which such range is located or any other area
37 where the discharge of a firearm is not prohibited;

1 (3) Engaging in an organized competition involving the use of a
2 firearm, or participating in or practicing for a performance by an
3 organized group that uses firearms as a part of the performance;

4 (4) Hunting or trapping under a valid license issued to the
5 person under Title 77 RCW;

6 (5) In an area where the discharge of a firearm is permitted, is
7 not trespassing, and the person either: (a) Is at least fourteen
8 years of age, has been issued a hunter safety certificate, and is
9 using a lawful firearm other than a pistol; or (b) is under the
10 supervision of a parent, guardian, or other adult approved for the
11 purpose by the parent or guardian;

12 (6) Traveling with any unloaded firearm in the person's
13 possession to or from any activity described in subsection (1), (2),
14 (3), (4), or (5) of this section;

15 (7) On real property under the control of his or her parent,
16 other relative, or legal guardian and who has the permission of the
17 parent or legal guardian to possess a firearm;

18 (8) At his or her residence and who, with the permission of his
19 or her parent or legal guardian, possesses a firearm for the purpose
20 of exercising the rights specified in RCW 9A.16.020(3); or

21 (9) Is a member of the armed forces of the United States,
22 national guard, or organized reserves, when on duty.

23 **Sec. 34.** RCW 12.04.140 and 2021 c 215 s 127 are each amended to
24 read as follows:

25 Except as provided under RCW (~~(7.105.105)~~) 7.105.100, no action
26 shall be commenced by any person under the age of eighteen years,
27 except by his guardian, or until a next friend for such a person
28 shall have been appointed. Whenever requested, the justice shall
29 appoint some suitable person, who shall consent thereto in writing,
30 to be named by such plaintiff, to act as his or her next friend in
31 such action, who shall be responsible for the costs therein.

32 **Sec. 35.** RCW 12.04.150 and 2021 c 215 s 128 are each amended to
33 read as follows:

34 After service and return of process against a defendant under the
35 age of eighteen years, the action shall not be further prosecuted,
36 until a guardian for such defendant shall have been appointed, except
37 as provided under RCW (~~(7.105.105)~~) 7.105.100. Upon the request of
38 such defendant, the justice shall appoint some person who shall

1 consent thereto in writing, to be guardian of the defendant in
 2 defense of the action; and if the defendant shall not appear on the
 3 return day of the process, or if he or she neglect or refuse to
 4 nominate such guardian, the justice may, at the request of the
 5 plaintiff, appoint any discreet person as such guardian. The consent
 6 of the guardian or next friend shall be filed with the justice; and
 7 such guardian for the defendant shall not be liable for any costs in
 8 the action.

9 **Sec. 36.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to
 10 read as follows:

11 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

17 **Arson and Malicious Mischief**

18	A	Arson 1 (9A.48.020)	B+
19	B	Arson 2 (9A.48.030)	C
20	C	Reckless Burning 1 (9A.48.040)	D
21	D	Reckless Burning 2 (9A.48.050)	E
22	B	Malicious Mischief 1 (9A.48.070)	C
23	C	Malicious Mischief 2 (9A.48.080)	D
24	D	Malicious Mischief 3 (9A.48.090)	E
25	E	Tampering with Fire Alarm Apparatus	E
26		(9.40.100)	
27	E	Tampering with Fire Alarm Apparatus	E
28		with Intent to Commit Arson (9.40.105)	
29	A	Possession of Incendiary Device	B+
30		(9.40.120)	

31 **Assault and Other Crimes Involving**

32 **Physical Harm**

33	A	Assault 1 (9A.36.011)	B+
34	B+	Assault 2 (9A.36.021)	C+
35	C+	Assault 3 (9A.36.031)	D+
36	D+	Assault 4 (9A.36.041)	E

1	B+	Drive-By Shooting (9A.36.045)	C+
2		committed at age 15 or under	
3	A++	Drive-By Shooting (9A.36.045)	A
4		committed at age 16 or 17	
5	D+	Reckless Endangerment (9A.36.050)	E
6	C+	Promoting Suicide Attempt (9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		Burglary and Trespass	
10	B+	Burglary 1 (9A.52.020) committed at	C+
11		age 15 or under	
12	A-	Burglary 1 (9A.52.020) committed at	B+
13		age 16 or 17	
14	B	Residential Burglary (9A.52.025)	C
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	E
17		(9A.52.060)	
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	C	Mineral Trespass (78.44.330)	C
21	C	Vehicle Prowling 1 (9A.52.095)	D
22	D	Vehicle Prowling 2 (9A.52.100)	E
23		Drugs	
24	E	Possession/Consumption of Alcohol	E
25		(66.44.270)	
26	C	Illegally Obtaining Legend Drug	D
27		(69.41.020)	
28	C+	Sale, Delivery, Possession of Legend	D+
29		Drug with Intent to Sell (69.41.030(2)(a))	
30	E	Possession of Legend	E
31		Drug (69.41.030(2)(b))	
32	B+	Violation of Uniform Controlled	B+
33		Substances Act - Narcotic,	
34		Methamphetamine, or Flunitrazepam	
35		Sale (69.50.401(2) (a) or (b))	

1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(2)(c))	
4	E	Possession of Marihuana <40 grams	E
5		(69.50.4014)	
6	C	Fraudulently Obtaining Controlled	C
7		Substance (69.50.403)	
8	C+	Sale of Controlled Substance for Profit	C+
9		(69.50.410)	
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	B
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances (69.50.4011(2)	
15		(a) or (b))	
16	C	Violation of Uniform Controlled	C
17		Substances Act - Nonnarcotic Counterfeit	
18		Substances (69.50.4011(2) (c), (d), or (e))	
19	E	Violation of Uniform Controlled	E
20		Substances Act - Possession of a	
21		Controlled Substance (69.50.4013)	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Possession of a	
24		Controlled Substance (69.50.4012)	

Firearms and Weapons

26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm	C
28		(9A.56.310)	
29	E	Carrying Loaded Pistol Without Permit	E
30		(9.41.050)	
31	C	Possession of Firearms by Minor (<18)	C
32		(9.41.040(2)(a)((vi)) (vii))	
33	D+	Possession of Dangerous Weapon	E
34		(9.41.250)	
35	D	Intimidating Another Person by use of	E
36		Weapon (9.41.270)	

Homicide

1	A+	Murder 1 (9A.32.030)	A
2	A+	Murder 2 (9A.32.050)	B+
3	B+	Manslaughter 1 (9A.32.060)	C+
4	C+	Manslaughter 2 (9A.32.070)	D+
5	B+	Vehicular Homicide (46.61.520)	C+
6		Kidnapping	
7	A	Kidnap 1 (9A.40.020)	B+
8	B+	Kidnap 2 (9A.40.030)	C+
9	C+	Unlawful Imprisonment (9A.40.040)	D+
10		Obstructing Governmental Operation	
11	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
12			
13	E	Resisting Arrest (9A.76.040)	E
14	B	Introducing Contraband 1 (9A.76.140)	C
15	C	Introducing Contraband 2 (9A.76.150)	D
16	E	Introducing Contraband 3 (9A.76.160)	E
17	B+	Intimidating a Public Servant (9A.76.180)	C+
18			
19	B+	Intimidating a Witness (9A.72.110)	C+
20		Public Disturbance	
21	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
22			
23	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
24			
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		Sex Crimes	
28	A	Rape 1 (9A.44.040)	B+
29	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
30			
31	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
32			
33	C+	Rape 3 (9A.44.060)	D+
34	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
35			

1	A-	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 15	
3	B+	Rape of a Child 2 (9A.44.076)	C+
4	B	Incest 1 (9A.64.020(1))	C
5	C	Incest 2 (9A.64.020(2))	D
6	D+	Indecent Exposure (Victim <14)	E
7		(9A.88.010)	
8	E	Indecent Exposure (Victim 14 or over)	E
9		(9A.88.010)	
10	B+	Promoting Prostitution 1 (9A.88.070)	C+
11	C+	Promoting Prostitution 2 (9A.88.080)	D+
12	E	O & A (Prostitution) (9A.88.030)	E
13	B+	Indecent Liberties (9A.44.100)	C+
14	B++	Child Molestation 1 (9A.44.083)	B+
15		committed at age 14 or under	
16	A-	Child Molestation 1 (9A.44.083)	B+
17		committed at age 15 through age 17	
18	B	Child Molestation 2 (9A.44.086)	C+
19	C	Failure to Register as a Sex Offender	D
20		(9A.44.132)	
21		Theft, Robbery, Extortion, and	
22		Forgery	
23	B	Theft 1 (9A.56.030)	C
24	C	Theft 2 (9A.56.040)	D
25	D	Theft 3 (9A.56.050)	E
26	B	Theft of Livestock 1 and 2 (9A.56.080	C
27		and 9A.56.083)	
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200) committed at	B+
30		age 15 or under	
31	A++	Robbery 1 (9A.56.200) committed at	A
32		age 16 or 17	
33	B+	Robbery 2 (9A.56.210)	C+
34	B+	Extortion 1 (9A.56.120)	C+
35	C+	Extortion 2 (9A.56.130)	D+
36	C	Identity Theft 1 (9.35.020(2))	D

1	D	Identity Theft 2 (9.35.020(3))	E
2	D	Improperly Obtaining Financial	E
3		Information (9.35.010)	
4	B	Possession of a Stolen Vehicle	C
5		(9A.56.068)	
6	B	Possession of Stolen Property 1	C
7		(9A.56.150)	
8	C	Possession of Stolen Property 2	D
9		(9A.56.160)	
10	D	Possession of Stolen Property 3	E
11		(9A.56.170)	
12	B	Taking Motor Vehicle Without	C
13		Permission 1 (9A.56.070)	
14	C	Taking Motor Vehicle Without	D
15		Permission 2 (9A.56.075)	
16	B	Theft of a Motor Vehicle (9A.56.065)	C
17		Motor Vehicle Related Crimes	
18	E	Driving Without a License (46.20.005)	E
19	B+	Hit and Run - Death (46.52.020(4)(a))	C+
20	C	Hit and Run - Injury (46.52.020(4)(b))	D
21	D	Hit and Run-Attended (46.52.020(5))	E
22	E	Hit and Run-Unattended (46.52.010)	E
23	C	Vehicular Assault (46.61.522)	D
24	C	Attempting to Elude Pursuing Police	D
25		Vehicle (46.61.024)	
26	E	Reckless Driving (46.61.500)	E
27	D	Driving While Under the Influence	E
28		(46.61.502 and 46.61.504)	
29	B+	Felony Driving While Under the	B
30		Influence (46.61.502(6))	
31	B+	Felony Physical Control of a Vehicle	B
32		While Under the Influence (46.61.504(6))	
33		Other	
34	B	Animal Cruelty 1 (16.52.205)	C
35	B	Bomb Threat (9.61.160)	C
36	C	Escape 1 ¹ (9A.76.110)	C

1	C	Escape 2 ¹ (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	E
4		(9.61.230)	
5	A	Other Offense Equivalent to an Adult	B+
6		Class A Felony	
7	B	Other Offense Equivalent to an Adult	C
8		Class B Felony	
9	C	Other Offense Equivalent to an Adult	D
10		Class C Felony	
11	D	Other Offense Equivalent to an Adult	E
12		Gross Misdemeanor	
13	E	Other Offense Equivalent to an Adult	E
14		Misdemeanor	
15	V	Violation of Order of Restitution,	V
16		Community Supervision, or Confinement	
17		(13.40.200) ²	

18 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
19 and the standard range is established as follows:

20 1st escape or attempted escape during 12-month period - 28 days
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month
25 period - 12 weeks confinement

26 ²If the court finds that a respondent has violated terms of an order,
27 it may impose a penalty of up to 30 days of confinement.

28 **JUVENILE SENTENCING STANDARDS**

29 This schedule must be used for juvenile offenders. The court may
30 select sentencing option A, B, C, or D.

31 **OPTION A**

32 **JUVENILE OFFENDER SENTENCING GRID**

33 **STANDARD RANGE**

34	A++	129 to 260 weeks for all category A++ offenses
35	A+	180 weeks to age 21 for all category A+ offenses

1	A	103-129 weeks for all category A offenses					
2	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
3	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
4	CURRENT OFFENSE CATEGORY	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
5		B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
6		C+	LS	LS	LS	15-36 weeks	15-36 weeks
7		C	LS	LS	LS	LS	15-36 weeks
8		D+	LS	LS	LS	LS	LS
9		D	LS	LS	LS	LS	LS
10		E	LS	LS	LS	LS	LS
11	PRIOR ADJUDICATIONS		0	1	2	3	4 or more

13 NOTE: References in the grid to days or weeks mean periods of
14 confinement. "LS" means "local sanctions" as defined in RCW
15 13.40.020.

16 (1) The vertical axis of the grid is the current offense
17 category. The current offense category is determined by the offense
18 of adjudication.

19 (2) The horizontal axis of the grid is the number of prior
20 adjudications included in the juvenile's criminal history. Each prior
21 felony adjudication shall count as one point. Each prior violation,
22 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
23 point. Fractional points shall be rounded down.

24 (3) The standard range disposition for each offense is determined
25 by the intersection of the column defined by the prior adjudications
26 and the row defined by the current offense category.

27 (4) RCW 13.40.180 applies if the offender is being sentenced for
28 more than one offense.

29 (5) A current offense that is a violation is equivalent to an
30 offense category of E. However, a disposition for a violation shall
31 not include confinement.

32 **OR**
33 **OPTION B**
34 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational
5 or treatment requirement. The treatment programs provided to the
6 offender must be either research-based best practice programs as
7 identified by the Washington state institute for public policy or the
8 joint legislative audit and review committee, or for chemical
9 dependency treatment programs or services, they must be evidence-
10 based or research-based best practice programs. For the purposes of
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had
13 multiple site random controlled trials across heterogeneous
14 populations demonstrating that the program or practice is effective
15 for the population; and

16 (b) "Research-based" means a program or practice that has some
17 research demonstrating effectiveness, but that does not yet meet the
18 standard of evidence-based practices.

19 (2) If the offender fails to comply with the suspended
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200
21 or may revoke the suspended disposition and order the disposition's
22 execution.

23 (3) An offender is ineligible for the suspended disposition
24 option under this section if the offender:

25 (a) Is adjudicated of an A+ or A++ offense;

26 (b) Is fourteen years of age or older and is adjudicated of one
27 or more of the following offenses:

28 (i) A class A offense, or an attempt, conspiracy, or solicitation
29 to commit a class A offense;

30 (ii) Manslaughter in the first degree (RCW 9A.32.060);

31 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
32 the first degree (RCW 9A.56.120), kidnapping in the second degree
33 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
34 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
35 manslaughter 2 (RCW 9A.32.070); or

36 (iv) Violation of the uniform controlled substances act (RCW
37 69.50.401(2) (a) and (b)), when the offense includes infliction of
38 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly
2 weapon;

3 (c) Is ordered to serve a disposition for a firearm violation
4 under RCW 13.40.193;

5 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
6 or

7 (e) Has a prior option B disposition.

8 **OR**

9 **OPTION C**

10 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

11 If the juvenile offender is subject to a standard range
12 disposition of local sanctions or 15 to 36 weeks of confinement and
13 has not committed a B++ or B+ offense, the court may impose a
14 disposition under RCW 13.40.160(4) and 13.40.165.

15 **OR**

16 **OPTION D**

17 **MANIFEST INJUSTICE**

18 If the court determines that a disposition under option A, B, or C
19 would effectuate a manifest injustice, the court shall impose a
20 disposition outside the standard range under RCW 13.40.160(2).

21 **Sec. 37.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
22 read as follows:

23 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D

1	D	Malicious Mischief 3 (9A.48.090)	E
2	E	Tampering with Fire Alarm Apparatus	E
3		(9.40.100)	
4	E	Tampering with Fire Alarm Apparatus	E
5		with Intent to Commit Arson (9.40.105)	
6	A	Possession of Incendiary Device	B+
7		(9.40.120)	

**Assault and Other Crimes Involving
Physical Harm**

10	A	Assault 1 (9A.36.011)	B+
11	B+	Assault 2 (9A.36.021)	C+
12	C+	Assault 3 (9A.36.031)	D+
13	D+	Assault 4 (9A.36.041)	E
14	B+	Drive-By Shooting (9A.36.045)	C+
15		committed at age 15 or under	
16	A++	Drive-By Shooting (9A.36.045)	A
17		committed at age 16 or 17	
18	D+	Reckless Endangerment (9A.36.050)	E
19	C+	Promoting Suicide Attempt (9A.36.060)	D+
20	D+	Coercion (9A.36.070)	E
21	C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

23	B+	Burglary 1 (9A.52.020) committed at	C+
24		age 15 or under	
25	A-	Burglary 1 (9A.52.020) committed at	B+
26		age 16 or 17	
27	B	Residential Burglary (9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of)	E
30		(9A.52.060)	
31	D	Criminal Trespass 1 (9A.52.070)	E
32	E	Criminal Trespass 2 (9A.52.080)	E
33	C	Mineral Trespass (78.44.330)	C
34	C	Vehicle Prowling 1 (9A.52.095)	D
35	D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

1	E	Possession/Consumption of Alcohol	E
2		(66.44.270)	
3	C	Illegally Obtaining Legend Drug	D
4		(69.41.020)	
5	C+	Sale, Delivery, Possession of Legend	D+
6		Drug with Intent to Sell (69.41.030(2)(a))	
7	E	Possession of Legend	E
8		Drug (69.41.030(2)(b))	
9	B+	Violation of Uniform Controlled	B+
10		Substances Act - Narcotic,	
11		Methamphetamine, or Flunitrazepam	
12		Sale (69.50.401(2) (a) or (b))	
13	C	Violation of Uniform Controlled	C
14		Substances Act - Nonnarcotic Sale	
15		(69.50.401(2)(c))	
16	E	Possession of Marihuana <40 grams	E
17		(69.50.4014)	
18	C	Fraudulently Obtaining Controlled	C
19		Substance (69.50.403)	
20	C+	Sale of Controlled Substance for Profit	C+
21		(69.50.410)	
22	E	Unlawful Inhalation (9.47A.020)	E
23	B	Violation of Uniform Controlled	B
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Counterfeit Substances (69.50.4011(2)	
27		(a) or (b))	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Nonnarcotic Counterfeit	
30		Substances (69.50.4011(2) (c), (d), or (e))	
31	C	Violation of Uniform Controlled	C
32		Substances Act - Possession of a	
33		Controlled Substance (69.50.4013)	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Possession of a	
36		Controlled Substance (69.50.4012)	
37		Firearms and Weapons	
38	B	Theft of Firearm (9A.56.300)	C

1	B	Possession of Stolen Firearm	C
2		(9A.56.310)	
3	E	Carrying Loaded Pistol Without Permit	E
4		(9.41.050)	
5	C	Possession of Firearms by Minor (<18)	C
6		(9.41.040(2)(a)((+)) (vii))	
7	D+	Possession of Dangerous Weapon	E
8		(9.41.250)	
9	D	Intimidating Another Person by use of	E
10		Weapon (9.41.270)	
11		Homicide	
12	A+	Murder 1 (9A.32.030)	A
13	A+	Murder 2 (9A.32.050)	B+
14	B+	Manslaughter 1 (9A.32.060)	C+
15	C+	Manslaughter 2 (9A.32.070)	D+
16	B+	Vehicular Homicide (46.61.520)	C+
17		Kidnapping	
18	A	Kidnap 1 (9A.40.020)	B+
19	B+	Kidnap 2 (9A.40.030)	C+
20	C+	Unlawful Imprisonment (9A.40.040)	D+
21		Obstructing Governmental Operation	
22	D	Obstructing a Law Enforcement Officer	E
23		(9A.76.020)	
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1 (9A.76.140)	C
26	C	Introducing Contraband 2 (9A.76.150)	D
27	E	Introducing Contraband 3 (9A.76.160)	E
28	B+	Intimidating a Public Servant	C+
29		(9A.76.180)	
30	B+	Intimidating a Witness (9A.72.110)	C+
31		Public Disturbance	
32	C+	Criminal Mischief with Weapon	D+
33		(9A.84.010(2)(b))	
34	D+	Criminal Mischief Without Weapon	E
35		(9A.84.010(2)(a))	
36	E	Failure to Disperse (9A.84.020)	E

1	E	Disorderly Conduct (9A.84.030)	E
2		Sex Crimes	
3	A	Rape 1 (9A.44.040)	B+
4	B++	Rape 2 (9A.44.050) committed at age 14	B+
5		or under	
6	A-	Rape 2 (9A.44.050) committed at age 15	B+
7		through age 17	
8	C+	Rape 3 (9A.44.060)	D+
9	B++	Rape of a Child 1 (9A.44.073)	B+
10		committed at age 14 or under	
11	A-	Rape of a Child 1 (9A.44.073)	B+
12		committed at age 15	
13	B+	Rape of a Child 2 (9A.44.076)	C+
14	B	Incest 1 (9A.64.020(1))	C
15	C	Incest 2 (9A.64.020(2))	D
16	D+	Indecent Exposure (Victim <14)	E
17		(9A.88.010)	
18	E	Indecent Exposure (Victim 14 or over)	E
19		(9A.88.010)	
20	B+	Promoting Prostitution 1 (9A.88.070)	C+
21	C+	Promoting Prostitution 2 (9A.88.080)	D+
22	E	O & A (Prostitution) (9A.88.030)	E
23	B+	Indecent Liberties (9A.44.100)	C+
24	B++	Child Molestation 1 (9A.44.083)	B+
25		committed at age 14 or under	
26	A-	Child Molestation 1 (9A.44.083)	B+
27		committed at age 15 through age 17	
28	B	Child Molestation 2 (9A.44.086)	C+
29	C	Failure to Register as a Sex Offender	D
30		(9A.44.132)	
31		Theft, Robbery, Extortion, and	
32		Forgery	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080	C
2		and 9A.56.083)	
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200) committed at	B+
5		age 15 or under	
6	A++	Robbery 1 (9A.56.200) committed at	A
7		age 16 or 17	
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial	E
14		Information (9.35.010)	
15	B	Possession of a Stolen Vehicle	C
16		(9A.56.068)	
17	B	Possession of Stolen Property 1	C
18		(9A.56.150)	
19	C	Possession of Stolen Property 2	D
20		(9A.56.160)	
21	D	Possession of Stolen Property 3	E
22		(9A.56.170)	
23	B	Taking Motor Vehicle Without	C
24		Permission 1 (9A.56.070)	
25	C	Taking Motor Vehicle Without	D
26		Permission 2 (9A.56.075)	
27	B	Theft of a Motor Vehicle (9A.56.065)	C
28		Motor Vehicle Related Crimes	
29	E	Driving Without a License (46.20.005)	E
30	B+	Hit and Run - Death (46.52.020(4)(a))	C+
31	C	Hit and Run - Injury (46.52.020(4)(b))	D
32	D	Hit and Run-Attended (46.52.020(5))	E
33	E	Hit and Run-Unattended (46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing Police	D
36		Vehicle (46.61.024)	
37	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the	B
4		Influence (46.61.502(6))	
5	B+	Felony Physical Control of a Vehicle	B
6		While Under the Influence (46.61.504(6))	
7		Other	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 ¹ (9A.76.110)	C
11	C	Escape 2 ¹ (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	E
14		(9.61.230)	
15	A	Other Offense Equivalent to an Adult	B+
16		Class A Felony	
17	B	Other Offense Equivalent to an Adult	C
18		Class B Felony	
19	C	Other Offense Equivalent to an Adult	D
20		Class C Felony	
21	D	Other Offense Equivalent to an Adult	E
22		Gross Misdemeanor	
23	E	Other Offense Equivalent to an Adult	E
24		Misdemeanor	
25	V	Violation of Order of Restitution,	V
26		Community Supervision, or Confinement	
27		(13.40.200) ²	

28 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
29 and the standard range is established as follows:

30 1st escape or attempted escape during 12-month period - 28 days
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month
35 period - 12 weeks confinement

2If the court finds that a respondent has violated terms of an order,
it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may
select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR		0	1	2	3	4 or more
ADJUDICATIONS						

NOTE: References in the grid to days or weeks mean periods of
confinement. "LS" means "local sanctions" as defined in RCW
13.40.020.

(1) The vertical axis of the grid is the current offense
category. The current offense category is determined by the offense
of adjudication.

(2) The horizontal axis of the grid is the number of prior
adjudications included in the juvenile's criminal history. Each prior
felony adjudication shall count as one point. Each prior violation,
misdemeanor, and gross misdemeanor adjudication shall count as 1/4
point. Fractional points shall be rounded down.

1 (3) The standard range disposition for each offense is determined
2 by the intersection of the column defined by the prior adjudications
3 and the row defined by the current offense category.

4 (4) RCW 13.40.180 applies if the offender is being sentenced for
5 more than one offense.

6 (5) A current offense that is a violation is equivalent to an
7 offense category of E. However, a disposition for a violation shall
8 not include confinement.

9 **OR**

10 **OPTION B**

11 **SUSPENDED DISPOSITION ALTERNATIVE**

12 (1) If the offender is subject to a standard range disposition
13 involving confinement by the department, the court may impose the
14 standard range and suspend the disposition on condition that the
15 offender comply with one or more local sanctions and any educational
16 or treatment requirement. The treatment programs provided to the
17 offender must be either research-based best practice programs as
18 identified by the Washington state institute for public policy or the
19 joint legislative audit and review committee, or for chemical
20 dependency treatment programs or services, they must be evidence-
21 based or research-based best practice programs. For the purposes of
22 this subsection:

23 (a) "Evidence-based" means a program or practice that has had
24 multiple site random controlled trials across heterogeneous
25 populations demonstrating that the program or practice is effective
26 for the population; and

27 (b) "Research-based" means a program or practice that has some
28 research demonstrating effectiveness, but that does not yet meet the
29 standard of evidence-based practices.

30 (2) If the offender fails to comply with the suspended
31 disposition, the court may impose sanctions pursuant to RCW 13.40.200
32 or may revoke the suspended disposition and order the disposition's
33 execution.

34 (3) An offender is ineligible for the suspended disposition
35 option under this section if the offender:

36 (a) Is adjudicated of an A+ or A++ offense;

37 (b) Is fourteen years of age or older and is adjudicated of one
38 or more of the following offenses:

1 (i) A class A offense, or an attempt, conspiracy, or solicitation
2 to commit a class A offense;

3 (ii) Manslaughter in the first degree (RCW 9A.32.060);

4 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
5 the first degree (RCW 9A.56.120), kidnapping in the second degree
6 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
7 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
8 manslaughter 2 (RCW 9A.32.070); or

9 (iv) Violation of the uniform controlled substances act (RCW
10 69.50.401(2) (a) and (b)), when the offense includes infliction of
11 bodily harm upon another or when during the commission or immediate
12 withdrawal from the offense the respondent was armed with a deadly
13 weapon;

14 (c) Is ordered to serve a disposition for a firearm violation
15 under RCW 13.40.193;

16 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
17 or

18 (e) Has a prior option B disposition.

19 **OR**

20 **OPTION C**

21 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

22 If the juvenile offender is subject to a standard range
23 disposition of local sanctions or 15 to 36 weeks of confinement and
24 has not committed a B++ or B+ offense, the court may impose a
25 disposition under RCW 13.40.160(4) and 13.40.165.

26 **OR**

27 **OPTION D**

28 **MANIFEST INJUSTICE**

29 If the court determines that a disposition under option A, B, or C
30 would effectuate a manifest injustice, the court shall impose a
31 disposition outside the standard range under RCW 13.40.160(2).

32 **Sec. 38.** RCW 13.40.160 and 2020 c 18 s 9 are each amended to
33 read as follows:

34 (1) The standard range disposition for a juvenile adjudicated of
35 an offense is determined according to RCW 13.40.0357.

36 (a) When the court sentences an offender to a local sanction as
37 provided in RCW 13.40.0357 option A, the court shall impose a

1 determinate disposition within the standard ranges, except as
2 provided in subsection (2), (3), (4), (5), or (6) of this section.
3 The disposition may be comprised of one or more local sanctions.

4 (b) When the court sentences an offender to a standard range as
5 provided in RCW 13.40.0357 option A that includes a term of
6 confinement exceeding thirty days, commitment shall be to the
7 department for the standard range of confinement, except as provided
8 in subsection (2), (3), (4), (5), or (6) of this section.

9 (2) If the court concludes, and enters reasons for its
10 conclusion, that disposition within the standard range would
11 effectuate a manifest injustice the court shall impose a disposition
12 outside the standard range, as indicated in option D of RCW
13 13.40.0357. The court's finding of manifest injustice shall be
14 supported by clear and convincing evidence.

15 A disposition outside the standard range shall be determinate and
16 shall be comprised of confinement or community supervision, or a
17 combination thereof. When a judge finds a manifest injustice and
18 imposes a sentence of confinement exceeding thirty days, the court
19 shall sentence the juvenile to a maximum term, and the provisions of
20 RCW 13.40.030(2) shall be used to determine the range. A disposition
21 outside the standard range is appealable under RCW 13.40.230 by the
22 state or the respondent. A disposition within the standard range is
23 not appealable under RCW 13.40.230.

24 (3) If a juvenile offender is found to have committed a sex
25 offense, other than a sex offense that is also a serious violent
26 offense as defined by RCW 9.94A.030, and has no history of a prior
27 sex offense, the court may impose the special sex offender
28 disposition alternative under RCW 13.40.162.

29 (4) If the juvenile offender is subject to a standard range
30 disposition of local sanctions or 15 to 36 weeks of confinement and
31 has not committed an A- or B+ offense, the court may impose the
32 disposition alternative under RCW 13.40.165.

33 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
34 confinement, the court may impose the disposition alternative under
35 RCW 13.40.167.

36 (6) When the offender is subject to a standard range commitment
37 of 15 to 36 weeks and is ineligible for a suspended disposition
38 alternative, a manifest injustice disposition below the standard
39 range, special sex offender disposition alternative, chemical
40 dependency disposition alternative, or mental health disposition

1 alternative, the court in a county with a pilot program under RCW
2 13.40.169 may impose the disposition alternative under RCW 13.40.169.

3 (7) RCW 13.40.193 shall govern the disposition of any juvenile
4 adjudicated of possessing a firearm in violation of RCW
5 9.41.040(2)(a) (~~(vi)~~) (vii) or any crime in which a special finding
6 is entered that the juvenile was armed with a firearm.

7 (8) RCW 13.40.308 shall govern the disposition of any juvenile
8 adjudicated of theft of a motor vehicle as defined under RCW
9 9A.56.065, possession of a stolen motor vehicle as defined under RCW
10 9A.56.068, taking a motor vehicle without permission in the first
11 degree under RCW 9A.56.070, and taking a motor vehicle without
12 permission in the second degree under RCW 9A.56.075.

13 (9) Whenever a juvenile offender is entitled to credit for time
14 spent in detention prior to a dispositional order, the dispositional
15 order shall specifically state the number of days of credit for time
16 served.

17 (10) Except as provided under subsection (3), (4), (5), or (6) of
18 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the
19 court shall not suspend or defer the imposition or the execution of
20 the disposition.

21 (11) In no case shall the term of confinement imposed by the
22 court at disposition exceed that to which an adult could be subjected
23 for the same offense.

24 **Sec. 39.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
25 read as follows:

26 (1) If a respondent is found to have been in possession of a
27 firearm in violation of RCW 9.41.040(2)(a) (~~(vi)~~) (vii), the court
28 shall impose a minimum disposition of ten days of confinement. If the
29 offender's standard range of disposition for the offense as indicated
30 in RCW 13.40.0357 is more than thirty days of confinement, the court
31 shall commit the offender to the department for the standard range
32 disposition. The offender shall not be released until the offender
33 has served a minimum of ten days in confinement.

34 (2)(a) If a respondent is found to have been in possession of a
35 firearm in violation of RCW 9.41.040, the disposition must include a
36 requirement that the respondent participate in a qualifying program
37 as described in (b) of this subsection, when available, unless the
38 court makes a written finding based on the outcome of the juvenile

1 court risk assessment that participation in a qualifying program
2 would not be appropriate.

3 (b) For purposes of this section, "qualifying program" means an
4 aggression replacement training program, a functional family therapy
5 program, or another program applicable to the juvenile firearm
6 offender population that has been identified as evidence-based or
7 research-based and cost-beneficial in the current list prepared at
8 the direction of the legislature by the Washington state institute
9 for public policy.

10 (3) If the court finds that the respondent or an accomplice was
11 armed with a firearm, the court shall determine the standard range
12 disposition for the offense pursuant to RCW 13.40.160. If the
13 offender or an accomplice was armed with a firearm when the offender
14 committed any felony other than possession of a machine gun or bump-
15 fire stock, possession of a stolen firearm, drive-by shooting, theft
16 of a firearm, unlawful possession of a firearm in the first and
17 second degree, or use of a machine gun or bump-fire stock in a
18 felony, the following periods of total confinement must be added to
19 the sentence: (a) Except for (b) of this subsection, for a class A
20 felony, six months; for a class B felony, four months; and for a
21 class C felony, two months; (b) for any violent offense as defined in
22 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen
23 years old at the time of the offense, a period of twelve months. The
24 additional time shall be imposed regardless of the offense's juvenile
25 disposition offense category as designated in RCW 13.40.0357.

26 (4) (a) If the court finds that the respondent who is sixteen or
27 seventeen years old and committed the offense of robbery in the first
28 degree, drive-by shooting, rape of a child in the first degree,
29 burglary in the first degree, or any violent offense as defined in
30 RCW 9.94A.030 and was armed with a firearm, and the court finds that
31 the respondent's participation was related to membership in a
32 criminal street gang or advancing the benefit, aggrandizement, gain,
33 profit, or other advantage for a criminal street gang, a period of
34 three months total confinement must be added to the sentence. The
35 additional time must be imposed regardless of the offense's juvenile
36 disposition offense category as designated in RCW 13.40.0357 and must
37 be served consecutively with any other sentencing enhancement.

38 (b) For the purposes of this section, "criminal street gang"
39 means any ongoing organization, association, or group of three or
40 more persons, whether formal or informal, having a common name or

1 common identifying sign or symbol, having as one of its primary
2 activities the commission of criminal acts, and whose members or
3 associates individually or collectively engage in or have engaged in
4 a pattern of criminal street gang activity. This definition does not
5 apply to employees engaged in concerted activities for their mutual
6 aid and protection, or to the activities of labor and bona fide
7 nonprofit organizations or their members or agents.

8 (5) When a disposition under this section would effectuate a
9 manifest injustice, the court may impose another disposition. When a
10 judge finds a manifest injustice and imposes a disposition of
11 confinement exceeding thirty days, the court shall commit the
12 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
13 shall be used to determine the range. When a judge finds a manifest
14 injustice and imposes a disposition of confinement less than thirty
15 days, the disposition shall be comprised of confinement or community
16 supervision or both.

17 (6) Any term of confinement ordered pursuant to this section
18 shall run consecutively to any term of confinement imposed in the
19 same disposition for other offenses.

20 **Sec. 40.** RCW 13.40.265 and 2020 c 18 s 11 are each amended to
21 read as follows:

22 (1) If a juvenile thirteen years of age or older is found by
23 juvenile court to have committed an offense while armed with a
24 firearm or an offense that is a violation of RCW 9.41.040(2)(a)
25 (~~((vi))~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the
26 court shall notify the department of licensing within twenty-four
27 hours after entry of the judgment, unless the offense is the
28 juvenile's first offense while armed with a firearm, first unlawful
29 possession of a firearm offense, or first offense in violation of
30 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

31 (2) Except as otherwise provided in subsection (3) of this
32 section, upon petition of a juvenile who has been found by the court
33 to have committed an offense that is a violation of chapter 66.44,
34 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems
35 appropriate notify the department of licensing that the juvenile's
36 driving privileges should be reinstated.

37 (3) If the offense is the juvenile's second or subsequent
38 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
39 may not petition the court for reinstatement of the juvenile's

1 privilege to drive revoked pursuant to RCW 46.20.265 until the date
2 the juvenile turns seventeen or one year after the date judgment was
3 entered, whichever is later.

4 **Sec. 41.** RCW 26.28.015 and 2021 c 215 s 141 are each amended to
5 read as follows:

6 Notwithstanding any other provision of law, and except as
7 provided under RCW (~~(7.105.105)~~) 7.105.100, all persons shall be
8 deemed and taken to be of full age for the specific purposes
9 hereafter enumerated at the age of eighteen years:

10 (1) To enter into any marriage contract without parental consent
11 if otherwise qualified by law;

12 (2) To execute a will for the disposition of both real and
13 personal property if otherwise qualified by law;

14 (3) To vote in any election if authorized by the Constitution and
15 otherwise qualified by law;

16 (4) To enter into any legal contractual obligation and to be
17 legally bound thereby to the full extent as any other adult person;

18 (5) To make decisions in regard to their own body and the body of
19 their lawful issue whether natural born to or adopted by such person
20 to the full extent allowed to any other adult person including but
21 not limited to consent to surgical operations;

22 (6) To sue and be sued on any action to the full extent as any
23 other adult person in any of the courts of this state, without the
24 necessity for a guardian ad litem.

25 **Sec. 42.** RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153
26 are each reenacted to read as follows:

27 (1) With respect to separations that occur on or after September
28 6, 2009, and for separations that occur before April 4, 2021:

29 (a) A claimant shall be disqualified from benefits beginning with
30 the first day of the calendar week in which the claimant left work
31 voluntarily without good cause and thereafter for seven calendar
32 weeks and until the claimant obtains bona fide work in employment
33 covered by this title and earned wages in that employment equal to
34 seven times the claimant's weekly benefit amount. Good cause reasons
35 to leave work are limited to reasons listed in (b) of this
36 subsection.

37 The disqualification shall continue if the work obtained is a
38 mere sham to qualify for benefits and is not bona fide work. In

1 determining whether work is of a bona fide nature, the commissioner
2 shall consider factors including but not limited to the following:

3 (i) The duration of the work;

4 (ii) The extent of direction and control by the employer over the
5 work; and

6 (iii) The level of skill required for the work in light of the
7 claimant's training and experience.

8 (b) A claimant has good cause and is not disqualified from
9 benefits under (a) of this subsection only under the following
10 circumstances:

11 (i) The claimant has left work to accept a bona fide offer of
12 bona fide work as described in (a) of this subsection;

13 (ii) The separation was necessary because of the illness or
14 disability of the claimant or the death, illness, or disability of a
15 member of the claimant's immediate family if:

16 (A) The claimant pursued all reasonable alternatives to preserve
17 the claimant's employment status by requesting a leave of absence, by
18 having promptly notified the employer of the reason for the absence,
19 and by having promptly requested reemployment when again able to
20 assume employment. These alternatives need not be pursued, however,
21 when they would have been a futile act, including those instances
22 when the futility of the act was a result of a recognized labor/
23 management dispatch system; and

24 (B) The claimant terminated the claimant's employment status, and
25 is not entitled to be reinstated to the same position or a comparable
26 or similar position;

27 (iii) The claimant: (A) Left work to relocate for the employment
28 of a spouse or domestic partner that is outside the existing labor
29 market area; and (B) remained employed as long as was reasonable
30 prior to the move;

31 (iv) The separation was necessary to protect the claimant or the
32 claimant's immediate family members from domestic violence, as
33 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

34 (v) The claimant's usual compensation was reduced by twenty-five
35 percent or more;

36 (vi) The claimant's usual hours were reduced by twenty-five
37 percent or more;

38 (vii) The claimant's worksite changed, such change caused a
39 material increase in distance or difficulty of travel, and, after the

1 change, the commute was greater than is customary for workers in the
2 claimant's job classification and labor market;

3 (viii) The claimant's worksite safety deteriorated, the claimant
4 reported such safety deterioration to the employer, and the employer
5 failed to correct the hazards within a reasonable period of time;

6 (ix) The claimant left work because of illegal activities in the
7 claimant's worksite, the claimant reported such activities to the
8 employer, and the employer failed to end such activities within a
9 reasonable period of time;

10 (x) The claimant's usual work was changed to work that violates
11 the claimant's religious convictions or sincere moral beliefs; or

12 (xi) The claimant left work to enter an apprenticeship program
13 approved by the Washington state apprenticeship training council.
14 Benefits are payable beginning Sunday of the week prior to the week
15 in which the claimant begins active participation in the
16 apprenticeship program.

17 (2) With respect to separations that occur on or after April 4,
18 2021:

19 (a) A claimant shall be disqualified from benefits beginning with
20 the first day of the calendar week in which the claimant has left
21 work voluntarily without good cause and thereafter for seven calendar
22 weeks and until the claimant has obtained bona fide work in
23 employment covered by this title and earned wages in that employment
24 equal to seven times the claimant's weekly benefit amount. Good cause
25 reasons to leave work are limited to reasons listed in (b) of this
26 subsection.

27 The disqualification shall continue if the work obtained is a
28 mere sham to qualify for benefits and is not bona fide work. In
29 determining whether work is of a bona fide nature, the commissioner
30 shall consider factors including but not limited to the following:

31 (i) The duration of the work;

32 (ii) The extent of direction and control by the employer over the
33 work; and

34 (iii) The level of skill required for the work in light of the
35 claimant's training and experience.

36 (b) A claimant has good cause and is not disqualified from
37 benefits under (a) of this subsection only under the following
38 circumstances:

39 (i) The claimant has left work to accept a bona fide offer of
40 bona fide work as described in (a) of this subsection;

1 (ii) The separation was necessary because of the illness or
2 disability of the claimant or the death, illness, or disability of a
3 member of the claimant's immediate family if:

4 (A) The claimant made reasonable efforts to preserve the
5 claimant's employment status by requesting a leave of absence, by
6 having promptly notified the employer of the reason for the absence,
7 and by having promptly requested reemployment when again able to
8 assume employment. These alternatives need not be pursued, however,
9 when they would have been a futile act, including those instances
10 when the futility of the act was a result of a recognized labor/
11 management dispatch system; and

12 (B) The claimant terminated the claimant's employment status, and
13 is not entitled to be reinstated to the same position or a comparable
14 or similar position;

15 (iii) The claimant: (A) Left work to relocate for the employment
16 of a spouse or domestic partner that is outside the existing labor
17 market area; and (B) remained employed as long as was reasonable
18 prior to the move;

19 (iv) The separation was necessary to protect the claimant or the
20 claimant's immediate family members from domestic violence, as
21 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

22 (v) The claimant's usual compensation was reduced by twenty-five
23 percent or more;

24 (vi) The claimant's usual hours were reduced by twenty-five
25 percent or more;

26 (vii) The claimant's worksite changed, such change caused a
27 material increase in distance or difficulty of travel, and, after the
28 change, the commute was greater than is customary for workers in the
29 individual's job classification and labor market;

30 (viii) The claimant's worksite safety deteriorated, the claimant
31 reported such safety deterioration to the employer, and the employer
32 failed to correct the hazards within a reasonable period of time;

33 (ix) The claimant left work because of illegal activities in the
34 claimant's worksite, the claimant reported such activities to the
35 employer, and the employer failed to end such activities within a
36 reasonable period of time;

37 (x) The claimant's usual work was changed to work that violates
38 the claimant's religious convictions or sincere moral beliefs;

39 (xi) The claimant left work to enter an apprenticeship program
40 approved by the Washington state apprenticeship training council.

1 Benefits are payable beginning Sunday of the week prior to the week
2 in which the claimant begins active participation in the
3 apprenticeship program; or

4 (xii) During a public health emergency:

5 (A) The claimant was unable to perform the claimant's work for
6 the employer from the claimant's home;

7 (B) The claimant is able to perform, available to perform, and
8 can actively seek suitable work which can be performed for an
9 employer from the claimant's home; and

10 (C) The claimant or another individual residing with the claimant
11 is at higher risk of severe illness or death from the disease that is
12 the subject of the public health emergency because the higher risk
13 individual:

14 (I) Was in an age category that is defined as high risk for the
15 disease that is the subject of the public health emergency by the
16 federal centers for disease control and prevention, the department of
17 health, or the equivalent agency in the state where the individual
18 resides; or

19 (II) Has an underlying health condition, verified as required by
20 the department by rule, that is identified as a risk factor for the
21 disease that is the subject of the public health emergency by the
22 federal centers for disease control and prevention, the department of
23 health, or the equivalent agency in the state where the individual
24 resides.

25 (3) With respect to claims that occur on or after July 4, 2021, a
26 claimant has good cause and is not disqualified from benefits under
27 subsection (2)(a) of this section under the following circumstances,
28 in addition to those listed under subsection (2)(b) of this section,
29 if, during a public health emergency, the claimant worked at a health
30 care facility as defined in RCW 9A.50.010, was directly involved in
31 the delivery of health services, and left work for the period of
32 quarantine consistent with the recommended guidance from the United
33 States centers for disease control and prevention or subject to the
34 direction of the state or local health jurisdiction because of
35 exposure to or contracting the disease that is the subject of the
36 declaration of the public health emergency.

37 (4) Notwithstanding subsection (1) of this section, a claimant
38 who was simultaneously employed in full-time employment and part-time
39 employment and is otherwise eligible for benefits from the loss of

1 the full-time employment shall not be disqualified from benefits
2 because the claimant:

3 (a) Voluntarily quit the part-time employment before the loss of
4 the full-time employment; and

5 (b) Did not have prior knowledge that the claimant would be
6 separated from full-time employment.

7 **Sec. 43.** RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6
8 are each reenacted to read as follows:

9 (1) The fact of admission to a provider for mental health
10 services and all information and records compiled, obtained, or
11 maintained in the course of providing mental health services to
12 either voluntary or involuntary recipients of services at public or
13 private agencies may not be disclosed except as provided in this
14 section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240,
15 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid
16 authorization under RCW 70.02.030.

17 (2) Information and records related to mental health services,
18 other than those obtained through treatment under chapter 71.34 RCW,
19 may be disclosed:

20 (a) In communications between qualified professional persons to
21 meet the requirements of chapter 71.05 RCW, including Indian health
22 care providers, in the provision of services or appropriate
23 referrals, or in the course of guardianship proceedings if provided
24 to a professional person:

- 25 (i) Employed by the facility;
26 (ii) Who has medical responsibility for the patient's care;
27 (iii) Who is a designated crisis responder;
28 (iv) Who is providing services under chapter 71.24 RCW;
29 (v) Who is employed by a state or local correctional facility
30 where the person is confined or supervised; or
31 (vi) Who is providing evaluation, treatment, or follow-up
32 services under chapter 10.77 RCW;

33 (b) When the communications regard the special needs of a patient
34 and the necessary circumstances giving rise to such needs and the
35 disclosure is made by a facility providing services to the operator
36 of a facility in which the patient resides or will reside;

37 (c) (i) When the person receiving services, or his or her
38 guardian, designates persons to whom information or records may be

1 released, or if the person is a minor, when his or her parents make
2 such a designation;

3 (ii) A public or private agency shall release to a person's next
4 of kin, attorney, personal representative, guardian, or conservator,
5 if any:

6 (A) The information that the person is presently a patient in the
7 facility or that the person is seriously physically ill;

8 (B) A statement evaluating the mental and physical condition of
9 the patient, and a statement of the probable duration of the
10 patient's confinement, if such information is requested by the next
11 of kin, attorney, personal representative, guardian, or conservator;
12 and

13 (iii) Other information requested by the next of kin or attorney
14 as may be necessary to decide whether or not proceedings should be
15 instituted to appoint a guardian or conservator;

16 (d)(i) To the courts, including tribal courts, as necessary to
17 the administration of chapter 71.05 RCW or to a court ordering an
18 evaluation or treatment under chapter 10.77 RCW solely for the
19 purpose of preventing the entry of any evaluation or treatment order
20 that is inconsistent with any order entered under chapter 71.05 RCW.

21 (ii) To a court or its designee in which a motion under chapter
22 10.77 RCW has been made for involuntary medication of a defendant for
23 the purpose of competency restoration.

24 (iii) Disclosure under this subsection is mandatory for the
25 purpose of the federal health insurance portability and
26 accountability act;

27 (e)(i) When a mental health professional or designated crisis
28 responder is requested by a representative of a law enforcement or
29 corrections agency, including a police officer, sheriff, community
30 corrections officer, a municipal attorney, or prosecuting attorney to
31 undertake an investigation or provide treatment under RCW 71.05.150,
32 10.31.110, or 71.05.153, the mental health professional or designated
33 crisis responder shall, if requested to do so, advise the
34 representative in writing of the results of the investigation
35 including a statement of reasons for the decision to detain or
36 release the person investigated. The written report must be submitted
37 within seventy-two hours of the completion of the investigation or
38 the request from the law enforcement or corrections representative,
39 whichever occurs later.

1 (ii) Disclosure under this subsection is mandatory for the
2 purposes of the federal health insurance portability and
3 accountability act;

4 (f) To the attorney of the detained person;

5 (g) To the prosecuting attorney as necessary to carry out the
6 responsibilities of the office under RCW 71.05.330(2),
7 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
8 access to records regarding the committed person's treatment and
9 prognosis, medication, behavior problems, and other records relevant
10 to the issue of whether treatment less restrictive than inpatient
11 treatment is in the best interest of the committed person or others.
12 Information must be disclosed only after giving notice to the
13 committed person and the person's counsel;

14 (h)(i) To appropriate law enforcement agencies and to a person,
15 when the identity of the person is known to the public or private
16 agency, whose health and safety has been threatened, or who is known
17 to have been repeatedly harassed, by the patient. The person may
18 designate a representative to receive the disclosure. The disclosure
19 must be made by the professional person in charge of the public or
20 private agency or his or her designee and must include the dates of
21 commitment, admission, discharge, or release, authorized or
22 unauthorized absence from the agency's facility, and only any other
23 information that is pertinent to the threat or harassment. The agency
24 or its employees are not civilly liable for the decision to disclose
25 or not, so long as the decision was reached in good faith and without
26 gross negligence.

27 (ii) Disclosure under this subsection is mandatory for the
28 purposes of the federal health insurance portability and
29 accountability act;

30 (i)(i) To appropriate corrections and law enforcement agencies
31 all necessary and relevant information in the event of a crisis or
32 emergent situation that poses a significant and imminent risk to the
33 public. The mental health service agency or its employees are not
34 civilly liable for the decision to disclose or not so long as the
35 decision was reached in good faith and without gross negligence.

36 (ii) Disclosure under this subsection is mandatory for the
37 purposes of the health insurance portability and accountability act;

38 (j) To the persons designated in RCW 71.05.425 for the purposes
39 described in those sections;

1 (k) By a care coordinator under RCW 71.05.585 or 10.77.175
2 assigned to a person ordered to receive less restrictive alternative
3 treatment for the purpose of sharing information to parties necessary
4 for the implementation of proceedings under chapter 71.05 or 10.77
5 RCW;

6 (l) Upon the death of a person. The person's next of kin,
7 personal representative, guardian, or conservator, if any, must be
8 notified. Next of kin who are of legal age and competent must be
9 notified under this section in the following order: Spouse, parents,
10 children, brothers and sisters, and other relatives according to the
11 degree of relation. Access to all records and information compiled,
12 obtained, or maintained in the course of providing services to a
13 deceased patient are governed by RCW 70.02.140;

14 (m) To mark headstones or otherwise memorialize patients interred
15 at state hospital cemeteries. The department of social and health
16 services shall make available the name, date of birth, and date of
17 death of patients buried in state hospital cemeteries fifty years
18 after the death of a patient;

19 (n) To law enforcement officers and to prosecuting attorneys as
20 are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent
21 of information that may be released is limited as follows:

22 (i) Only the fact, place, and date of involuntary commitment, an
23 official copy of any order or orders of commitment, and an official
24 copy of any written or oral notice of ineligibility to possess a
25 firearm that was provided to the person pursuant to RCW 9.41.047(1),
26 must be disclosed upon request;

27 (ii) The law enforcement and prosecuting attorneys may only
28 release the information obtained to the person's attorney as required
29 by court rule and to a jury or judge, if a jury is waived, that
30 presides over any trial at which the person is charged with violating
31 RCW 9.41.040(2)(a)(~~(iv)~~) (v);

32 (iii) Disclosure under this subsection is mandatory for the
33 purposes of the federal health insurance portability and
34 accountability act;

35 (o) When a patient would otherwise be subject to the provisions
36 of this section and disclosure is necessary for the protection of the
37 patient or others due to his or her unauthorized disappearance from
38 the facility, and his or her whereabouts is unknown, notice of the
39 disappearance, along with relevant information, may be made to
40 relatives, the department of corrections when the person is under the

1 supervision of the department, and governmental law enforcement
2 agencies designated by the physician or psychiatric advanced
3 registered nurse practitioner in charge of the patient or the
4 professional person in charge of the facility, or his or her
5 professional designee;

6 (p) Pursuant to lawful order of a court, including a tribal
7 court;

8 (q) To qualified staff members of the department, to the
9 authority, to behavioral health administrative services
10 organizations, to managed care organizations, to resource management
11 services responsible for serving a patient, or to service providers
12 designated by resource management services as necessary to determine
13 the progress and adequacy of treatment and to determine whether the
14 person should be transferred to a less restrictive or more
15 appropriate treatment modality or facility;

16 (r) Within the mental health service agency or Indian health care
17 provider facility where the patient is receiving treatment,
18 confidential information may be disclosed to persons employed,
19 serving in bona fide training programs, or participating in
20 supervised volunteer programs, at the facility when it is necessary
21 to perform their duties;

22 (s) Within the department and the authority as necessary to
23 coordinate treatment for mental illness, developmental disabilities,
24 or substance use disorder of persons who are under the supervision of
25 the department;

26 (t) Between the department of social and health services, the
27 department of children, youth, and families, and the health care
28 authority as necessary to coordinate treatment for mental illness,
29 developmental disabilities, or substance use disorder of persons who
30 are under the supervision of the department of social and health
31 services or the department of children, youth, and families;

32 (u) To a licensed physician or psychiatric advanced registered
33 nurse practitioner who has determined that the life or health of the
34 person is in danger and that treatment without the information and
35 records related to mental health services could be injurious to the
36 patient's health. Disclosure must be limited to the portions of the
37 records necessary to meet the medical emergency;

38 (v) (i) Consistent with the requirements of the federal health
39 insurance portability and accountability act, to:

1 (A) A health care provider, including an Indian health care
2 provider, who is providing care to a patient, or to whom a patient
3 has been referred for evaluation or treatment; or

4 (B) Any other person who is working in a care coordinator role
5 for a health care facility, health care provider, or Indian health
6 care provider, or is under an agreement pursuant to the federal
7 health insurance portability and accountability act with a health
8 care facility or a health care provider and requires the information
9 and records to assure coordinated care and treatment of that patient.

10 (ii) A person authorized to use or disclose information and
11 records related to mental health services under this subsection
12 (2)(v) must take appropriate steps to protect the information and
13 records relating to mental health services.

14 (iii) Psychotherapy notes may not be released without
15 authorization of the patient who is the subject of the request for
16 release of information;

17 (w) To administrative and office support staff designated to
18 obtain medical records for those licensed professionals listed in (v)
19 of this subsection;

20 (x) To a facility that is to receive a person who is
21 involuntarily committed under chapter 71.05 RCW, or upon transfer of
22 the person from one evaluation and treatment facility to another. The
23 release of records under this subsection is limited to the
24 information and records related to mental health services required by
25 law, a record or summary of all somatic treatments, and a discharge
26 summary. The discharge summary may include a statement of the
27 patient's problem, the treatment goals, the type of treatment which
28 has been provided, and recommendation for future treatment, but may
29 not include the patient's complete treatment record;

30 (y) To the person's counsel or guardian ad litem, without
31 modification, at any time in order to prepare for involuntary
32 commitment or recommitment proceedings, reexaminations, appeals, or
33 other actions relating to detention, admission, commitment, or
34 patient's rights under chapter 71.05 RCW;

35 (z) To staff members of the protection and advocacy agency or to
36 staff members of a private, nonprofit corporation for the purpose of
37 protecting and advocating the rights of persons with mental disorders
38 or developmental disabilities. Resource management services may limit
39 the release of information to the name, birthdate, and county of
40 residence of the patient, information regarding whether the patient

1 was voluntarily admitted, or involuntarily committed, the date and
2 place of admission, placement, or commitment, the name and address of
3 a guardian of the patient, and the date and place of the guardian's
4 appointment. Any staff member who wishes to obtain additional
5 information must notify the patient's resource management services in
6 writing of the request and of the resource management services' right
7 to object. The staff member shall send the notice by mail to the
8 guardian's address. If the guardian does not object in writing within
9 fifteen days after the notice is mailed, the staff member may obtain
10 the additional information. If the guardian objects in writing within
11 fifteen days after the notice is mailed, the staff member may not
12 obtain the additional information;

13 (aa) To all current treating providers, including Indian health
14 care providers, of the patient with prescriptive authority who have
15 written a prescription for the patient within the last twelve months.
16 For purposes of coordinating health care, the department or the
17 authority may release without written authorization of the patient,
18 information acquired for billing and collection purposes as described
19 in RCW 70.02.050(1)(d). The department, or the authority, if
20 applicable, shall notify the patient that billing and collection
21 information has been released to named providers, and provide the
22 substance of the information released and the dates of such release.
23 Neither the department nor the authority may release counseling,
24 inpatient psychiatric hospitalization, or drug and alcohol treatment
25 information without a signed written release from the client;

26 (bb)(i) To the secretary of social and health services and the
27 director of the health care authority for either program evaluation
28 or research, or both so long as the secretary or director, where
29 applicable, adopts rules for the conduct of the evaluation or
30 research, or both. Such rules must include, but need not be limited
31 to, the requirement that all evaluators and researchers sign an oath
32 of confidentiality substantially as follows:

33 "As a condition of conducting evaluation or research concerning
34 persons who have received services from (fill in the facility,
35 agency, or person) I,, agree not to divulge, publish, or
36 otherwise make known to unauthorized persons or the public any
37 information obtained in the course of such evaluation or research
38 regarding persons who have received services such that the person who
39 received such services is identifiable.

1 I recognize that unauthorized release of confidential information
2 may subject me to civil liability under the provisions of state law.

3 /s/"

4 (ii) Nothing in this chapter may be construed to prohibit the
5 compilation and publication of statistical data for use by government
6 or researchers under standards, including standards to assure
7 maintenance of confidentiality, set forth by the secretary, or
8 director, where applicable;

9 (cc) To any person if the conditions in RCW 70.02.205 are met;

10 (dd) To the secretary of health for the purposes of the maternal
11 mortality review panel established in RCW 70.54.450; or

12 (ee) To a tribe or Indian health care provider to carry out the
13 requirements of RCW 71.05.150(6).

14 (3) Whenever federal law or federal regulations restrict the
15 release of information contained in the information and records
16 related to mental health services of any patient who receives
17 treatment for a substance use disorder, the department or the
18 authority may restrict the release of the information as necessary to
19 comply with federal law and regulations.

20 (4) Civil liability and immunity for the release of information
21 about a particular person who is committed to the department of
22 social and health services or the authority under RCW 71.05.280(3)
23 and 71.05.320(4)(c) after dismissal of a sex offense as defined in
24 RCW 9.94A.030, is governed by RCW 4.24.550.

25 (5) The fact of admission to a provider of mental health
26 services, as well as all records, files, evidence, findings, or
27 orders made, prepared, collected, or maintained pursuant to chapter
28 71.05 RCW are not admissible as evidence in any legal proceeding
29 outside that chapter without the written authorization of the person
30 who was the subject of the proceeding except as provided in RCW
31 70.02.260, in a subsequent criminal prosecution of a person committed
32 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
33 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
34 trial, in a civil commitment proceeding pursuant to chapter 71.09
35 RCW, or, in the case of a minor, a guardianship or dependency
36 proceeding. The records and files maintained in any court proceeding
37 pursuant to chapter 71.05 RCW must be confidential and available
38 subsequent to such proceedings only to the person who was the subject
39 of the proceeding or his or her attorney. In addition, the court may

1 order the subsequent release or use of such records or files only
2 upon good cause shown if the court finds that appropriate safeguards
3 for strict confidentiality are and will be maintained.

4 (6) (a) Except as provided in RCW 4.24.550, any person may bring
5 an action against an individual who has willfully released
6 confidential information or records concerning him or her in
7 violation of the provisions of this section, for the greater of the
8 following amounts:

9 (i) One thousand dollars; or

10 (ii) Three times the amount of actual damages sustained, if any.

11 (b) It is not a prerequisite to recovery under this subsection
12 that the plaintiff suffered or was threatened with special, as
13 contrasted with general, damages.

14 (c) Any person may bring an action to enjoin the release of
15 confidential information or records concerning him or her or his or
16 her ward, in violation of the provisions of this section, and may in
17 the same action seek damages as provided in this subsection.

18 (d) The court may award to the plaintiff, should he or she
19 prevail in any action authorized by this subsection, reasonable
20 attorney fees in addition to those otherwise provided by law.

21 (e) If an action is brought under this subsection, no action may
22 be brought under RCW 70.02.170.

23 **Sec. 44.** RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7
24 are each reenacted and amended to read as follows:

25 The fact of admission and all information and records related to
26 mental health services obtained through inpatient or outpatient
27 treatment of a minor under chapter 71.34 RCW must be kept
28 confidential, except as authorized by this section or under RCW
29 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265.
30 Confidential information under this section may be disclosed only:

31 (1) In communications between mental health professionals to meet
32 the requirements of chapter 71.34 RCW, in the provision of services
33 to the minor, or in making appropriate referrals;

34 (2) In the course of guardianship or dependency proceedings;

35 (3) To the minor, the minor's parent, including those acting as a
36 parent as defined in RCW 71.34.020 for purposes of family-initiated
37 treatment, and the minor's attorney, subject to RCW 13.50.100;

38 (4) To the courts as necessary to administer chapter 71.34 RCW;

1 (5) By a care coordinator under RCW 71.34.755 or 10.77.175
2 assigned to a person ordered to receive less restrictive alternative
3 treatment for the purpose of sharing information to parties necessary
4 for the implementation of proceedings under chapter 71.34 or 10.77
5 RCW;

6 (6) By a care coordinator under RCW 71.34.755 assigned to a
7 person ordered to receive less restrictive alternative treatment for
8 the purpose of sharing information to parties necessary for the
9 implementation of proceedings under chapter 71.34 RCW;

10 (7) To law enforcement officers or public health officers as
11 necessary to carry out the responsibilities of their office. However,
12 only the fact and date of admission, and the date of discharge, the
13 name and address of the treatment provider, if any, and the last
14 known address must be disclosed upon request;

15 (8) To law enforcement officers, public health officers,
16 relatives, and other governmental law enforcement agencies, if a
17 minor has escaped from custody, disappeared from an evaluation and
18 treatment facility, violated conditions of a less restrictive
19 treatment order, or failed to return from an authorized leave, and
20 then only such information as may be necessary to provide for public
21 safety or to assist in the apprehension of the minor. The officers
22 are obligated to keep the information confidential in accordance with
23 this chapter;

24 (9) To the secretary of social and health services and the
25 director of the health care authority for assistance in data
26 collection and program evaluation or research so long as the
27 secretary or director, where applicable, adopts rules for the conduct
28 of such evaluation and research. The rules must include, but need not
29 be limited to, the requirement that all evaluators and researchers
30 sign an oath of confidentiality substantially as follows:

31 "As a condition of conducting evaluation or research concerning
32 persons who have received services from (fill in the facility,
33 agency, or person) I,, agree not to divulge, publish, or
34 otherwise make known to unauthorized persons or the public any
35 information obtained in the course of such evaluation or research
36 regarding minors who have received services in a manner such that the
37 minor is identifiable.

38 I recognize that unauthorized release of confidential information
39 may subject me to civil liability under state law.

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that

1 presides over any trial at which the person is charged with violating
2 RCW 9.41.040(2) (a) (~~(iv)~~) (v);

3 (c) Disclosure under this subsection is mandatory for the
4 purposes of the federal health insurance portability and
5 accountability act;

6 (16) This section may not be construed to prohibit the
7 compilation and publication of statistical data for use by government
8 or researchers under standards, including standards to assure
9 maintenance of confidentiality, set forth by the director of the
10 health care authority or the secretary of the department of social
11 and health services, where applicable. The fact of admission and all
12 information obtained pursuant to chapter 71.34 RCW are not admissible
13 as evidence in any legal proceeding outside chapter 71.34 RCW, except
14 guardianship or dependency, without the written consent of the minor
15 or the minor's parent;

16 (17) For the purpose of a correctional facility participating in
17 the postinstitutional medical assistance system supporting the
18 expedited medical determinations and medical suspensions as provided
19 in RCW 74.09.555 and 74.09.295;

20 (18) Pursuant to a lawful order of a court.

21 NEW SECTION. **Sec. 45.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 7.105.055 (Jurisdiction—Stalking protection orders) and
24 2021 c 215 s 5;

25 (2) RCW 7.105.060 (Jurisdiction—Antiharassment protection orders)
26 and 2021 c 215 s 6;

27 (3) RCW 7.105.170 (Vulnerable adult protection orders—Service
28 when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

29 (4) RCW 7.105.901 (Recommendations on jurisdiction over
30 protection order proceedings—Report) and 2021 c 215 s 12.

31 NEW SECTION. **Sec. 46.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

35 **Sec. 47.** 2021 c 215 s 87 (uncodified) is amended to read as
36 follows:

1 (1) Except for sections 12, 16, 18, 19, 21, 24, 25, 34, and 36 of
2 this act, this act takes effect July 1, 2022.

3 (2) Sections 19, 21, 24, and 34, chapter 215, Laws of 2021 take
4 effect the effective date of this section.

5 NEW SECTION. Sec. 48. Section 36 of this act expires July 1,
6 2023.

7 NEW SECTION. Sec. 49. (1) Except for sections 9 through 14, 37,
8 and 47 of this act, this act takes effect July 1, 2022.

9 (2) Section 37 of this act takes effect July 1, 2023.

10 (3) Sections 9 through 14 and 47 of this act are necessary for
11 the immediate preservation of the public peace, health, or safety, or
12 support of the state government and its existing public institutions,
13 and take effect immediately."

SHB 1901 - S COMM AMD

By Committee on Law & Justice

OUT OF ORDER 03/03/2022

14 On page 1, line 3 of the title, after "accessibility;" strike the
15 remainder of the title and insert "amending RCW 7.105.010, 7.105.050,
16 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120,
17 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.250,
18 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400,
19 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.555, 7.105.902,
20 9.41.040, 9.41.800, 9.41.801, 42.56.240, 4.08.050, 9.41.042,
21 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193,
22 13.40.265, and 26.28.015; amending 2021 c 215 s 87 (uncodified);
23 reenacting and amending RCW 70.02.240; reenacting RCW 50.20.050 and
24 70.02.230; creating a new section; repealing RCW 7.105.055,
25 7.105.060, 7.105.170, and 7.105.901; providing effective dates;
26 providing expiration dates; and declaring an emergency."

--- END ---