
SUBSTITUTE HOUSE BILL 1901

State of Washington 67th Legislature 2022 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Davis, Taylor, and Kloba)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to updating laws concerning civil protection
2 orders to further enhance and improve their efficacy and
3 accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070,
4 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150,
5 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.255, 7.105.305,
6 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460,
7 7.105.500, 7.105.510, 7.105.902, 9.41.040, 9.41.801, 4.08.050,
8 9.41.042, 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160,
9 13.40.193, 13.40.265, and 26.28.015; amending 2021 c 215 s 87
10 (uncodified); reenacting and amending RCW 70.02.240; reenacting RCW
11 50.20.050 and 70.02.230; creating a new section; repealing RCW
12 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing effective
13 dates; providing expiration dates; and declaring an emergency.

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

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

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Abandonment" means action or inaction by a person or entity
20 with a duty of care for a vulnerable adult that leaves the vulnerable

1 adult without the means or ability to obtain necessary food,
2 clothing, shelter, or health care.

3 (2) "Abuse," for the purposes of a vulnerable adult protection
4 order, means intentional, willful, or reckless action or inaction
5 that inflicts injury, unreasonable confinement, intimidation, or
6 punishment on a vulnerable adult. In instances of abuse of a
7 vulnerable adult who is unable to express or demonstrate physical
8 harm, pain, or mental anguish, the abuse is presumed to cause
9 physical harm, pain, or mental anguish. "Abuse" includes sexual
10 abuse, mental abuse, physical abuse, personal exploitation, and
11 improper use of restraint against a vulnerable adult, which have the
12 following meanings:

13 (a) "Improper use of restraint" means the inappropriate use of
14 chemical, physical, or mechanical restraints for convenience or
15 discipline, or in a manner that: (i) Is inconsistent with federal or
16 state licensing or certification requirements for facilities,
17 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
18 not medically authorized; or (iii) otherwise constitutes abuse under
19 this section.

20 (b) "Mental abuse" means an intentional, willful, or reckless
21 verbal or nonverbal action that threatens, humiliates, harasses,
22 coerces, intimidates, isolates, unreasonably confines, or punishes a
23 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
24 swearing, or withholding or tampering with prescribed medications or
25 their dosage.

26 (c) "Personal exploitation" means an act of forcing, compelling,
27 or exerting undue influence over a vulnerable adult causing the
28 vulnerable adult to act in a way that is inconsistent with relevant
29 past behavior, or causing the vulnerable adult to perform services
30 for the benefit of another.

31 (d) "Physical abuse" means the intentional, willful, or reckless
32 action of inflicting bodily injury or physical mistreatment.
33 "Physical abuse" includes, but is not limited to, striking with or
34 without an object, slapping, pinching, strangulation, suffocation,
35 kicking, shoving, or prodding.

36 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
37 including, but not limited to, unwanted or inappropriate touching,
38 rape, molestation, indecent liberties, sexual coercion, sexually
39 explicit photographing or recording, voyeurism, indecent exposure,
40 and sexual harassment. "Sexual abuse" also includes any sexual

1 conduct between a staff person, who is not also a resident or client,
2 of a facility or a staff person of a program authorized under chapter
3 71A.12 RCW, and a vulnerable adult living in that facility or
4 receiving service from a program authorized under chapter 71A.12 RCW,
5 whether or not the sexual conduct is consensual.

6 (3) "Chemical restraint" means the administration of any drug to
7 manage a vulnerable adult's behavior in a way that reduces the safety
8 risk to the vulnerable adult or others, has the temporary effect of
9 restricting the vulnerable adult's freedom of movement, and is not
10 standard treatment for the vulnerable adult's medical or psychiatric
11 condition.

12 (4) "Consent" in the context of sexual acts means that at the
13 time of sexual contact, there are actual words or conduct indicating
14 freely given agreement to that sexual contact. Consent must be
15 ongoing and may be revoked at any time. Conduct short of voluntary
16 agreement does not constitute consent as a matter of law. Consent
17 cannot be freely given when a person does not have capacity due to
18 disability, intoxication, or age. Consent cannot be freely given when
19 the other party has authority or control over the care or custody of
20 a person incarcerated or detained.

21 (5) (a) "Course of conduct" means a pattern of conduct composed of
22 a series of acts over a period of time, however short, evidencing a
23 continuity of purpose. "Course of conduct" includes any form of
24 communication, contact, or conduct, including the sending of an
25 electronic communication, but does not include constitutionally
26 protected free speech. Constitutionally protected activity is not
27 included within the meaning of "course of conduct."

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

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

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

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

36 (iv) The respondent is acting pursuant to any statutory authority
37 including, but not limited to, acts which are reasonably necessary
38 to:

39 (A) Protect property or liberty interests;

40 (B) Enforce the law; or

1 (C) Meet specific statutory duties or requirements;

2 (v) The respondent's course of conduct has the purpose or effect
3 of unreasonably interfering with the petitioner's privacy or the
4 purpose or effect of creating an intimidating, hostile, or offensive
5 living environment for the petitioner; or

6 (vi) Contact by the respondent with the petitioner or the
7 petitioner's family has been limited in any manner by any previous
8 court order.

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

11 (7) "Dating relationship" means a social relationship of a
12 romantic nature. Factors that the court may consider in making this
13 determination include: (a) The length of time the relationship has
14 existed; (b) the nature of the relationship; and (c) the frequency of
15 interaction between the parties.

16 (8) "Domestic violence" means:

17 (a) Physical harm, bodily injury, assault, or the infliction of
18 fear of physical harm, bodily injury, or assault; nonconsensual
19 sexual conduct or nonconsensual sexual penetration; coercive control;
20 unlawful harassment; or stalking of one intimate partner by another
21 intimate partner; or

22 (b) Physical harm, bodily injury, assault, or the infliction of
23 fear of physical harm, bodily injury, or assault; nonconsensual
24 sexual conduct or nonconsensual sexual penetration; coercive control;
25 unlawful harassment; or stalking of one family or household member by
26 another family or household member.

27 (9) "Electronic monitoring" has the same meaning as in RCW
28 9.94A.030.

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

35 (11) "Facility" means a residence licensed or required to be
36 licensed under chapter 18.20 RCW, assisted living facilities; chapter
37 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
38 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
39 habilitation centers; or any other facility licensed or certified by
40 the department of social and health services.

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

8 (13) "Financial exploitation" means the illegal or improper use
9 of, control over, or withholding of, the property, income, resources,
10 or trust funds of the vulnerable adult by any person or entity for
11 any person's or entity's profit or advantage other than for the
12 vulnerable adult's profit or advantage. "Financial exploitation"
13 includes, but is not limited to:

14 (a) The use of deception, intimidation, or undue influence by a
15 person or entity in a position of trust and confidence with a
16 vulnerable adult to obtain or use the property, income, resources,
17 government benefits, health insurance benefits, or trust funds of the
18 vulnerable adult for the benefit of a person or entity other than the
19 vulnerable adult;

20 (b) The breach of a fiduciary duty, including, but not limited
21 to, the misuse of a power of attorney, trust, or a guardianship or
22 conservatorship appointment, that results in the unauthorized
23 appropriation, sale, or transfer of the property, income, resources,
24 or trust funds of the vulnerable adult for the benefit of a person or
25 entity other than the vulnerable adult; or

26 (c) Obtaining or using a vulnerable adult's property, income,
27 resources, or trust funds without lawful authority, by a person or
28 entity who knows or clearly should know that the vulnerable adult
29 lacks the capacity to consent to the release or use of the vulnerable
30 adult's property, income, resources, or trust funds.

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

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

39 (16) "Full protection order" means a protection order that is
40 issued by the court after notice to the respondent and where the

1 parties had the opportunity for a full hearing by the court. "Full
2 protection order" includes a protection order entered by the court by
3 agreement of the parties to resolve the petition for a protection
4 order without a full hearing.

5 (17) "Hospital" means a facility licensed under chapter 70.41 or
6 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
7 employee, agent, officer, director, or independent contractor
8 thereof.

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

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

22 (20)(a) "Isolate" or "isolation" means to restrict a person's
23 ability to communicate, visit, interact, or otherwise associate with
24 persons of his or her choosing. Isolation may be evidenced by acts
25 including, but not limited to:

26 (i) Acts that prevent a person from sending, making, or receiving
27 his or her personal mail, electronic communications, or telephone
28 calls; or

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

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

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

1 (22) "Mechanical restraint" means any device attached or adjacent
2 to a vulnerable adult's body that the vulnerable adult cannot easily
3 remove that restricts freedom of movement or normal access to the
4 vulnerable adult's body. "Mechanical restraint" does not include the
5 use of devices, materials, or equipment that are (a) medically
6 authorized, as required, and (b) used in a manner that is consistent
7 with federal or state licensing or certification requirements for
8 facilities, hospitals, or programs authorized under chapter 71A.12
9 RCW.

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

11 (24) "Neglect" means: (a) A pattern of conduct or inaction by a
12 person or entity with a duty of care that fails to provide the goods
13 and services that maintain the physical or mental health of a
14 vulnerable adult, or that fails to avoid or prevent physical or
15 mental harm or pain to a vulnerable adult; or (b) an act or omission
16 by a person or entity with a duty of care that demonstrates a serious
17 disregard of consequences of such a magnitude as to constitute a
18 clear and present danger to the vulnerable adult's health, welfare,
19 or safety including, but not limited to, conduct prohibited under RCW
20 9A.42.100.

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

22 (26) "Nonphysical contact" includes, but is not limited to,
23 written notes, mail, telephone calls, email, text messages, contact
24 through social media applications, contact through other
25 technologies, (~~and~~) or contact through third parties.

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

28 (28) "Physical restraint" means the application of physical force
29 without the use of any device, for the purpose of restraining the
30 free movement of a vulnerable adult's body. "Physical restraint" does
31 not include (a) briefly holding, without undue force, a vulnerable
32 adult in order to calm or comfort him or her, or (b) holding a
33 vulnerable adult's hand to safely escort him or her from one area to
34 another.

35 (29) "Possession" means having an item in one's custody or
36 control. Possession may be either actual or constructive. Actual
37 possession occurs when the item is in the actual physical custody of
38 the person charged with possession. Constructive possession occurs
39 when there is no actual physical possession, but there is dominion
40 and control over the item.

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

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

4 (a) Any intentional or knowing touching or fondling of the
5 genitals, anus, or breasts, directly or indirectly, including through
6 clothing;

7 (b) Any intentional or knowing display of the genitals, anus, or
8 breasts for the purposes of arousal or sexual gratification of the
9 respondent;

10 (c) Any intentional or knowing touching or fondling of the
11 genitals, anus, or breasts, directly or indirectly, including through
12 clothing, that the petitioner is forced to perform by another person
13 or the respondent;

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

17 (e) Any intentional or knowing touching of the clothed or
18 unclothed body of a child under the age of 16, if done for the
19 purpose of sexual gratification or arousal of the respondent or
20 others; or

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

24 (32) "Sexual penetration" means any contact, however slight,
25 between the sex organ or anus of one person by an object, the sex
26 organ, mouth, or anus of another person, or any intrusion, however
27 slight, of any part of the body of one person or of any animal or
28 object into the sex organ or anus of another person including, but
29 not limited to, cunnilingus, fellatio, or anal penetration. Evidence
30 of emission of semen is not required to prove sexual penetration.

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

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

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

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

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

1 (ii) Serves no lawful purpose; and

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

5 (34) "Temporary protection order" means a protection order that
6 is issued before the court has decided whether to issue a full
7 protection order. "Temporary protection order" includes ex parte
8 temporary protection orders, as well as temporary protection orders
9 that are reissued by the court pending the completion of a full
10 hearing to decide whether to issue a full protection order. An "ex
11 parte temporary protection order" means a temporary protection order
12 that is issued without prior notice to the respondent.

13 (35) "Unlawful harassment" means:

14 (a) A knowing and willful course of conduct directed at a
15 specific person that seriously alarms, annoys, harasses, or is
16 detrimental to such person, and that serves no legitimate or lawful
17 purpose. The course of conduct must be such as would cause a
18 reasonable person to suffer substantial emotional distress, and must
19 actually cause substantial emotional distress to the petitioner; or

20 (b) A single act of violence or threat of violence directed at a
21 specific person that seriously alarms, annoys, harasses, or is
22 detrimental to such person, and that serves no legitimate or lawful
23 purpose, which would cause a reasonable person to suffer substantial
24 emotional distress, and must actually cause substantial emotional
25 distress to the petitioner. A single threat of violence must include:

26 (i) A malicious and intentional threat as described in RCW
27 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

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

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

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

33 (c) Who has a developmental disability as defined under RCW
34 71A.10.020; or

35 (d) Admitted to any facility; or

36 (e) Receiving services from home health, hospice, or home care
37 agencies licensed or required to be licensed under chapter 70.127
38 RCW; or

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

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

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

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

15 (A) Damaging, destroying, or threatening to damage or destroy, or
16 forcing the other party to relinquish, goods, property, or items of
17 special value;

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

23 (C) Driving recklessly with the other party or minor children in
24 the vehicle;

25 (D) Communicating, directly or indirectly, the intent to:

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

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

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

30 (IV) Contact local or federal agencies based on actual or
31 suspected immigration status;

32 (E) Exerting control over the other party's identity documents;

33 (F) Making, or threatening to make, private information public,
34 including the other party's sexual orientation or gender identity,
35 medical or behavioral health information, or other confidential
36 information that jeopardizes safety; or

37 (G) Engaging in sexual or reproductive coercion;

38 (ii) Causing dependence, confinement, or isolation of the other
39 party from friends, relatives, or other sources of support, including

1 schooling and employment, or subjecting the other party to physical
2 confinement or restraint;

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

5 (iv) Controlling, exerting undue influence over, interfering
6 with, regulating, or monitoring the other party's movements,
7 communications, daily behavior, finances, economic resources, or
8 employment, including but not limited to interference with or
9 attempting to limit access to services for children of the other
10 party, such as health care, medication, child care, or school-based
11 extracurricular activities;

12 (v) Engaging in vexatious litigation or abusive litigation as
13 defined in RCW 26.51.020 against the other party to harass, coerce,
14 or control the other party, to diminish or exhaust the other party's
15 financial resources, or to compromise the other party's employment or
16 housing; or

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

19 (b) "Coercive control" does not include protective actions taken
20 by a party in good faith for the legitimate and lawful purpose of
21 protecting themselves or children from the risk of harm posed by the
22 other party.

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

25 (1) The superior(~~(7)~~) and district(~~(7, and municipal)~~) courts have
26 jurisdiction over domestic violence protection order proceedings
27 (~~and~~), sexual assault protection order proceedings, stalking
28 protection order proceedings, and antiharassment protection order
29 proceedings under this chapter(~~(. The jurisdiction of district and~~
30 ~~municipal courts is limited to enforcement of RCW 7.105.450(1), or~~
31 ~~the equivalent municipal ordinance, and the issuance and enforcement~~
32 ~~of temporary orders for protection provided for in RCW 7.105.305~~
33 ~~if)), except that such proceedings must be transferred from district
34 court to superior court when:~~

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

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

1 ~~(c) The petition for relief under this chapter requests the court~~
2 ~~to exclude a party from the dwelling which the parties share))~~ The
3 action would have the effect of interfering with a respondent's care,
4 control, or custody of the respondent's minor child;

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

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

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

13 (2)(a) When the jurisdiction of a district ((~~or municipal~~)) court
14 is limited to the issuance and enforcement of a temporary protection
15 order, the district ((~~or municipal~~)) court shall set the full hearing
16 in superior court and transfer the case, indicating in the transfer
17 order the circumstances and findings supporting transfer to the
18 superior court.

19 (b) If the notice and order are not served on the respondent in
20 time for the full hearing, the issuing court shall have concurrent
21 jurisdiction with the superior court to extend the temporary
22 protection order. The superior court to which the case is being
23 transferred shall determine whether to grant any request for a
24 continuance.

25 (3) Transfer procedures, court calendars, and judicial officer
26 assignment must further the goals of this chapter to: Minimize delay;
27 make the system less complex; provide sufficient victim support,
28 consistency, safety, timeliness, and procedural fairness; enable
29 comprehensive use of electronic filing, case tracking, and records
30 management systems; provide for judicial officers with expertise and
31 training in protection orders and trauma-informed practices and
32 continuity of judicial officers at each hearing so the judicial
33 officer will have greater familiarity with the parties, history, and
34 allegations; and help ensure that there is compliance with timely and
35 comprehensive firearms relinquishment to reduce risk of harm. Courts
36 shall make publicly available in print and online information about
37 their transfer procedures, court calendars, and judicial officer
38 assignment.

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

3 The superior courts have jurisdiction over extreme risk
4 protection order proceedings under this chapter. The juvenile court
5 may hear an extreme risk protection order proceeding under this
6 chapter if the respondent is under the age of 18 years. Additionally,
7 district (~~and municipal~~) courts have limited jurisdiction over the
8 issuance and enforcement of temporary extreme risk protection orders
9 issued under RCW 7.105.330. The district (~~or municipal~~) court shall
10 set the full hearing in superior court and transfer the case. If the
11 notice and order are not served on the respondent in time for the
12 full hearing, the issuing court has concurrent jurisdiction with the
13 superior court to extend the temporary extreme risk protection order.
14 The superior court to which the case is being transferred shall
15 determine whether to grant any request for a continuance.

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

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

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

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

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

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

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

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

35 (a) A petition for a domestic violence protection order, which
36 must allege the existence of domestic violence committed against the
37 petitioner or petitioners by an intimate partner or a family or
38 household member. The petitioner may petition for relief on behalf of

1 himself or herself and on behalf of family or household members who
2 are minors or vulnerable adults. A petition for a domestic violence
3 protection order must specify whether the petitioner and the
4 respondent are intimate partners or family or household members. A
5 petitioner who has been sexually assaulted or stalked by an intimate
6 partner or a family or household member should, but is not required
7 to, seek a domestic violence protection order, rather than a sexual
8 assault protection order or a stalking protection order.

9 (b) A petition for a sexual assault protection order, which must
10 allege the existence of nonconsensual sexual conduct or nonconsensual
11 sexual penetration that was committed against the petitioner by the
12 respondent. A petitioner who has been sexually assaulted by an
13 intimate partner or a family or household member should, but is not
14 required to, seek a domestic violence protection order, rather than a
15 sexual assault protection order. A single incident of nonconsensual
16 sexual conduct or nonconsensual sexual penetration is sufficient
17 grounds for a petition for a sexual assault protection order. The
18 petitioner may petition for a sexual assault protection order on
19 behalf of:

20 (i) Himself or herself;

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

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

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

30 (c) A petition for a stalking protection order, which must allege
31 the existence of stalking committed against the petitioner or
32 petitioners by the respondent. A petitioner who has been stalked by
33 an intimate partner or a family or household member should, but is
34 not required to, seek a domestic violence protection order, rather
35 than a stalking protection order. The petitioner may petition for a
36 stalking protection order on behalf of:

37 (i) Himself or herself;

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

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

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

8 (d) A petition for a vulnerable adult protection order, which
9 must allege that the petitioner, or person on whose behalf the
10 petition is brought, is a vulnerable adult and that the petitioner,
11 or person on whose behalf the petition is brought, has been
12 abandoned, abused, financially exploited, or neglected, or is
13 threatened with abandonment, abuse, financial exploitation, or
14 neglect, by the respondent. (~~If the petition is filed by an
15 interested person, the affidavit or declaration must also include a
16 statement of why the petitioner qualifies as an interested person.~~)

17 (e) A petition for an extreme risk protection order, which must
18 allege that the respondent poses a significant danger of causing
19 personal injury to self or others by having in the respondent's
20 custody or control, purchasing, possessing, accessing, receiving, or
21 attempting to purchase or receive, a firearm. The petition must also
22 identify information the petitioner is able to provide about the
23 firearms, such as the number, types, and locations of any firearms
24 the petitioner believes to be in the respondent's current ownership,
25 possession, custody, access, or control. A petition for an extreme
26 risk protection order may be filed by (i) an intimate partner or a
27 family or household member of the respondent; or (ii) a law
28 enforcement agency.

29 (f) A petition for an antiharassment protection order, which must
30 allege the existence of unlawful harassment committed against the
31 petitioner or petitioners by the respondent. If a petitioner is
32 seeking relief based on domestic violence, nonconsensual sexual
33 conduct, nonconsensual sexual penetration, or stalking, the
34 petitioner may, but is not required to, seek a domestic violence,
35 sexual assault, or stalking protection order, rather than an
36 antiharassment order. The petitioner may petition for an
37 antiharassment protection order on behalf of:

38 (i) Himself or herself;

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

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

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

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

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

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

21 (5) A petition for any type of protection order must not be
22 dismissed or denied on the basis that the conduct alleged by the
23 petitioner would meet the criteria for the issuance of another type
24 of protection order. If a petition meets the criteria for a different
25 type of protection order other than the one sought by the petitioner,
26 the court shall consider the petitioner's preference, and enter a
27 temporary protection order or set the matter for a hearing as
28 appropriate under the law. The court's decision on the appropriate
29 type of order shall not be premised on alleviating any potential
30 stigma on the respondent.

31 ((+5)) (6) The protection order petition must contain a section
32 where the petitioner, regardless of petition type, may request
33 specific relief provided for in RCW 7.105.310 that the petitioner
34 seeks for himself or herself or for family or household members who
35 are minors. The totality of selected relief, and any other relief the
36 court deems appropriate for the petitioner, or family or household
37 members who are minors, must be considered at the time of entry of
38 temporary protection orders and at the time of entry of full
39 protection orders.

1 ~~((6))~~ (7) If a court reviewing the petition for a protection
2 order or a request for a temporary protection order determines that
3 the petition was not filed in the correct court, the court shall
4 enter findings establishing the correct court, and direct the clerk
5 to transfer the petition to the correct court and to provide notice
6 of the transfer to all parties who have appeared.

7 ~~((7))~~ (8) Upon filing a petition for a protection order, the
8 petitioner may request that the court enter an ex parte temporary
9 protection order and an order to surrender and prohibit weapons
10 without notice until a hearing on a full protection order may be
11 held. When requested, there shall be a rebuttable presumption to
12 include the petitioner's minor children as protected parties in the
13 ex parte temporary domestic violence protection order until the full
14 hearing to reduce the risk of harm to children during periods of
15 heightened risk, unless there is good cause not to include the minor
16 children. If the court denies the petitioner's request to include the
17 minor children, the court shall make written findings why the
18 children should not be included, pending the full hearing. An ex
19 parte temporary protection order shall be effective for a fixed
20 period of time and shall be issued initially for a period not to
21 exceed 14 days, which may be extended for good cause.

22 ~~((8) The court may, at its discretion, issue a temporary order~~
23 ~~on the petition with or without a hearing. If an order is not signed~~
24 ~~upon presentation, the court shall set a hearing for a full~~
25 ~~protection order not later than 14 days from the date of the filing~~
26 ~~of the petition for a protection order, if the petition for a~~
27 ~~protection order is filed before close of business on a judicial day.~~
28 ~~If a petition for a protection order is filed after close of business~~
29 ~~on a judicial day or is filed on a nonjudicial day, the court shall~~
30 ~~set a hearing for a full protection order not later than 14 days from~~
31 ~~the first judicial day after the petition is filed.))~~

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

34 The following apply to all petitions for protection orders under
35 this chapter.

36 (1)(a) By January 1, 2023, county clerks on behalf of all
37 superior courts and, by January 1, 2026, all courts of limited
38 jurisdiction, must permit petitions for protection orders and all
39 other filings in connection with the petition to be submitted as

1 preferred by the petitioner either: (i) In person; (ii) remotely
2 through an electronic submission process; or (iii) by mail for
3 persons who are incarcerated or who are otherwise unable to file in
4 person or remotely through an electronic system. The court or clerk
5 must make (~~(all electronically filed court documents available for~~
6 ~~electronic access by)~~) available electronically to judicial officers
7 (~~(statewide)~~) any protection orders filed within the state. Judicial
8 officers may not be charged for access to such documents. The
9 electronic (~~(filing)~~) submission system must allow for petitions for
10 protection orders and supportive documents to be (~~(filed)~~) submitted
11 at any time of the day. When a petition and supporting documents for
12 a protection order are submitted to the clerk after business hours,
13 they must be processed as soon as possible on the next judicial day.
14 Petitioners and respondents should not (~~(be charged)~~) incur
15 additional charges for electronic (~~(filing)~~) submission for petitions
16 and documents filed pursuant to this section.

17 (b) By January 1, 2023, all superior courts' systems and, by
18 January 1, 2026, all limited jurisdiction courts' systems, should
19 allow for the petitioner to electronically track the progress of the
20 petition for a protection order. Notification may be provided by text
21 messaging or email, and should provide reminders of court appearances
22 and alert the petitioner when the following occur: (i) The petition
23 has been processed and is under review by a judicial officer; (ii)
24 the order has been signed; (iii) the order has been transmitted to
25 law enforcement for entry into the Washington crime information
26 center system; (iv) (~~(return)~~) proof of service upon the respondent
27 has been filed with the court or clerk; (~~(and)~~) (v) a receipt for the
28 surrender of firearms has been filed with the court or clerk; and
29 (vi) the respondent has filed a motion for the release of surrendered
30 firearms. Respondents, once served, should be able to sign up for
31 similar electronic notification. Petitioners and respondents should
32 not be charged for electronic notification.

33 (2) The petition must be accompanied by a confidential document
34 to be used by the courts and law enforcement to fully identify the
35 parties and serve the respondent. This record will be exempt from
36 public disclosure at all times, and restricted access to this form is
37 governed by general rule 22 provisions governing access to the
38 confidential information form. The petitioner is required to fill out
39 the confidential party information form to the petitioner's fullest
40 ability. The respondent (~~(must)~~) should be (~~(served with)~~) provided a

1 blank confidential party information form at the time of service, and
2 when the respondent first appears, the respondent must confirm with
3 the court the respondent's identifying and current contact
4 information, including electronic means of contact, and file this
5 with the court.

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

10 (4) The petitioner and the respondent must disclose the existence
11 of any other litigation or of any other restraining, protection, or
12 no-contact orders between the parties, to the extent that such
13 information is known by the petitioner and the respondent. To the
14 extent possible, the court shall take judicial notice of any existing
15 restraining, protection, or no-contact orders between the parties
16 before entering a protection order. The court shall not include
17 provisions in a protection order that would allow the respondent to
18 engage in conduct that is prohibited by another restraining,
19 protection, or no-contact order between the parties that was entered
20 in a different proceeding. The obligation to disclose the existence
21 of any other litigation includes, but is not limited to, the
22 existence of any other litigation concerning the custody or
23 residential placement of a child of the parties as set forth in RCW
24 26.27.281. The court administrator shall verify for the court the
25 terms of any existing protection order governing the parties.

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

30 (6) Relief under this chapter must not be denied or delayed on
31 the grounds that the relief is available in another action. The court
32 shall not defer acting on a petition for a protection order nor grant
33 a petitioner less than the full relief that the petitioner is
34 otherwise entitled to under this chapter because there is, or could
35 be, another proceeding involving the parties including, but not
36 limited to, any potential or pending family law matter or criminal
37 matter.

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

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

3 (9) (a) No fees for service of process may be charged by a court
4 or any public agency to petitioners seeking relief under this
5 chapter. Except as provided in (b) of this subsection, courts may not
6 charge petitioners any fees or surcharges the payment of which is a
7 condition precedent to the petitioner's ability to secure access to
8 relief under this chapter. Petitioners shall be provided the
9 necessary number of certified copies, forms, and instructional
10 brochures free of charge. A respondent who is served electronically
11 with a protection order shall be provided a certified copy of the
12 order free of charge upon request.

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

15 (i) No filing fee may be charged to a petitioner seeking an
16 antiharassment protection order against a person who has engaged in
17 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW
18 9A.36.080(1)(c), or a single act of violence or threat of violence
19 under RCW 7.105.010(35)(b), or from a person who has engaged in
20 nonconsensual sexual conduct or penetration or conduct that would
21 constitute a sex offense as defined in RCW 9A.44.128, or from a
22 person who is a family or household member or intimate partner who
23 has engaged in conduct that would constitute domestic violence; and

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

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

33 (11) Subject to the availability of amounts appropriated for this
34 specific purpose, or as provided through alternative sources
35 including, but not limited to, grants, local funding, or pro bono
36 means, if the court deems it necessary, the court may appoint a
37 guardian ad litem for a petitioner or a respondent who is under 18
38 years of age and who is not represented by counsel. If a guardian ad
39 litem is appointed by the court for either or both parties, neither

1 the petitioner nor the respondent shall be required by the court to
2 pay any costs associated with the appointment.

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

9 ~~(13))~~ If a petitioner has requested an ex parte temporary
10 protection order, because these are often emergent situations, the
11 court shall prioritize review, either entering an order without a
12 hearing or scheduling and holding an ex parte hearing in person, by
13 telephone, by video, or by other electronic means on the day the
14 petition is filed if possible. Otherwise, it must be heard no later
15 than the following judicial day. The clerk shall ensure that the
16 request for an ex parte temporary protection order is presented
17 timely to a judicial officer, and signed orders will be returned
18 promptly to the clerk for entry and to the petitioner as specified in
19 this section.

20 ~~((14))~~ (13) Courts shall not require a petitioner to file
21 duplicative forms.

22 ~~((15))~~ (14) The Indian child welfare act applies in the
23 following manner.

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

32 (b) Every order entered in any proceeding under this chapter
33 where the petitioner is not a parent of the minor or minors protected
34 by the order must contain a finding that the federal Indian child
35 welfare act or chapter 13.38 RCW does or does not apply, or if there
36 is insufficient information to make a determination, the court must
37 make a finding that a determination must be made before a full
38 protection order may be entered. If there is reason to know the child
39 is an Indian child, but the court does not have sufficient evidence
40 to determine that the child is or is not an Indian child, 25 C.F.R.

1 Sec. 23.107(b) applies. Where there is a finding that the federal
2 Indian child welfare act or chapter 13.38 RCW does apply, the order
3 must also contain a finding that all notice, evidentiary
4 requirements, and placement preferences under the federal Indian
5 child welfare act and chapter 13.38 RCW have been satisfied, or a
6 finding that removal or placement of the child is necessary to
7 prevent imminent physical damage or harm to the child pursuant to 25
8 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
9 federal Indian child welfare act or chapter 13.38 RCW does not apply,
10 the order must also contain a finding as to why there is no reason to
11 know the child may be an Indian child.

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

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

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

19 (i) For all protection orders except extreme risk protection
20 orders, the protection order must include, in a conspicuous location,
21 a notice of criminal penalties resulting from a violation of the
22 order, and the following statement: "You can be arrested even if the
23 protected person or persons invite or allow you to violate the order.
24 You alone are responsible for following the order. Only the court may
25 change the order. Requests for changes must be made in writing."

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

32 (b) Develop and distribute instructions and informational
33 brochures regarding protection orders and a court staff handbook on
34 the protection order process, which shall be made available online to
35 view and download at no cost. Developing additional methods to inform
36 the public about protection orders in understandable terms and in
37 languages other than English through videos and social media should
38 also be considered. The instructions, brochures, forms, and handbook
39 must be prepared in consultation with civil legal aid, culturally

1 specific advocacy programs, and domestic violence and sexual assault
2 advocacy programs. The instructions must be designed to assist
3 petitioners in completing the petition, and must include a sample of
4 standard petition and protection order forms. The instructions and
5 standard petition must include a means for the petitioner to
6 identify, with only lay knowledge, the firearms the respondent may
7 own, possess, receive, have access to, or have in the respondent's
8 custody or control. The instructions must provide pictures of types
9 of firearms that the petitioner may choose from to identify the
10 relevant firearms, or an equivalent means to allow petitioners to
11 identify firearms without requiring specific or technical knowledge
12 regarding the firearms. The court staff handbook must allow for the
13 addition of a community resource list by the court clerk. The
14 informational brochure must describe the use of, and the process for,
15 obtaining, renewing, modifying, terminating, and enforcing protection
16 orders as provided under this chapter, as well as the process for
17 obtaining, modifying, terminating, and enforcing an antiharassment
18 no-contact order as provided under chapter 9A.46 RCW, a domestic
19 violence no-contact order as provided under chapter 10.99 RCW, a
20 restraining order as provided under chapters 26.09, 26.26A, 26.26B,
21 and 26.44 RCW, a foreign protection order as defined in chapter 26.52
22 RCW, and a Canadian domestic violence protection order as defined in
23 RCW 26.55.010;

24 (c) Determine the significant non-English-speaking or limited
25 English-speaking populations in the state. The administrative office
26 of the courts shall then arrange for translation of the instructions
27 and informational brochures required by this section, which must
28 contain a sample of the standard petition and protection order forms,
29 into the languages spoken by at least the top five significant non-
30 English-speaking populations, and shall distribute a master copy of
31 the translated instructions and informational brochures to all court
32 clerks and to the Washington supreme court's interpreter commission,
33 minority and justice commission, and gender and justice commission
34 (~~by July 25, 2021~~). Such materials must be updated and distributed
35 if needed due to relevant changes in the law;

36 (d) (i) Distribute a master copy of the petition and order forms,
37 instructions, and informational brochures to all court clerks, and
38 distribute a master copy of the petition and order forms to all
39 superior, district, and municipal courts;

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

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

8 (A) A standard petition and order form for an extreme risk
9 protection order, as well as a standard petition and order form for
10 an extreme risk protection order sought against a respondent under 18
11 years of age, titled "Extreme Risk Protection Order - Respondent
12 Under 18 Years";

13 (B) Pattern forms to assist in streamlining the process for those
14 persons who are eligible to seal records relating to an order under
15 (d)(i) of this subsection, including:

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

18 (II) An order sealing the court records relating to that order;
19 and

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

23 (e) Create a new confidential party information form to satisfy
24 the purposes of the confidential information form and the law
25 enforcement information sheet that will serve both the court's and
26 law enforcement's data entry needs without requiring a redundant
27 effort for the petitioner, and ensure the petitioner's confidential
28 information is protected for the purpose of safety. The form should
29 be created with the presumption that it will also be used by the
30 respondent to provide all current contact information needed by the
31 court and law enforcement, and full identifying information for
32 improved data entry. The form should also prompt the petitioner to
33 disclose on the form whether the person who the petitioner is seeking
34 to restrain has a disability, brain injury, or impairment requiring
35 special assistance; and

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

39 (2) ((The)) By July 1, 2022, the administrative office of the
40 courts, through the gender and justice commission of the Washington

1 state supreme court, and with the support of the Washington state
2 women's commission, shall work with representatives of superior,
3 district, and municipal court judicial officers, court clerks, and
4 administrators, including those with experience in protection order
5 proceedings, as well as advocates and practitioners with expertise in
6 each type of protection order, and others with relevant expertise, to
7 develop for the courts:

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

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

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

18 (1) All court clerks' offices shall make available the
19 standardized forms, instructions, and informational brochures
20 required by this chapter, and shall (~~fill in and~~) keep current
21 specific program names and telephone numbers for community resources,
22 including civil legal aid and volunteer lawyer programs. Any
23 assistance or information provided by clerks under this chapter, or
24 any assistance or information provided by any person, including court
25 clerks, employees of the department of social and health services,
26 and other court facilitators, to complete the forms provided by the
27 court, does not constitute the practice of law, and clerks are not
28 responsible for incorrect information contained in a petition.

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

33 (a) The court clerk shall (~~obtain a~~) accept an appropriate
34 community resource list from a domestic violence program and from a
35 sexual assault program serving the county in which the court is
36 located. The community resource list must include the names,
37 telephone numbers, and, as available, website links of domestic
38 violence programs, sexual assault programs, and elder abuse programs
39 serving the community in which the court is located, including law

1 enforcement agencies, domestic violence agencies, sexual assault
2 agencies, civil legal aid programs, elder abuse programs,
3 interpreters, multicultural programs, and batterers' treatment
4 programs. The list must be made available in print and online.

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

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

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

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

24 (1) To minimize delays and the need for more hearings, which can
25 hinder access to justice and undermine judicial economy, to lessen
26 costs, to guarantee actual notice to the respondent, and to simplify
27 and modernize processes for petitioners, respondents, law
28 enforcement, and the courts, the following methods of service are
29 authorized for protection order proceedings, including petitions,
30 temporary protection orders, reissuances of temporary protection
31 orders, full protection orders, motions to renew protection orders,
32 and motions to modify or terminate protection orders.

33 (a) (~~Personal~~) (i) Except as provided in (a)(iii) and (b)(i) of
34 this subsection, personal service, consistent with court rules for
35 civil proceedings, (~~must be made by law enforcement to mitigate~~
36 ~~risks, increase safety, and ensure swift recovery of firearms in~~
37 ~~eases~~) is required in: (A) Cases requiring the surrender of
38 firearms, such as extreme risk protection orders and protection
39 orders with orders to surrender and prohibit weapons; (B) cases that

1 involve transferring the custody of a child or children from the
2 respondent to the petitioner; ~~((or))~~ (C) cases involving vacating the
3 respondent from the parties' shared residence~~((Personal service~~
4 ~~should also be used in))~~; (D) cases involving a respondent who is
5 incarcerated; and (E) cases where a petition for a vulnerable adult
6 protection order is filed by someone other than the vulnerable adult.

7 (ii) Personal service in cases specified in (a)(i)(A) through (D)
8 of this subsection must be made by law enforcement including, at a
9 minimum, two timely attempts at personal service. To reduce risk of
10 harm for cases requiring personal service, law enforcement should
11 continue to attempt personal service up to the hearing date. Personal
12 service for cases specified in (a)(i)(E) of this subsection and when
13 used for other protection order cases must ~~((otherwise)) be made by
14 law enforcement unless the petitioner elects to have the respondent
15 served by a third party who is not a party to the action ~~((and))~~, is
16 ~~((over))~~ 18 years of age or older and competent to be a witness, and
17 can provide sworn proof of service to the court as required.~~

18 (iii) In cases where personal service is required under this
19 subsection, after two unsuccessful attempts at personal service,
20 service shall be permitted by electronic means in accordance with (b)
21 of this subsection.

22 (b)(i) Service by electronic means, including service by email,
23 text message, social media applications, or other technologies, must
24 be prioritized for all orders at the time of the issuance of
25 temporary protection orders, ~~((with the exception of the following~~
26 ~~cases, for which personal service must be prioritized: (A) Cases~~
27 ~~requiring the surrender of firearms, such as extreme risk protection~~
28 ~~orders and protection orders with orders to surrender weapons; (B)~~
29 ~~cases that involve transferring the custody of a child or children~~
30 ~~from the respondent to the petitioner; (C) cases involving vacating~~
31 ~~the respondent from the parties' shared residence; or (D) cases~~
32 ~~involving a respondent who is incarcerated))~~ except in cases where
33 personal service is required under (a) of this subsection. ~~((Once))~~
34 For cases specified in (a)(i)(A) through (D) of this subsection, once
35 firearms and concealed pistol licenses have been surrendered and
36 verified by the court, or there is evidence the respondent does not
37 possess firearms, the restrained party has been vacated from the
38 shared residence, or the custody of the child or children has been
39 transferred, per court order, or the respondent is no longer

1 incarcerated, then subsequent motions and orders may be served
2 electronically.

3 (ii) Service by electronic means must be ~~((effected))~~ made by a
4 law enforcement agency, unless the petitioner elects to have the
5 respondent served by any person who is not a party to the action, is
6 ~~((over))~~ 18 years of age or older and competent to be a witness, and
7 can provide sworn proof of service to the court as required. Court
8 authorization permitting electronic service is not required except in
9 cases specified in (a)(i)(A) through (D) of this subsection. In those
10 cases, either request of the petitioner, or good cause for granting
11 an order for electronic service, such as two failed attempts at
12 personal service, are required to authorize service by electronic
13 means. No formal motion is necessary.

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

20 (iv) Electronic service must be effected by transmitting copies
21 of the petition and any supporting materials filed with the petition,
22 notice of hearing, and any orders, or relevant materials for motions,
23 to the respondent at the respondent's electronic address or the
24 respondent's electronic account associated with email, text
25 messaging, social media applications, or other technologies.
26 Verification of ~~((receipt))~~ notice is required and may be
27 accomplished through read-receipt mechanisms, a response, a sworn
28 statement from the person who effected service verifying transmission
29 and any follow-up communications such as email or telephone contact
30 used to further verify, or an appearance by the respondent at a
31 hearing. Sworn proof of service must be filed with the court by the
32 person who effected service. ~~((Service by electronic means is~~
33 ~~complete upon transmission when made prior to 5:00 p.m. on a judicial~~
34 ~~day. Service made on a Saturday, Sunday, legal holiday, or after 5:00~~
35 ~~p.m. on any other day shall be deemed complete at 9:00 a.m. on the~~
36 ~~first judicial day thereafter.))~~

37 (c) Service by mail is permitted when: (i) Personal service was
38 required, there have been two unsuccessful attempts at personal
39 service, and electronic service is not possible~~((, and there have~~
40 ~~been two unsuccessful attempts at personal service or when the~~

1 ~~petitioner requests it in lieu of electronic service or personal~~
2 ~~service where personal service is not otherwise required); or (ii)~~
3 personal service is not required and there have been two unsuccessful
4 attempts at personal or electronic service. If electronic service and
5 personal service are not successful, the court shall affirmatively
6 order service by mail without requiring additional motions to be
7 filed by the petitioner. Service by mail must be made by any person
8 who is not a party to the action and is (~~over~~) 18 years of age or
9 older and competent to be a witness, by mailing copies of the
10 materials to be served to the party to be served at the party's last
11 known address or any other address determined by the court to be
12 appropriate. Two copies must be mailed, postage prepaid, one by
13 ordinary first-class mail and the other by a form of mail requiring a
14 tracking or certified information showing when and where it was
15 delivered. The envelopes must bear the return address (~~of the~~
16 ~~sender~~) where the petitioner may receive legal mail. Service is
17 complete (~~upon~~) 10 calendar days after the mailing of two copies as
18 prescribed in this section. Where service by mail is provided by a
19 third party, the clerk shall forward proof of service by mail to the
20 law enforcement agency in the county or municipality where the
21 respondent resides.

22 (d) Service by publication is permitted only in those cases where
23 all other means of service have been unsuccessful or are not possible
24 due to lack of any known physical or electronic address of the
25 respondent. Publication must be made in a newspaper of general
26 circulation in the county where the petition was brought and in the
27 county of the last known address of the respondent once a week for
28 three consecutive weeks. The newspaper selected must be one of the
29 three most widely circulated papers in the county. The publication of
30 summons must not be made until the court orders service by
31 publication under this section. Service of the summons is considered
32 complete on the date of the third publication when (~~the~~)
33 publication has been made for three consecutive weeks. The summons
34 must be signed by the petitioner. The summons must contain the date
35 of the first publication, and shall require the respondent upon whom
36 service by publication is desired to appear and answer the petition
37 on the date set for the hearing. The summons must also contain a
38 brief statement of the reason for the petition and a summary of the
39 provisions under the temporary protection order. The summons must be
40 essentially in the following form:

1 In the court of the state of Washington
2 for the county of
3, Petitioner

4 vs. No.

5, Respondent

6 The state of Washington to
7 (respondent):

8 You are hereby summoned to appear on the
9 day of, (year), at a.m./p.m., and
10 respond to the petition. If you fail to respond, a
11 protection order will be issued against you pursuant to
12 the provisions of chapter 7.105 RCW, for a minimum of
13 one year from the date you are required to appear. A
14 temporary protection order has been issued against you,
15 restraining you from the following: (Insert a brief
16 statement of the provisions of the temporary protection
17 order). A copy of the petition, notice of hearing, and
18 temporary protection order has been filed with the clerk
19 of this court.

20

21 Petitioner.....

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

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

1 electronic service can be effected for all subsequent motions,
2 orders, and hearings.

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

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

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

20 (b) A copy of the protection order must be served on a parent,
21 guardian, or conservator of the respondent at any address where the
22 respondent resides, or the department of children, youth, and
23 families in the case where the respondent is the subject of a
24 dependency or court approved out-of-home placement. A minor
25 respondent shall not be served at the minor respondent's school
26 unless no other address for service is known.

27 (c) For extreme risk protection orders, the court shall also
28 provide a parent, guardian, or conservator of the respondent with
29 written notice of the legal obligation to safely secure any firearm
30 on the premises and the potential for criminal prosecution if a
31 prohibited person were to obtain access to any firearm. This notice
32 may be provided at the time the parent, guardian, or conservator of
33 the respondent appears in court or may be served along with a copy of
34 the order, whichever occurs first.

35 (6) When a petition for a vulnerable adult protection order is
36 filed by someone other than the vulnerable adult, notice of the
37 petition and hearing must be personally served upon the vulnerable
38 adult. In addition to copies of all pleadings filed by the
39 petitioner, the petitioner shall provide a written notice to the
40 vulnerable adult using a standard notice form developed by the

1 administrative office of the courts. The standard notice form must be
2 designed to explain to the vulnerable adult in clear, plain language
3 the purpose and nature of the petition and that the vulnerable adult
4 has the right to participate in the hearing and to either support or
5 object to the petition.

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

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

14 When service is to be completed under this chapter by a law
15 enforcement officer:

16 (1) The clerk of the court shall have a copy of any order issued
17 under this chapter, the confidential information form, as well as the
18 petition for a protection order and any supporting materials,
19 electronically forwarded on or before the next judicial day to the
20 law enforcement agency in the county or municipality where the
21 respondent resides, as specified in the order, for service upon the
22 respondent. If the respondent has moved from that county or
23 municipality and personal service is not required, the law
24 enforcement agency specified in the order may serve the order;

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

28 (3) Where personal service is required, the first attempt at
29 service must occur within 24 hours of receiving the order from the
30 court whenever practicable, but not more than five days after
31 receiving the order. If the first attempt is not successful, no fewer
32 than two additional attempts should be made to serve the order,
33 particularly for respondents who present heightened risk of lethality
34 or other risk of physical harm to the petitioner or petitioner's
35 family or household members. ~~((Law enforcement shall document all))~~
36 All attempts at service must be documented on a ~~((return))~~ proof of
37 service form and ~~((submit it))~~ submitted to the court in a timely
38 manner;

1 (4) If service cannot be completed within 10 calendar days, the
2 law enforcement officer shall notify the petitioner. The petitioner
3 shall provide information sufficient to permit notification. Law
4 enforcement shall continue to attempt to complete service unless
5 otherwise directed by the court. In the event that the petitioner
6 does not provide a service address for the respondent or there is
7 evidence that the respondent is evading service, the law enforcement
8 officer shall use law enforcement databases to assist in locating the
9 respondent;

10 (5) If the respondent is in a protected person's presence at the
11 time of contact for service, the law enforcement officer should take
12 reasonable steps to separate the parties when possible prior to
13 completing the service or inquiring about or collecting firearms.
14 When the order requires the respondent to vacate the parties' shared
15 residence, law enforcement shall take reasonable steps to ensure that
16 the respondent has left the premises and is on notice that his or her
17 return is a violation of the terms of the order. The law enforcement
18 officer shall provide the respondent with copies of all forms with
19 the exception of the ((~~law enforcement information sheet~~))
20 confidential information form completed by the protected party and
21 the ((~~return~~)) proof of service form;

22 (6) Any law enforcement officer who serves a protection order on
23 a respondent with the knowledge that the respondent requires special
24 assistance due to a disability, brain injury, or impairment shall
25 make a reasonable effort to accommodate the needs of the respondent
26 to the extent practicable without compromise to the safety of the
27 petitioner;

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

37 (8) If attempts at service were not successful, the ((~~return~~))
38 proof of service form or the form letter showing that the order was
39 not served, and stating the reason it was not served, must be
40 returned to the court by the next judicial day following the last

1 unsuccessful attempt at service. Each attempt at service must be
2 noted and reflected in computer aided dispatch records, with the
3 date, time, address, and reason service was not completed.

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

6 ~~((Service))~~ (1) Unless waived by the nonmoving party, service
7 must be completed on the nonmoving party not less than five judicial
8 days before the hearing date(~~(, unless waived by the nonmoving~~
9 ~~party)~~). If service cannot be made, the court shall set a new hearing
10 date and shall either require an additional attempt at obtaining
11 service or permit service by other means authorized in this chapter.
12 The court shall not require more than two attempts at obtaining
13 service before permitting service by other means authorized in this
14 chapter unless the moving party requests additional time to attempt
15 service.

16 (2) Service is completed on the day the respondent is served
17 personally, on the date of transmission for electronic service, on
18 the 10th calendar day after mailing for service by mail, or on the
19 date of the third publication when publication has been made for
20 three consecutive weeks for service by publication.

21 (3) If the nonmoving party was served before the hearing, but
22 less than five judicial days before the hearing, it is not necessary
23 to re-serve materials that the nonmoving party already received, but
24 any new notice of hearing and reissued order must be served on the
25 nonmoving party. (~~The court shall not require more than two attempts~~
26 ~~at obtaining service before permitting service by other means~~
27 ~~authorized in this chapter unless the moving party requests~~
28 ~~additional time to attempt service. If the court permits service by~~
29 ~~mail or by publication, the court shall set the hearing date not~~
30 ~~later than 24 days from the date of the order authorizing such~~
31 ~~service.)~~ This additional service may be made by mail as an
32 alternative to other authorized methods of service under this
33 chapter. If done by mail, this additional service is considered
34 completed on the third calendar day after mailing.

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

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

3 In hearings under this chapter, the following apply:

4 (1) Hearings under this chapter are special proceedings. The
5 procedures established under this chapter for protection order
6 hearings supersede inconsistent civil court rules. Courts should
7 evaluate the needs and procedures best suited to individual hearings
8 based on consideration of the totality of the circumstances,
9 including disparities that may be apparent in the parties' resources
10 and representation by counsel.

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

13 (b) For extreme risk protection order hearings where a law
14 enforcement agency is the petitioner, the court shall prioritize
15 scheduling because of the importance of immediate temporary removal
16 of firearms in situations of extreme risk and the goal of minimizing
17 the time law enforcement must otherwise wait for a particular case to
18 be called, which can hinder their other patrol and supervisory
19 duties. Courts also may allow a law enforcement petitioner to
20 participate ~~((telephonically))~~ remotely, or allow another
21 representative from that law enforcement agency or the prosecutor's
22 office to present the information to the court if personal presence
23 of the petitioning officer is not required for testimonial purposes.

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

28 ~~(4))~~ If the respondent does not appear ~~((, or the petitioner
29 informs the court that the respondent has not been served at least
30 five judicial days before the hearing date and the petitioner desires
31 to pursue service, or the parties have informed the court of an
32 agreed date of continuance for the hearing,))~~ for the full hearing
33 and there is no proof of timely and proper service on the respondent,
34 the court shall reissue any temporary protection order previously
35 issued ~~((, cancel the scheduled hearing,))~~ and reset the hearing date.
36 If a temporary protection order is reissued, the court shall reset
37 the hearing date not later than 14 days from the reissue date. If a
38 temporary protection order is reissued and the court permits service
39 by mail or by publication, the court shall reset the hearing date not

1 later than 30 days from the date of the order authorizing such
2 service. These time frames may be extended for good cause.

3 ~~((+5))~~ (4) When considering any request to stay, continue, or
4 delay a hearing under this chapter because of the pendency of a
5 parallel criminal investigation or prosecution of the respondent,
6 courts shall apply a rebuttable presumption against such delay and
7 give due recognition to the purpose of this chapter to provide
8 victims quick and effective relief. Courts must consider on the
9 record the following factors:

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

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

15 (c) Status of the criminal case;

16 (d) The interests of the petitioners in proceeding expeditiously
17 with litigation and the potential prejudice and risk to petitioners
18 of a delay;

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

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

23 (g) The interests of persons not parties to the civil litigation;
24 and

25 (h) The interest of the public in the pending civil and criminal
26 litigation.

27 ~~((+6))~~ (5) Hearings ~~((must))~~ may be conducted upon ~~((live~~
28 ~~testimony of the parties and sworn declarations))~~ the information
29 provided in the sworn petition, live testimony of the parties should
30 they choose to testify, and any additional sworn declarations. Live
31 testimony of witnesses other than the parties may be requested by a
32 party, but shall not be permitted unless the court finds that live
33 testimony of witnesses other than the parties is necessary and
34 material. If either party requests a continuance to allow for proper
35 notice of witnesses or to afford a party time to seek counsel, the
36 court ~~((should))~~ may continue the hearing. In considering the
37 request, the court should consider the rebuttable presumption against
38 delay and the purpose of this chapter to provide victims quick and
39 effective relief. If the court continues the hearing, the court shall

1 reissue any temporary orders, including orders to surrender and
2 prohibit weapons issued with or without notice.

3 ((+7)) (6) Prehearing discovery under the civil court rules,
4 including, but not limited to, depositions, requests for production,
5 or requests for admission, is disfavored and only permitted if
6 specifically authorized by the court for good cause shown upon
7 written motion of a party filed six judicial days prior to the
8 hearing and served prior to the hearing.

9 ((+8)) (7) The rules of evidence need not be applied, other than
10 with respect to privileges, the requirements of the rape shield
11 statute under RCW 9A.44.020, and evidence rules 412 and 413.

12 ((+9)) (8)(a) The prior sexual activity or the reputation of the
13 petitioner is inadmissible except:

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

18 (ii) When constitutionally required to be admitted.

19 (b) To determine admissibility, a written motion must be made six
20 judicial days prior to the protection order hearing. The motion must
21 include an offer of proof of the relevancy of the proposed evidence
22 and reasonably specific information as to the date, time, and place
23 of the past sexual conduct between the petitioner and the respondent.
24 If the court finds that the offer of proof is relevant to the issue
25 of the victim's consent, the court shall conduct a hearing in camera.
26 The court may not admit evidence under this subsection unless it
27 determines at the hearing that the evidence is relevant and the
28 probative value of the evidence outweighs the danger of unfair
29 prejudice. The evidence shall be admissible at the hearing to the
30 extent an order made by the court specifies the evidence that may be
31 admitted. If the court finds that the motion and related documents
32 should be sealed pursuant to court rule and governing law, it may
33 enter an order sealing the documents.

34 ((+10)) (9) When a petitioner has alleged incapacity to consent
35 to sexual conduct or sexual penetration due to intoxicants, alcohol,
36 or other condition, the court must determine on the record whether
37 the petitioner had the capacity to consent.

38 ~~((+11) If, prior to a full hearing, the court finds that the~~
39 ~~petition for a protection order does not contain sufficient~~
40 ~~allegations as a matter of law to support the issuance of a~~

1 ~~protection order, the court shall permit the petitioner 14 days to~~
2 ~~prepare and file an amended petition, provided the petitioner states~~
3 ~~an intent to do so and the court does not find that amendment would~~
4 ~~be futile. If the amended petition is not filed within 14 days, the~~
5 ~~case must be administratively dismissed by the clerk's office.~~

6 ~~(12))~~ (10) Courts shall not require parties to submit duplicate
7 or working copies of pleadings or other materials filed with the
8 court, unless the document or documents cannot be scanned or are
9 illegible.

10 ~~((13))~~ (11) Courts shall, if possible, have petitioners and
11 respondents in protection order proceedings gather in separate
12 locations and enter and depart the court room at staggered times.
13 Where the option is available, for safety purposes, the court should
14 arrange for petitioners to leave the court premises first and to have
15 court security escort petitioners to their vehicles or
16 transportation.

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

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

23 (2) In the court's discretion, parties and witnesses may attend a
24 hearing on a petition for a protection order, or any hearings
25 conducted pursuant to this chapter, in person or remotely, including
26 by telephone, video, or other electronic means where possible. No
27 later than three judicial days before the hearing, the parties may
28 request to appear at the hearing, with witnesses, remotely by
29 telephone, video, or other electronic means. The court shall grant
30 any request for a remote appearance unless the court finds good cause
31 to require in-person attendance or attendance through a specific
32 means.

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

36 (4) Courts shall not post or stream proceedings or recordings of
37 protection order hearings online unless (a) a waiver has been
38 received from all parties, or (b) the hearing is being conducted
39 online and members of the public do not have in-person access to

1 observe or listen to the hearing. Unless the court orders a hearing
2 to be closed to the public consistent with the requirements of
3 Washington law, courts should provide access to members of the public
4 who wish to observe or listen to a hearing conducted by telephone,
5 video, or other electronic means.

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

8 (a) Courts should include directions to access a hearing remotely
9 in the order setting the hearing and in any order granting a party's
10 request for a remote appearance. Such orders shall also include
11 directions to request an interpreter and accommodations for
12 disabilities;

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

19 (c) Courts should inform the parties before the hearing begins
20 that the hearing is being recorded by the court, in what manner the
21 public is able to view the hearing, how a party may obtain a copy of
22 the recording of the hearing, and that recording or broadcasting any
23 portion of the hearing by any means other than the court record is
24 strictly prohibited without prior court approval;

25 (d) To minimize trauma, while allowing remote hearings to be
26 observed by the public, courts should take appropriate measures to
27 prevent members of the public or the parties from harassing or
28 intimidating any party or witness to a case. Such practices may
29 include, but are not limited to, disallowing members of the public
30 from communicating with the parties or with the court during the
31 hearing, ensuring court controls over microphone and viewing
32 settings, and announcing limitations on allowing others to record the
33 hearing;

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

36 (f) To help ensure that remote access does not undermine personal
37 safety or privacy, or introduce other risks, courts should protect
38 the privacy of telephone numbers, emails, and other contact
39 information for parties and witnesses and inform parties and
40 witnesses of these safety considerations. Materials available to

1 parties and witnesses appearing remotely should include warnings not
2 to state their addresses or telephone numbers at the hearing, and
3 that they (~~may use virtual backgrounds to help ensure that their~~
4 ~~backgrounds do not reveal their location~~) should ensure that
5 background surroundings do not reveal their location;

6 (g) Courts should provide the parties, in orders setting the
7 hearing, with a telephone number and an email address for the court,
8 which the parties may use to inform the court if they have been
9 unable to appear remotely for a hearing. Before dismissing or
10 granting a petition due to the petitioner or respondent not appearing
11 for a remote hearing, or the court not being able to reach the party
12 via telephone or video, the court shall check for any notifications
13 to the court regarding issues with remote access or other
14 technological difficulties. If any party has provided such
15 notification to the court, the court shall not dismiss or grant the
16 petition, but shall reset the hearing by continuing it and reissuing
17 any temporary order in place. If a party was unable to provide the
18 notification regarding issues with remote access or other
19 technological difficulties on the day of the hearing prior to the
20 court's ruling, that party may seek relief via a motion for
21 reconsideration; and

22 (h) A party attending a hearing remotely who is unable to
23 participate in the hearing outside the presence of others who reside
24 with the party, but who are not part of the proceeding including, but
25 not limited to, children, and who asserts that the presence of those
26 individuals may hinder the party's testimony or the party's ability
27 to fully and meaningfully participate in the hearing, may request(~~(7~~
28 ~~and shall be granted, one)) a continuance on that basis.
29 (~~Subsequent~~) Such requests may be granted in the court's
30 discretion. In considering the request, the court may consider the
31 rebuttable presumption against delay and the purpose of this chapter
32 to provide victims quick and effective relief.~~

33 **Sec. 14.** RCW 7.105.255 and 2021 c 215 s 35 are each amended to
34 read as follows:

35 To help ensure familiarity with the unique nature of protection
36 order proceedings, and an understanding of trauma-informed practices
37 and best practices in the use of new technologies for remote
38 hearings, judicial officers, including persons who serve as judicial
39 officers pro tempore, should receive evidence-based training on

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

10 **Sec. 15.** RCW 7.105.305 and 2021 c 215 s 38 are each amended to
11 read as follows:

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

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

36 (3) The court may issue an ex parte temporary protection order on
37 the petition with or without a hearing. If an ex parte temporary
38 protection order is denied, the court shall still set a full hearing
39 unless the court determines the petition does not contain prima facie

1 allegations to support the issuance of any type of protection order.
2 If the court declines to issue an ex parte temporary protection order
3 as requested or declines to set a hearing, the court shall state the
4 ~~((particular))~~ reasons ~~((for the court's denial))~~ in writing. The
5 court's denial of a motion for an ex parte temporary protection order
6 shall be filed with the court. ~~((If an ex parte temporary protection
7 order is denied, the court shall still set a full hearing on the
8 petition for a protection order.))~~

9 (4) If a full hearing is set on a petition that is filed before
10 close of business on a judicial day, the hearing must be set not
11 later than 14 days from the date of the filing of the petition. If a
12 full hearing is set on a petition that is submitted after close of
13 business on a judicial day or is submitted on a nonjudicial day, the
14 hearing must be set not later than 14 days from the first judicial
15 day after the petition is filed.

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

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

28 **Sec. 16.** RCW 7.105.310 and 2021 c 215 s 39 are each amended to
29 read as follows:

30 (1) In issuing any type of protection order, other than an ex
31 parte temporary antiharassment protection order as limited by
32 subsection (2) of this section, and other than an extreme risk
33 protection order, the court shall have broad discretion to grant such
34 relief as the court deems proper, including an order that provides
35 relief as follows:

36 (a) Restrain the respondent from committing any of the following
37 acts against the petitioner and other persons protected by the order:
38 Domestic violence; nonconsensual sexual conduct or nonconsensual
39 sexual penetration; sexual abuse; stalking; acts of abandonment,

1 abuse, neglect, or financial exploitation against a vulnerable adult;
2 and unlawful harassment;

3 (b) Restrain the respondent from making any attempts to have
4 contact, including nonphysical contact, with the petitioner or the
5 petitioner's family or household members who are minors or other
6 members of the petitioner's household, either directly, indirectly,
7 or through third parties regardless of whether those third parties
8 know of the order;

9 (c) Exclude the respondent from the (~~dwelling~~) residence that
10 the parties share;

11 (d) Exclude the respondent from the residence, workplace, or
12 school of the petitioner; or from the day care or school of a minor
13 child;

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

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

33 (~~(f)~~) (g) Order the respondent to participate in a state-
34 certified domestic violence perpetrator treatment program approved
35 under RCW 43.20A.735 or a state-certified sex offender treatment
36 program approved under RCW 18.155.070;

37 (~~(g)~~) (h) Order the respondent to obtain a mental health or
38 chemical dependency evaluation. If the court determines that a mental
39 health evaluation is necessary, the court shall clearly document the
40 reason for this determination and provide a specific question or

1 questions to be answered by the mental health professional. The court
2 shall consider the ability of the respondent to pay for an
3 evaluation. Minors are presumed to be unable to pay. The parent or
4 legal guardian is responsible for costs unless the parent or legal
5 guardian demonstrates inability to pay;

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

27 ~~((i))~~ (j) Require the respondent to pay the administrative
28 court costs and service fees, as established by the county or
29 municipality incurring the expense, and to reimburse the petitioner
30 for costs incurred in bringing the action, including reasonable
31 attorneys' fees or limited license legal technician fees when such
32 fees are incurred by a person licensed and practicing in accordance
33 with state supreme court admission and practice rule 28, the limited
34 practice rule for limited license legal technicians. Minors are
35 presumed to be unable to pay. The parent or legal guardian is
36 responsible for costs unless the parent or legal guardian
37 demonstrates inability to pay;

38 ~~((j))~~ (k) Restrain the respondent from harassing, following,
39 monitoring, keeping under physical or electronic surveillance,
40 cyberstalking as defined in RCW 9.61.260, and using telephonic,

1 audiovisual, or other electronic means to monitor the actions,
2 location, or communication of the petitioner or the petitioner's
3 family or household members who are minors or other members of the
4 petitioner's household. For the purposes of this subsection,
5 "communication" includes both "wire communication" and "electronic
6 communication" as defined in RCW 9.73.260;

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

14 ~~((l))~~ (m) Consider the provisions of RCW 9.41.800, and order
15 the respondent to surrender, and prohibit the respondent from
16 accessing, having in his or her custody or control, possessing,
17 purchasing, attempting to purchase or receive, or receiving, all
18 firearms, dangerous weapons, and any concealed pistol license, as
19 required in RCW 9.41.800;

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

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

33 ~~((o))~~ (p) Enter an order restricting the respondent from
34 engaging in abusive litigation as set forth in chapter 26.51 RCW or
35 in frivolous filings against the petitioner, making harassing or
36 libelous communications about the petitioner to third parties, or
37 making false reports to investigative agencies. A petitioner may
38 request this relief in the petition or by separate motion. A
39 petitioner may request this relief by separate motion at any time
40 within five years of the date the protection order is entered even if

1 the order has since expired. A stand-alone motion for an order
2 restricting abusive litigation may be brought by a party who meets
3 the requirements of chapter 26.51 RCW regardless of whether the party
4 has previously sought a protection order under this chapter, provided
5 the motion is made within five years of the date the order that made
6 a finding of domestic violence was entered. In cases where a finding
7 of domestic violence was entered pursuant to an order under chapter
8 26.09, 26.26, or 26.26A RCW, a motion for an order restricting
9 abusive litigation may be brought under the family law case or as a
10 stand-alone action filed under this chapter, when it is not
11 reasonable or practical to file under the family law case;

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

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

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

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

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

32 ~~((u))~~ (v) Order other relief as it deems necessary for the
33 protection of the petitioner and other family or household members
34 who are minors or vulnerable adults for whom the petitioner has
35 sought protection, including orders or directives to a law
36 enforcement officer, as allowed under this chapter.

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

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

7 ~~((3))~~ (4) The court shall not take any of the following actions
8 in issuing a protection order.

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

12 (b) ~~((The court may not order the petitioner to pay the
13 respondent's attorneys' fees or other costs.~~

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

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

26 ~~((4))~~ (5) The order shall specify the date the order expires,
27 if any. For permanent orders, the court shall set the date to expire
28 99 years from the issuance date. The order shall also state whether
29 the court issued the protection order following personal service,
30 service by electronic means, service by mail, or service by
31 publication, and whether the court has approved service by mail or
32 publication of an order issued under this section.

33 **Sec. 17.** RCW 7.105.320 and 2021 c 215 s 41 are each amended to
34 read as follows:

35 (1) When an order is issued under this chapter upon request of
36 the petitioner, the court may order a law enforcement officer to
37 accompany the petitioner and assist in placing the petitioner in
38 possession of those items indicated in the order or to otherwise
39 assist in the execution of the order of protection. The order must

1 list all items that are to be included with sufficient specificity to
2 make it clear which property is included. Orders issued under this
3 chapter must include a designation of the appropriate law enforcement
4 agency to execute, serve, or enforce the order. Any appropriate law
5 enforcement agency should act where assistance is needed, even if the
6 agency is not specifically named in the order, including assisting
7 with the recovery of firearms as ordered.

8 (2) Upon order of a court, a law enforcement officer shall
9 accompany the petitioner and assist in placing the petitioner in
10 possession of all items listed in the order and to otherwise assist
11 in the execution of the order.

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

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

21 **Sec. 18.** RCW 7.105.340 and 2021 c 215 s 45 are each amended to
22 read as follows:

23 (1) Upon the issuance of any extreme risk protection order under
24 this chapter, including a temporary extreme risk protection order,
25 the court shall:

26 (a) Order the respondent to surrender to the local law
27 enforcement agency all firearms in the respondent's custody, control,
28 or possession, and any concealed pistol license issued under RCW
29 9.41.070; and

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

33 (2) The law enforcement officer serving any extreme risk
34 protection order under this chapter, including a temporary extreme
35 risk protection order, shall request that the respondent immediately
36 surrender all firearms in his or her custody, control, or possession,
37 and any concealed pistol license issued under RCW 9.41.070, and
38 conduct any search permitted by law for such firearms. The law
39 enforcement officer shall take possession of all firearms belonging

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

30 (3) At the time of surrender, a law enforcement officer taking
31 possession of a firearm or concealed pistol license shall issue a
32 receipt identifying all firearms that have been surrendered and
33 provide a copy of the receipt to the respondent. Within 72 hours
34 after service of the order, the officer serving the order shall file
35 the original receipt with the court and shall ensure that his or her
36 law enforcement agency retains a copy of the receipt.

37 (4) Upon the sworn statement or testimony of the petitioner or of
38 any law enforcement officer alleging that the respondent has failed
39 to comply with the surrender of firearms as required by an order
40 issued under this chapter, the court shall determine whether probable

1 cause exists to believe that the respondent has failed to surrender
2 all firearms in his or her possession, custody, or control. If
3 probable cause for a violation of the order exists, the court shall
4 issue a warrant describing the firearms and authorizing a search of
5 the locations where the firearms are reasonably believed to be and
6 the seizure of any firearms discovered pursuant to such search.

7 (5) If a person other than the respondent claims title to any
8 firearms surrendered pursuant to this section, and that person is
9 determined by the law enforcement agency to be the lawful owner of
10 the firearm, the firearm must be returned to that person, provided
11 that:

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

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

19 (c) The firearm is not otherwise unlawfully possessed by the
20 owner.

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

38 (7)(a) If a court finds at the compliance review hearing, or any
39 other hearing where compliance with the order is addressed, that
40 there is probable cause to believe the respondent was aware of, and

1 failed to fully comply with, the order, failed to appear at the
2 compliance review hearing, or violated the order after the court
3 entered findings of compliance, pursuant to its authority under
4 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
5 own motion, or upon the motion of the prosecutor, city attorney, or
6 the petitioner's counsel, to impose remedial sanctions, and issue an
7 order requiring the respondent to appear, provide proof of compliance
8 with the order, and show cause why the respondent should not be held
9 in contempt of court.

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

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

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

27 (ii) The court shall take judicial notice of the receipt filed
28 with the court by the law enforcement agency pursuant to subsection
29 (3) of this section. The court shall also provide sufficient notice
30 to the law enforcement agency of the hearing. Upon receiving notice
31 pursuant to this subsection, a law enforcement agency must:

32 (A) Provide the court with a complete list of firearms
33 surrendered by the respondent or otherwise belonging to the
34 respondent that are in the possession of the law enforcement agency;
35 and

36 (B) Provide the court with verification that any concealed pistol
37 license issued to the respondent has been surrendered and that a law
38 enforcement agency with authority to revoke the license has been
39 notified.

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

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

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

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

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

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

30 (b) To provide relevant information to the court to determine
31 compliance with the order, the court may allow the prosecuting
32 attorney or city attorney to question the respondent regarding
33 compliance.

34 (10) All law enforcement agencies must develop and implement
35 policies and procedures regarding the acceptance, storage, and return
36 of firearms required to be surrendered under this chapter. Any
37 surrendered firearms must be handled and stored properly to prevent
38 damage or degradation in appearance or function, and the condition of
39 the surrendered firearms documented, including by digital photograph.

40 A law enforcement agency holding any surrendered firearm or concealed

1 pistol license shall comply with the provisions of RCW 9.41.340 and
2 9.41.345 before the return of the firearm or concealed pistol license
3 to the owner or individual from whom it was obtained.

4 **Sec. 19.** RCW 7.105.400 and 2021 c 215 s 53 are each amended to
5 read as follows:

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

8 (a) Agreement of the parties;

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

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

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

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

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

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

3 (g) The interests of persons not parties to the civil litigation;
4 and

5 (h) The interest of the public in the pending civil and criminal
6 litigation.

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

17 **Sec. 20.** RCW 7.105.450 and 2021 c 215 s 56 are each amended to
18 read as follows:

19 (1)(a) Whenever a domestic violence protection order, a sexual
20 assault protection order, a stalking protection order, or a
21 vulnerable adult protection order is granted under this chapter, or
22 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
23 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
24 protection order as defined in RCW 26.52.020, or there is a Canadian
25 domestic violence protection order as defined in RCW 26.55.010, and
26 the respondent or person to be restrained knows of the order, a
27 violation of any of the following provisions of the order is a gross
28 misdemeanor, except as provided in subsections (4) and (5) of this
29 section:

30 (i) The restraint provisions prohibiting acts or threats of
31 violence against, or stalking of, a protected party, or the restraint
32 provisions prohibiting contact with a protected party;

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

35 (iii) A provision prohibiting the person from knowingly coming
36 within, or knowingly remaining within, a specified distance of a
37 location, a protected party's person, or a protected party's vehicle;

38 (iv) A provision prohibiting interfering with the protected
39 party's efforts to remove a pet owned, possessed, leased, kept, or

1 held by the petitioner, the respondent, or a minor child residing
2 with either the petitioner or the respondent; or

3 (v) A provision of a foreign protection order or a Canadian
4 domestic violence protection order specifically indicating that a
5 violation will be a crime.

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

8 (i) May require that the respondent submit to electronic
9 monitoring. The court shall specify who must provide the electronic
10 monitoring services and the terms under which the monitoring must be
11 performed. The order also may include a requirement that the
12 respondent pay the costs of the monitoring. The court shall consider
13 the ability of the convicted person to pay for electronic monitoring;
14 and

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

20 (2) A law enforcement officer shall arrest without a warrant and
21 take into custody a person whom the law enforcement officer has
22 probable cause to believe has violated a domestic violence protection
23 order, a sexual assault protection order, a stalking protection
24 order, or a vulnerable adult protection order, or an order issued
25 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
26 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
27 in RCW 26.52.020, or a Canadian domestic violence protection order as
28 defined in RCW 26.55.010, that restrains the person or excludes the
29 person from a residence, workplace, school, or day care, or prohibits
30 the person from knowingly coming within, or knowingly remaining
31 within, a specified distance of a location, a protected party's
32 person, or a protected party's vehicle, if the person restrained
33 knows of the order. Presence of the order in the law enforcement
34 computer-based criminal intelligence information system is not the
35 only means of establishing knowledge of the order.

36 (3) A violation of a domestic violence protection order, a sexual
37 assault protection order, a stalking protection order, or a
38 vulnerable adult protection order, or an order issued under chapter
39 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
40 RCW, or a valid foreign protection order as defined in RCW 26.52.020,

1 or a Canadian domestic violence protection order as defined in RCW
2 26.55.010, shall also constitute contempt of court, and is subject to
3 the penalties prescribed by law.

4 (4) Any assault that is a violation of a domestic violence
5 protection order, a sexual assault protection order, a stalking
6 protection order, or a vulnerable adult protection order, or an order
7 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
8 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
9 in RCW 26.52.020, or a Canadian domestic violence protection order as
10 defined in RCW 26.55.010, and that does not amount to assault in the
11 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
12 felony, and any conduct in violation of such an order that is
13 reckless and creates a substantial risk of death or serious physical
14 injury to another person is a class C felony.

15 (5) A violation of a domestic violence protection order, a sexual
16 assault protection order, a stalking protection order, or a
17 vulnerable adult protection order, or a court order issued under
18 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or
19 26.26B RCW, or a valid foreign protection order as defined in RCW
20 26.52.020, or a Canadian domestic violence protection order as
21 defined in RCW 26.55.010, is a class C felony if the offender has at
22 least two previous convictions for violating the provisions of a
23 domestic violence protection order, a sexual assault protection
24 order, a stalking protection order, or a vulnerable adult protection
25 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
26 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
27 protection order as defined in RCW 26.52.020, or a Canadian domestic
28 violence protection order as defined in RCW 26.55.010. The previous
29 convictions may involve the same victim or other victims specifically
30 protected by the orders the offender violated.

31 (6)(a) A defendant arrested for violating a domestic violence
32 protection order, sexual assault protection order, stalking
33 protection order, or vulnerable adult protection order, or an order
34 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,
35 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
36 defined in RCW 26.52.020, or a Canadian domestic violence protection
37 order as defined in RCW 26.55.010, is required to appear in person
38 before a magistrate within one judicial day after the arrest. At the
39 time of the appearance, the court shall determine the necessity of
40 imposing a no-contact order or other conditions of pretrial release.

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

8 (7) Upon the filing of an affidavit by the petitioner or any law
9 enforcement officer alleging that the respondent has violated a
10 domestic violence protection order, a sexual assault protection
11 order, a stalking protection order, or a vulnerable adult protection
12 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
13 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
14 protection order as defined in RCW 26.52.020, or a Canadian domestic
15 violence protection order as defined in RCW 26.55.010, the court may
16 issue an order to the respondent, requiring the respondent to appear
17 and show cause within 14 days as to why the respondent should not be
18 found in contempt of court and punished accordingly. The hearing may
19 be held in the court of any county or municipality in which the
20 petitioner or respondent temporarily or permanently resides at the
21 time of the alleged violation.

22 (8) Appearances required under this section are mandatory and
23 cannot be waived.

24 **Sec. 21.** RCW 7.105.460 and 2021 c 215 s 58 are each amended to
25 read as follows:

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

30 (2) ~~((Any))~~ (a) Except as provided in (b) of this subsection, any
31 person who has in his or her custody or control, accesses, purchases,
32 possesses, or receives, or attempts to purchase or receive, a firearm
33 with knowledge that he or she is prohibited from doing so by an
34 extreme risk protection order is guilty of a gross misdemeanor, and
35 further is prohibited from having in his or her custody or control,
36 accessing, purchasing, possessing, or receiving, or attempting to
37 purchase or receive, a firearm for a period of five years from the
38 date the existing order expires. ~~((However, such))~~

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

4 **Sec. 22.** RCW 7.105.500 and 2021 c 215 s 61 are each amended to
5 read as follows:

6 This section applies to modification or termination of domestic
7 violence protection orders, sexual assault protection orders,
8 stalking protection orders, and antiharassment protection orders.

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

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

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

30 (a) Acts of domestic violence, in cases involving domestic
31 violence protection orders;

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

34 (c) Acts of stalking, in cases involving stalking protection
35 orders; or

36 (d) Acts of unlawful harassment, in cases involving
37 antiharassment protection orders.

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

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

5 (a) Whether the respondent has committed or threatened sexual
6 assault, domestic violence, stalking, or other harmful acts against
7 the petitioner or any other person since the protection order was
8 entered;

9 (b) Whether the respondent has violated the terms of the
10 protection order and the time that has passed since the entry of the
11 order;

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

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

16 (e) Whether the respondent has either acknowledged responsibility
17 for acts of sexual assault, domestic violence, stalking, or behavior
18 that resulted in the entry of the protection order, or successfully
19 completed state-certified perpetrator treatment or counseling since
20 the protection order was entered;

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

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

25 (h) Other factors relating to a substantial change in
26 circumstances.

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

30 (6) Regardless of whether there is a substantial change in
31 circumstances, the court may decline to terminate a protection order
32 if it finds that the acts of domestic violence, sexual assault,
33 stalking, unlawful harassment, and other harmful acts that resulted
34 in the issuance of the protection order were of such severity that
35 the order should not be terminated.

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

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

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

12 **Sec. 23.** RCW 7.105.510 and 2021 c 215 s 63 are each amended to
13 read as follows:

14 This section applies to the modification or termination of
15 vulnerable adult protection orders.

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

30 (2) In a hearing on a motion to modify or terminate the
31 protection order, the court shall grant such relief consistent with
32 RCW 7.105.310 as it deems necessary for the protection of the
33 vulnerable adult, including modification or termination of the
34 protection order.

35 **Sec. 24.** RCW 7.105.902 and 2021 c 215 s 36 are each amended to
36 read as follows:

37 (1) The administrative office of the courts, through the gender
38 and justice commission of the Washington state supreme court, and

1 with the support of the Washington state women's commission, shall
2 work with representatives of superior, district, and municipal court
3 judicial officers, court clerks, and administrators, including those
4 with experience in protection order proceedings, as well as advocates
5 and practitioners with expertise in each type of protection order,
6 and others with relevant expertise, to consider and develop
7 recommendations regarding:

8 (a) Uses of technology to reduce administrative burdens in
9 protection order proceedings;

10 (b) Improving access to unrepresented parties in protection order
11 proceedings, including promoting access for pro bono attorneys for
12 remote protection order proceedings, in consultation with the
13 Washington state bar association;

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

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

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

26 (i) Washington state court judges of all levels can see the
27 existence of, and parties to, tribal court, military, and other
28 jurisdiction protection orders, in comity with similar state court
29 orders;

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

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

36 (f) Developing best practices for minor respondents and
37 petitioners in civil protection order proceedings, including what
38 sanctions should be provided for in law, with input from legal
39 advocates for children and youth, juvenile public defense, juvenile
40 prosecutors, adolescent behavioral health experts, youth development

1 experts, educators, judicial officers, victim advocates, restorative-
2 informed or trauma-informed professionals, child advocacy centers,
3 and professionals experienced in evidenced-based modalities for the
4 treatment of trauma; and

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

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

12 (3) The gender and justice commission shall provide a brief
13 report of its recommendations to the legislature for subsection
14 (1)(e) through (g) of this section by December 1, 2021, and, for
15 subsection (1)(a) through (d) of this section, provide
16 recommendations to the courts by July 1, 2022.

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

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

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

32 (b) The administrative office of the courts and superior and
33 district courts shall provide the center for court research with
34 necessary data to conduct the study, as requested by the center for
35 court research.

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

1 (i) The ability of survivors to obtain protection orders that
2 fully address the nature of the harm or threat of harm they are
3 experiencing;

4 (ii) The frequency of inclusion of coercive control in protection
5 order petitions and the nature of the harm or threatened harm
6 articulated;

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

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

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

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

17 (B) Enforcement of protection order violations;

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

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

22 (d) The study shall also assess judicial officer training
23 regarding protection orders, and coercive control in particular, and
24 whether additional judicial officers are required to hear protection
25 order proceedings.

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

33 (f) At the conclusion of the study, the center for court research
34 would report its findings to the legislature in compliance with RCW
35 43.01.036.

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

1 **Sec. 26.** RCW 9.41.040 and 2021 c 215 s 72 are each amended to
2 read as follows:

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

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

11 (2)(a) A person, whether an adult or juvenile, is guilty of the
12 crime of unlawful possession of a firearm in the second degree, if
13 the person does not qualify under subsection (1) of this section for
14 the crime of unlawful possession of a firearm in the first degree and
15 the person owns, has in his or her possession, or has in his or her
16 control any firearm:

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

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

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

1 (iv) During any period of time that the person 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 or any of the former chapters 7.90, 7.92, 10.14, and
4 26.50 RCW that:

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

11 (B) Restrains the person from harassing, stalking, or threatening
12 the person protected under the order or child of the person or
13 protected person, or engaging in other conduct that would place the
14 protected person in reasonable fear of bodily injury to the protected
15 person or child; and

16 (C) (I) Includes a finding that the person represents a credible
17 threat to the physical safety of the protected person or child and by
18 its terms explicitly prohibits the use, attempted use, or threatened
19 use of physical force against the protected person or child that
20 would reasonably be expected to cause bodily injury; or

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

25 (~~(iv)~~) (v) After having previously been involuntarily committed
26 based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,
27 71.34.750, chapter 10.77 RCW, or equivalent statutes of another
28 jurisdiction, unless his or her right to possess a firearm has been
29 restored as provided in RCW 9.41.047;

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

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

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

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

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

22 (4)(a) Notwithstanding subsection (1) or (2) of this section, a
23 person convicted or found not guilty by reason of insanity of an
24 offense prohibiting the possession of a firearm under this section
25 other than murder, manslaughter, robbery, rape, indecent liberties,
26 arson, assault, kidnapping, extortion, burglary, or violations with
27 respect to controlled substances under RCW 69.50.401 and 69.50.410,
28 who received a probationary sentence under RCW 9.95.200, and who
29 received a dismissal of the charge under RCW 9.95.240, shall not be
30 precluded from possession of a firearm as a result of the conviction
31 or finding of not guilty by reason of insanity. Notwithstanding any
32 other provisions of this section, if a person is prohibited from
33 possession of a firearm under subsection (1) or (2) of this section
34 and has not previously been convicted or found not guilty by reason
35 of insanity of a sex offense prohibiting firearm ownership under
36 subsection (1) or (2) of this section and/or any felony defined under
37 any law as a class A felony or with a maximum sentence of at least 20
38 years, or both, the individual may petition a court of record to have
39 his or her right to possess a firearm restored:

40 (i) Under RCW 9.41.047; and/or

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

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

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

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

21 (ii) The superior court in the county in which the petitioner
22 resides.

23 (5) In addition to any other penalty provided for by law, if a
24 person under the age of 18 years is found by a court to have
25 possessed a firearm in a vehicle in violation of subsection (1) or
26 (2) of this section or to have committed an offense while armed with
27 a firearm during which offense a motor vehicle served an integral
28 function, the court shall notify the department of licensing within
29 24 hours and the person's privilege to drive shall be revoked under
30 RCW 46.20.265, unless the offense is the juvenile's first offense in
31 violation of this section and has not committed an offense while
32 armed with a firearm, an unlawful possession of a firearm offense, or
33 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

34 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
35 or interpreted as preventing an offender from being charged and
36 subsequently convicted for the separate felony crimes of theft of a
37 firearm or possession of a stolen firearm, or both, in addition to
38 being charged and subsequently convicted under this section for
39 unlawful possession of a firearm in the first or second degree.
40 Notwithstanding any other law, if the offender is convicted under

1 this section for unlawful possession of a firearm in the first or
2 second degree and for the felony crimes of theft of a firearm or
3 possession of a stolen firearm, or both, then the offender shall
4 serve consecutive sentences for each of the felony crimes of
5 conviction listed in this subsection.

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

8 **Sec. 27.** RCW 9.41.801 and 2021 c 215 s 75 are each amended to
9 read as follows:

10 (1) Because of the heightened risk of lethality to petitioners
11 when respondents to protection orders become aware of court
12 involvement and continue to have access to firearms, and the
13 frequency of noncompliance with court orders prohibiting possession
14 of firearms, law enforcement and judicial processes must emphasize
15 swift and certain compliance with court orders prohibiting access,
16 possession, and ownership of all firearms.

17 (2) A law enforcement officer serving a protection order, no-
18 contact order, or restraining order that includes an order to
19 surrender all firearms, dangerous weapons, and a concealed pistol
20 license under RCW 9.41.800 shall inform the respondent that the order
21 is effective upon service and the respondent must immediately
22 surrender all firearms and dangerous weapons in the respondent's
23 custody, control, or possession and any concealed pistol license
24 issued under RCW 9.41.070, and conduct any search permitted by law
25 for such firearms, dangerous weapons, and concealed pistol license.
26 The law enforcement officer shall take possession of all firearms,
27 dangerous weapons, and any concealed pistol license belonging to the
28 respondent that are surrendered, in plain sight, or discovered
29 pursuant to a lawful search. (~~The order must be personally served~~
30 ~~upon the respondent or defendant if~~) If the order is entered in open
31 court ((in the presence of)) and the respondent ((or defendant))
32 appears in person, the respondent shall be provided a copy and
33 further service is not required. (~~The respondent or defendant shall~~
34 ~~acknowledge receipt and service.~~) If the respondent ((or defendant))
35 refuses ((service)) to receive a copy, an agent of the court may
36 indicate on the record that the respondent ((or defendant)) refused
37 ((service)) to receive a copy of the order. If the respondent appears
38 remotely for the hearing, or leaves the hearing before a final ruling
39 is issued or order signed, and the court believes the respondent has

1 sufficient notice such that additional service is not necessary, the
2 order must recite that the respondent appeared before the court, has
3 actual notice of the order, the necessity for further service is
4 waived, and proof of service of the order is not necessary. The court
5 shall enter the service and receipt into the record. A copy of the
6 order and service shall be transmitted immediately to law
7 enforcement. The respondent must immediately surrender all firearms,
8 dangerous weapons, and any concealed pistol license in a safe manner
9 to the control of the local law enforcement agency on the day of the
10 hearing at which the respondent was present in person or remotely.
11 Alternatively, if personal service by a law enforcement officer is
12 not possible, and the respondent did not appear in person or remotely
13 at the hearing, the respondent shall surrender the firearms in a safe
14 manner to the control of the local law enforcement agency within 24
15 hours of being served with the order by alternate service.

16 (3) At the time of surrender, a law enforcement officer taking
17 possession of firearms, dangerous weapons, and any concealed pistol
18 license shall issue a receipt identifying all firearms, dangerous
19 weapons, and any concealed pistol license that have been surrendered
20 and provide a copy of the receipt to the respondent. The law
21 enforcement agency shall file the original receipt with the court
22 within 24 hours after service of the order and retain a copy of the
23 receipt, electronically whenever electronic filing is available.

24 (4) Upon the sworn statement or testimony of the petitioner or of
25 any law enforcement officer alleging that the respondent has failed
26 to comply with the surrender of firearms or dangerous weapons as
27 required by an order issued under RCW 9.41.800, the court shall
28 determine whether probable cause exists to believe that the
29 respondent has failed to surrender all firearms and dangerous weapons
30 in their possession, custody, or control. If probable cause exists
31 that a crime occurred, the court shall issue a warrant describing the
32 firearms or dangerous weapons and authorizing a search of the
33 locations where the firearms and dangerous weapons are reasonably
34 believed to be and the seizure of all firearms and dangerous weapons
35 discovered pursuant to such search.

36 (5) If a person other than the respondent claims title to any
37 firearms or dangerous weapons surrendered pursuant to this section,
38 and the person is determined by the law enforcement agency to be the
39 lawful owner of the firearm or dangerous weapon, the firearm or

1 dangerous weapon shall be returned to the lawful owner, provided
2 that:

3 (a) The firearm or dangerous weapon is removed from the
4 respondent's access, custody, control, or possession and the lawful
5 owner agrees by written document signed under penalty of perjury to
6 store the firearm or dangerous weapon in a manner such that the
7 respondent does not have access to or control of the firearm or
8 dangerous weapon;

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

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

12 (6) Courts shall develop procedures to verify timely and complete
13 compliance with orders to surrender and prohibit weapons under RCW
14 9.41.800, including compliance review hearings to be held as soon as
15 possible upon receipt from law enforcement of proof of service. A
16 compliance review hearing is not required if the court can otherwise
17 enter findings on the record or enter written findings that the proof
18 of surrender or declaration of nonsurrender attested to by the person
19 subject to the order, along with verification from law enforcement
20 and any other relevant evidence, makes a sufficient showing that the
21 person has timely and completely surrendered all firearms and
22 dangerous weapons in the person's custody, control, or possession,
23 and any concealed pistol license issued under RCW 9.41.070, to a law
24 enforcement agency. If the court does not have a sufficient record
25 before it on which to make such a finding, the court must set a
26 review hearing to occur as soon as possible at which the respondent
27 must be present and provide proof of compliance with the court's
28 order. Courts shall make available forms that petitioners may
29 complete and submit to the court in response to a respondent's
30 declaration of whether the respondent has surrendered weapons.

31 (7)(a) If a court finds at the compliance review hearing, or any
32 other hearing where compliance with the order to surrender and
33 prohibit weapons is addressed, that there is probable cause to
34 believe the respondent was aware of and failed to fully comply with
35 the order, failed to appear at the compliance review hearing, or
36 violated the order after the court entered findings of compliance,
37 pursuant to its authority under chapter 7.21 RCW, the court may
38 initiate a contempt proceeding to impose remedial sanctions on its
39 own motion, or upon the motion of the prosecutor, city attorney, or
40 the petitioner's counsel, and issue an order requiring the respondent

1 to appear, provide proof of compliance with the order, and show cause
2 why the respondent should not be held in contempt of court.

3 (b) If the respondent is not present in court at the compliance
4 review hearing or if the court issues an order to appear and show
5 cause after a compliance review hearing, the clerk of the court shall
6 electronically transmit a copy of the order to show cause to the law
7 enforcement agency where the respondent resides for personal service
8 or service in the manner provided in the civil rules of superior
9 court or applicable statute. Law enforcement shall also serve a copy
10 of the order to show cause on the petitioner, either electronically
11 or in person, at no cost.

12 (c) The order to show cause served upon the respondent shall
13 state the date, time, and location of the hearing and shall include a
14 warning that the respondent may be held in contempt of court if the
15 respondent fails to promptly comply with the terms of the order to
16 surrender and prohibit weapons and a warning that an arrest warrant
17 could be issued if the respondent fails to appear on the date and
18 time provided in the order.

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

23 (ii) The court shall take judicial notice of the receipt filed
24 with the court by the law enforcement agency pursuant to subsection
25 (3) of this section. The court shall also provide sufficient notice
26 to the law enforcement agency of the hearing. Upon receiving notice
27 pursuant to this subsection, a law enforcement agency must:

28 (A) Provide the court with a complete list of firearms and other
29 dangerous weapons surrendered by the respondent or otherwise
30 belonging to the respondent that are in the possession of the law
31 enforcement agency; and

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

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

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

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

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

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

21 (9) (a) An order to surrender and prohibit weapons issued pursuant
22 to RCW 9.41.800 must state that the act of voluntarily surrendering
23 firearms or weapons, or providing testimony relating to the surrender
24 of firearms or weapons, pursuant to such an order, may not be used
25 against the respondent (~~(or defendant)~~) in any criminal prosecution
26 under this chapter, chapter (~~(9.41-[7.105])~~) 7.105 RCW, or RCW
27 9A.56.310.

28 (b) To provide relevant information to the court to determine
29 compliance with the order, the court may allow the prosecuting
30 attorney or city attorney to question the respondent regarding
31 compliance.

32 (10) All law enforcement agencies must have policies and
33 procedures to provide for the acceptance, storage, and return of
34 firearms, dangerous weapons, and concealed pistol licenses that a
35 court requires must be surrendered under RCW 9.41.800. A law
36 enforcement agency holding any firearm or concealed pistol license
37 that has been surrendered under RCW 9.41.800 shall comply with the
38 provisions of RCW 9.41.340 and 9.41.345 before the return of the
39 firearm or concealed pistol license to the owner or individual from
40 whom it was obtained.

1 (11) The administrative office of the courts shall create a
2 statewide pattern form to assist the courts in ensuring timely and
3 complete compliance in a consistent manner with orders issued under
4 this chapter. The administrative office of the courts shall report
5 annually on the number of orders issued under this chapter by each
6 court, the degree of compliance, and the number of firearms obtained,
7 and may make recommendations regarding additional procedures to
8 enhance compliance and victim safety.

9 **TECHNICAL AMENDMENTS**

10 **Sec. 28.** RCW 4.08.050 and 2021 c 215 s 89 are each amended to
11 read as follows:

12 Except as provided under RCW 28A.225.035 and (~~7.105.105~~)
13 7.105.100, when an infant is a party he or she shall appear by
14 guardian, or if he or she has no guardian, or in the opinion of the
15 court the guardian is an improper person, the court shall appoint one
16 to act. Said guardian shall be appointed as follows:

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

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

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

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

30 (1) In attendance at a hunter's safety course or a firearms
31 safety course;

32 (2) Engaging in practice in the use of a firearm or target
33 shooting at an established range authorized by the governing body of
34 the jurisdiction in which such range is located or any other area
35 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. 30.** 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. 31.** 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. 32.** 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) | |
| 25 | | 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) | |
| 37 | | 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. 33.** 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) | |
| 8 | | Assault and Other Crimes Involving | |
| 9 | | 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+ |
| 22 | | 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 |
| 36 | | 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. 34.** 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. 35.** 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. 36.** 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. 37.** 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. 38.** 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. 39.** 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. 40.** 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. 41.** 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. 42.** 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. 43.** 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, and 36 of
2 this act, this act takes effect July 1, 2022.

3 (2) Sections 19, 21, and 24, chapter 215, Laws of 2021 take
4 effect the effective date of this section.

5 NEW SECTION. Sec. 44. Section 32 of this act expires July 1,
6 2023.

7 NEW SECTION. Sec. 45. (1) Except for sections 9 through 13, 33,
8 and 43 of this act, this act takes effect July 1, 2022.

9 (2) Section 33 of this act takes effect July 1, 2023.

10 (3) Sections 9 through 13 and 43 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.

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