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**SENATE BILL 5297**

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**State of Washington****67th Legislature****2021 Regular Session****By** Senators Dhingra, Darneille, Das, Kuderer, Pedersen, and Wellman

Read first time 01/20/21. Referred to Committee on Law &amp; Justice.

1 AN ACT Relating to modernizing, harmonizing, and improving the  
2 efficacy and accessibility of laws concerning civil protection  
3 orders; amending RCW 7.---.---, 7.---.---, 7.---.---, 9.41.040,  
4 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030,  
5 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060,  
6 7.77.080, 9.41.010, 9.41.042, 9.41.070, 9.41.173, 9.94A.411,  
7 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703,  
8 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085,  
9 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030,  
10 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050,  
11 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150,  
12 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 19.220.010, 26.09.003,  
13 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260,  
14 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020,  
15 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550,  
16 49.76.020, 59.18.575, 70.02.230, 70.02.240, 71.09.305, 71.32.090,  
17 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110,  
18 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800,  
19 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842,  
20 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW;  
21 adding new sections to chapter 26.55 RCW; adding a new section to  
22 chapter 43.20A RCW; adding a new section to chapter 70.123 RCW;  
23 adding a new section to chapter 9A.44 RCW; adding a new section to

1 chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating a  
2 new section; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and  
3 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030,  
4 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060,  
5 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121,  
6 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190,  
7 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060,  
8 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125,  
9 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900,  
10 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060,  
11 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130,  
12 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030,  
13 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065,  
14 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105,  
15 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140,  
16 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190,  
17 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021,  
18 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055,  
19 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095,  
20 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125,  
21 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200,  
22 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901,  
23 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145,  
24 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115;  
25 prescribing penalties; providing effective dates; and providing  
26 expiration dates.

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

28 **PART I**  
29 **FINDINGS, INTENT, AND DEFINITIONS**

30 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) Washington state  
31 has been a national leader in adopting legal protections to prevent  
32 and respond to abuse, violence, harassment, stalking, neglect, or  
33 other threatening behavior, through the enactment of different types  
34 of civil protection orders, which are intended to provide a fast,  
35 efficient means to obtain protection against perpetrators of these  
36 harms.

1 (2) Washington state has enacted six different types of civil  
2 protection orders: (a) Domestic violence protection orders, adopted  
3 by the legislature in 1984; (b) vulnerable adult protection orders,  
4 adopted by the legislature in 1986; (c) antiharassment protection  
5 orders, adopted by the legislature in 1987; (d) sexual assault  
6 protection orders, adopted by the legislature in 2006; (e) stalking  
7 protection orders, adopted by the legislature in 2013; and (f)  
8 extreme risk protection orders, enacted by a vote of the people  
9 through Initiative Measure No. 1491 in 2016.

10 (3) These civil protection orders are essential tools designed to  
11 address significant harms impacting individuals as well as  
12 communities. The legislature finds that:

13 (a) Domestic violence is a problem of immense proportions. About  
14 15 percent of Washington adults report experiencing domestic violence  
15 in their lifetime, and women, low-income people, and Black and  
16 indigenous communities experience higher rates of domestic violence.  
17 When domestic violence victims seek to separate from their abuser,  
18 they face increased risks. 45 percent of domestic violence homicides  
19 occur within 90 days of a recent separation, while 75 percent occur  
20 within the first six months of separation. Domestic violence victims  
21 also face increased risks when their abuser has access to firearms.  
22 Firearms are used to commit more than half of all intimate partner  
23 homicides in the United States. When an abusive partner has access to  
24 a gun, a domestic violence victim is 11 times more likely to be  
25 killed. Domestic violence has long been recognized as being at the  
26 core of other major social problems: Child abuse, other crimes of  
27 violence against persons or property, homelessness, and alcohol and  
28 drug abuse. Research has identified that adverse childhood  
29 experiences such as exposure to domestic violence have long-term  
30 negative impacts on health, well-being, and life outcomes, including  
31 criminal legal system involvement. Washington state studies have  
32 found that domestic violence is the most predictive of future violent  
33 crime by the perpetrator. Nationwide, domestic violence costs over  
34 \$460,000,000,000 each year for health care, absence from work,  
35 services to children, and more. Adolescent dating violence is  
36 occurring at increasingly high rates, and preventing and confronting  
37 adolescent violence is important in preventing future violence in  
38 adult relationships. Domestic violence should not be minimized or  
39 dismissed based on any mental health diagnoses of the perpetrator or  
40 the victim. To the contrary, the presence of mental health concerns

1 or substance use of either party increases the likelihood of serious  
2 injury and lethality. The legislature finds that it is in the public  
3 interest to improve the lives of persons being victimized by the acts  
4 and dynamics of domestic violence, to require reasonable, coordinated  
5 measures to prevent domestic violence from occurring, and to respond  
6 effectively to secure the safety of survivors of domestic violence;

7 (b) Sexual assault is the most heinous crime against another  
8 person short of murder. Sexual assault inflicts humiliation,  
9 degradation, and terror on victims. The perpetrator's age, gender, or  
10 relationship does not define the seriousness. According to the  
11 centers for disease control and prevention, one in six men, one in  
12 three women, and one in two nonbinary persons will experience sexual  
13 violence in their lifetime. Because of the stigma of a sexual assault  
14 and trauma, many victims are afraid or are not ready to report to law  
15 enforcement and go through the rigors of the criminal justice  
16 process. Individuals with disabilities; Black and indigenous  
17 communities; and lesbian, gay, bisexual, transgender, queer, and  
18 other individuals experience a higher rate of sexual violence.  
19 Experiencing a sexual assault is itself a reasonable basis for  
20 ongoing fear. Rape is recognized as the most underreported crime;  
21 estimates suggest that only one in seven rapes is reported to  
22 authorities. Victims who do not report the crime still may need to  
23 seek safety and protection from future interactions with the  
24 perpetrator and have a right to such safety and protection. Some  
25 cases where rape is reported are not prosecuted or do not lead to a  
26 conviction. A victim should be able to expediently seek a civil  
27 remedy requiring that the perpetrator stay away from the victim,  
28 independent of the criminal process and regardless of whether related  
29 criminal charges are pending;

30 (c) Stalking is a crime that affects 3,400,000 people over the  
31 age of 18 each year in the United States. Almost half of victims  
32 experience at least one unwanted contact per week. 29 percent of  
33 stalking victims fear that the stalking will never stop. The  
34 prevalence of anxiety, insomnia, social dysfunction, and severe  
35 depression is much higher among stalking victims than among the  
36 general population. Research shows that stalking is a significant  
37 indication of future lethality. Increased access to technology has  
38 also increased methods of stalking. Stalking is distinct from common  
39 acts of harassment or nuisance covered by antiharassment orders, and  
40 law enforcement agencies need to be able to rely on orders that

1 distinguish stalking from acts of harassment or nuisance. Victims who  
2 do not report the stalking behavior they are experiencing still may  
3 need safety and protection from future interactions with the  
4 perpetrator through expedient access to the civil court system, and  
5 this protection can be accomplished without infringing on  
6 constitutionally protected speech or activity;

7 (d) Serious, personal harassment through invasions of a person's  
8 privacy by an act, acts, or words showing an intent to coerce,  
9 intimidate, or humiliate the victim is increasing. The legislature  
10 finds the prevention of such harassment is an important governmental  
11 objective, and that victims should have access to a method to prevent  
12 further contact between the victim and perpetrator;

13 (e) Some adults are vulnerable and may be subject to abuse,  
14 neglect, financial exploitation, or abandonment by a family member,  
15 care provider, or other person who has a relationship with the  
16 vulnerable adult. A vulnerable adult may have physical disabilities,  
17 mobility issues, or be otherwise unable to represent himself or  
18 herself in court or to retain legal counsel in order to obtain the  
19 relief available under this chapter or other protections offered  
20 through the courts. A vulnerable adult may lack the ability to  
21 perform or obtain those services necessary to maintain his or her  
22 well-being because he or she lacks the capacity for consent, and may  
23 have health problems that place him or her in a dependent position.  
24 The legislature finds the legal tool of protection orders will help  
25 prevent abuse, neglect, exploitation, or abandonment of vulnerable  
26 adults; and

27 (f) Every year, over 100,000 persons in our country are victims  
28 of gunshot wounds and 38,000 individuals lose their lives from gun  
29 violence. On average, there are over 100 gun deaths each day, 61  
30 percent of which are suicides. In Washington state, the suicide rate  
31 is on average 10 percent higher. Extreme risk protection orders allow  
32 for the temporary removal of the most lethal means of suicide from  
33 the situation, saving lives of those at risk. Studies show that  
34 individuals who engage in certain dangerous behaviors are  
35 significantly more likely to commit violence toward themselves or  
36 others in the near future. These behaviors, which can include other  
37 acts or threats of violence, self-harm, or the abuse of drugs or  
38 alcohol, are warning signs that the person may soon commit an act of  
39 violence. Individuals who pose a danger to themselves or others often  
40 exhibit signs that alert family, household members, or law

1 enforcement to the threat. Restricting firearms access in these  
2 moments of crisis is an important way to prevent gun violence and  
3 save lives. Many mass shooters displayed warning signs prior to their  
4 killings, but federal and state laws provided no clear legal process  
5 to suspend the shooters' access to guns, even temporarily. In  
6 enacting the extreme risk protection order, the people intended to  
7 reduce gun deaths and injuries, while respecting constitutional  
8 rights, by providing a procedure for family, household members, and  
9 law enforcement to obtain a court order temporarily preventing  
10 individuals who are at high risk of harming themselves or others from  
11 accessing firearms when there is demonstrated evidence that the  
12 individuals pose a significant danger, including danger as a result  
13 of threatening or violent behavior. Additionally, extreme risk  
14 protection orders may provide protections from firearm risks for  
15 individuals who are not eligible to petition for other types of  
16 protection orders. Extreme risk protection orders are intended to be  
17 limited to situations in which individuals pose a significant danger  
18 of harming themselves or others by possessing a firearm, having  
19 immediate access to a firearm, or having expressed intent to obtain a  
20 firearm, and include standards and safeguards to protect the rights  
21 of respondents and due process of law. Temporarily removing firearms  
22 under these circumstances is an important tool to prevent suicide,  
23 homicide, and community violence.

24 (4) The legislature finds that all of these civil protection  
25 orders are essential tools that can increase safety for victims of  
26 domestic violence, sexual assault, stalking, abuse of vulnerable  
27 adults, unlawful harassment, and threats of gun violence to obtain  
28 immediate protection for themselves apart from the criminal legal  
29 system. Victims are in the best position to know what their safety  
30 needs are and should be able to seek these crucial protections  
31 without having to rely on the criminal legal system process. The  
32 legislature further finds the surrender of firearms in civil  
33 protection orders is critical to public health. In keeping with the  
34 harm reduction approach of this lifesaving tool, the legislature  
35 finds that it is appropriate to allow for immunity from prosecution  
36 for certain offenses when appropriate and necessary to overcome an  
37 assertion of a constitutional privilege against self-incrimination  
38 that would otherwise prevent a court from enforcing an order to  
39 surrender and prohibit firearms.

1           (5) To better achieve these important public purposes, the  
2 legislature further finds the need to clarify and simplify these  
3 civil protection order statutes to make them more understandable and  
4 accessible to victims seeking relief and to respondents who are  
5 subject to the court process. An efficient and effective civil  
6 process can provide necessary relief many victims require in order to  
7 escape and prevent harm. Clarification and simplification of the  
8 statutes will aid petitioners, respondents, law enforcement, and  
9 judicial officers in their application, help to eliminate procedural  
10 inconsistencies, modernize practices, provide better access to  
11 justice for those most marginalized, increase compliance, and improve  
12 identified problem areas within the statutes. Those who participate  
13 in the protection order process often find it difficult to navigate  
14 the statutes, which were adopted at different times and contain  
15 differing jurisdictional approaches, procedures, definitions, and  
16 types of relief offered, among other differences, all of which can  
17 create barriers and cause confusion. Harmonizing and standardizing  
18 provisions where there is not a need for a specific, different  
19 approach can provide more uniformity among the laws and significantly  
20 reduce these obstacles.

21           The legislature finds that these improvements are needed to help  
22 ensure that protection orders and corresponding court processes are  
23 more easily accessible to all litigants, particularly parties who may  
24 experience higher barriers to accessing justice.

25           (6) The legislature finds that advances in technology have made  
26 it increasingly possible to file petitions, effect service of  
27 process, and conduct hearings in protection order proceedings through  
28 more efficient and accessible means, while upholding constitutional  
29 due process requirements. These include using approaches such as  
30 online filing of petitions, electronic service of protection orders,  
31 and video and telephonic hearings to maintain and improve access to  
32 the courts. These alternatives can help make protection order  
33 processes more accessible, effective, timely, and procedurally just,  
34 particularly in situations where there are emergent risks. The  
35 legislature finds that it would be helpful for petitioners,  
36 respondents, judicial officers, court personnel, law enforcement,  
37 advocates, counsel, and others to have these new tools enacted into  
38 statute and made readily available in every court, with statewide  
39 best practices created for their use, specific to the context of  
40 civil protection orders. The legislature further finds that it is

1 important to modernize other aspects of the civil protection order  
2 statutes to reflect current trends, and to provide for data  
3 collection and research in these areas of the law.

4 (7) The legislature further finds that in order to improve the  
5 efficacy of, accessibility to, and understanding of, civil protection  
6 orders, the six different civil protection orders in Washington state  
7 should be included in a single chapter of the Revised Code of  
8 Washington.

9 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
10 section apply throughout this chapter unless the context clearly  
11 requires otherwise.

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

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

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

33 (b) "Mental abuse" means an intentional, willful, or reckless  
34 verbal or nonverbal action that threatens, humiliates, harasses,  
35 coerces, intimidates, isolates, unreasonably confines, or punishes a  
36 vulnerable adult. "Mental abuse" may include ridiculing, yelling,  
37 swearing, or withholding or tampering with prescribed medications or  
38 their dosage.



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

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

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

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

27 (4) "Coercive control" means a pattern of behavior that in  
28 purpose or effect unreasonably interferes with a person's free will  
29 and personal liberty and is used to cause another to suffer physical  
30 or psychological harm. Examples of coercive control include, but are  
31 not limited to, unreasonably engaging in any of the following:

32 (a) Making threats of harm, dependence, isolation, intimidation,  
33 and/or physical forms of violence;

34 (b) Isolating the other party from friends, relatives, or other  
35 sources of support;

36 (c) Depriving the other party of basic necessities or committing  
37 other forms of economic abuse;

38 (d) Controlling, regulating, or monitoring the other party's  
39 movements, communications, daily behavior, finances, economic  
40 resources, or access to services;

1 (e) Compelling the other party by force, threat of force, or  
2 intimidation, including threats based on actual or suspected  
3 immigration status such as threats to contact federal agencies, to  
4 engage in conduct from which the other party has a right to abstain  
5 or to abstain from conduct in which the other party has a right to  
6 engage;

7 (f) Using technology, including, but not limited to,  
8 cyberstalking, monitoring, surveillance, impersonation, or  
9 distribution of intimate images, to harass, stalk, or abuse;

10 (g) Engaging in vexatious or abusive litigation against a  
11 petitioner to harass, coerce, or control the petitioner; to diminish  
12 or exhaust the petitioner's financial resources; or to compromise the  
13 petitioner's employment or housing;

14 (h) Engaging in psychological aggression; and

15 (i) Frightening, humiliating, degrading, or punishing the other  
16 party.

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

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

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

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

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

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

1 (iv) The respondent is acting pursuant to any statutory authority  
2 including, but not limited to, acts which are reasonably necessary  
3 to:

4 (A) Protect property or liberty interests;

5 (B) Enforce the law; or

6 (C) Meet specific statutory duties or requirements;

7 (v) The respondent's course of conduct has the purpose or effect  
8 of unreasonably interfering with the petitioner's privacy or the  
9 purpose or effect of creating an intimidating, hostile, or offensive  
10 living environment for the petitioner; or

11 (vi) Contact by the respondent with the petitioner or the  
12 petitioner's family has been limited in any manner by any previous  
13 court order.

14 (7) "Court clerk" means court administrators in courts of limited  
15 jurisdiction and elected court clerks.

16 (8) "Dating relationship" means a social relationship of a  
17 romantic nature. Factors that the court may consider in making this  
18 determination include: (a) The length of time the relationship has  
19 existed; (b) the nature of the relationship; and (c) the frequency of  
20 interaction between the parties.

21 (9) "Domestic violence" means:

22 (a) 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 intimate partner by another  
26 intimate partner; or

27 (b) Physical harm, bodily injury, assault, or the infliction of  
28 fear of physical harm, bodily injury, or assault; nonconsensual  
29 sexual conduct or nonconsensual sexual penetration; coercive control;  
30 unlawful harassment; or stalking of one family or household member by  
31 another family or household member.

32 (10) "Electronic monitoring" has the same meaning as in RCW  
33 9.94A.030.

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

1 (12) "Facility" means a residence licensed or required to be  
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
5 habilitation centers; or any other facility licensed or certified by  
6 the department of social and health services.

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

14 (14) "Financial exploitation" means the illegal or improper use  
15 of, control over, or withholding of, the property, income, resources,  
16 or trust funds of the vulnerable adult by any person or entity for  
17 any person's or entity's profit or advantage other than for the  
18 vulnerable adult's profit or advantage. "Financial exploitation"  
19 includes, but is not limited to:

20 (a) The use of deception, intimidation, or undue influence by a  
21 person or entity in a position of trust and confidence with a  
22 vulnerable adult to obtain or use the property, income, resources,  
23 government benefits, health insurance benefits, or trust funds of the  
24 vulnerable adult for the benefit of a person or entity other than the  
25 vulnerable adult;

26 (b) The breach of a fiduciary duty, including, but not limited  
27 to, the misuse of a power of attorney, trust, or a guardianship or  
28 conservatorship appointment, that results in the unauthorized  
29 appropriation, sale, or transfer of the property, income, resources,  
30 or trust funds of the vulnerable adult for the benefit of a person or  
31 entity other than the vulnerable adult; or

32 (c) Obtaining or using a vulnerable adult's property, income,  
33 resources, or trust funds without lawful authority, by a person or  
34 entity who knows or clearly should know that the vulnerable adult  
35 lacks the capacity to consent to the release or use of the vulnerable  
36 adult's property, income, resources, or trust funds.

37 (15) "Firearm" means a weapon or device from which a projectile  
38 or projectiles may be fired by an explosive such as gunpowder.  
39 "Firearm" does not include a flare gun or other pyrotechnic visual  
40 distress signaling device, or a powder-actuated tool or other device

1 designed solely to be used for construction purposes. "Firearm" also  
2 includes parts that can be assembled to make a firearm.

3 (16) "Full hearing" means a hearing where the court determines  
4 whether to issue a full protection order.

5 (17) "Full protection order" means a protection order that is  
6 issued by the court after notice to the respondent and where the  
7 parties had the opportunity for a full hearing by the court. "Full  
8 protection order" includes a protection order entered by the court by  
9 agreement of the parties to resolve the petition for a protection  
10 order without a full hearing.

11 (18) "Hospital" means a facility licensed under chapter 70.41 or  
12 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
13 employee, agent, officer, director, or independent contractor  
14 thereof.

15 (19) "Incapacitated person" means a person who is at a  
16 significant risk of personal or financial harm under RCW 11.88.010(1)  
17 (a), (b), (c), or (d).

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

24 (21) "Intimate partner" means: (a) Spouses or domestic partners;  
25 (b) former spouses or former domestic partners; (c) persons who have  
26 a child in common regardless of whether they have been married or  
27 have lived together at any time; or (d) persons who have or have had  
28 a dating relationship where both persons are at least 13 years of age  
29 or older.

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

34 (i) Acts that prevent a person from sending, making, or receiving  
35 his or her personal mail, electronic communications, or telephone  
36 calls; or

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

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

6 (23) "Judicial day" means days of the week other than Saturdays,  
7 Sundays, or legal holidays.

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

17 (25) "Minor" means a person who is under 18 years of age.

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

28 (27) "Nonconsensual" means a lack of freely given consent.

29 (28) "Nonphysical contact" includes, but is not limited to,  
30 written notes, mail, telephone calls, email, text messages, contact  
31 through social media applications, contact through other  
32 technologies, and contact through third parties.

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

35 (30) "Physical restraint" means the application of physical force  
36 without the use of any device, for the purpose of restraining the  
37 free movement of a vulnerable adult's body. "Physical restraint" does  
38 not include (a) briefly holding, without undue force, a vulnerable  
39 adult in order to calm or comfort him or her, or (b) holding a

1 vulnerable adult's hand to safely escort him or her from one area to  
2 another.

3 (31) "Possession" means having an item in one's custody or  
4 control. Possession may be either actual or constructive. Actual  
5 possession occurs when the item is in the actual physical custody of  
6 the person charged with possession. Constructive possession occurs  
7 when there is no actual physical possession, but there is dominion  
8 and control over the item.

9 (32) "Respondent" means the person who is identified as the  
10 respondent in a petition filed under this chapter.

11 (33) "Sexual conduct" means any of the following:

12 (a) Any intentional or knowing touching or fondling of the  
13 genitals, anus, or breasts, directly or indirectly, including through  
14 clothing;

15 (b) Any intentional or knowing display of the genitals, anus, or  
16 breasts for the purposes of arousal or sexual gratification of the  
17 respondent;

18 (c) Any intentional or knowing touching or fondling of the  
19 genitals, anus, or breasts, directly or indirectly, including through  
20 clothing, that the petitioner is forced to perform by another person  
21 or the respondent;

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

25 (e) Any intentional or knowing touching of the clothed or  
26 unclothed body of a child under the age of 16, if done for the  
27 purpose of sexual gratification or arousal of the respondent or  
28 others; or

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

32 (34) "Sexual penetration" means any contact, however slight,  
33 between the sex organ or anus of one person by an object, the sex  
34 organ, mouth, or anus of another person, or any intrusion, however  
35 slight, of any part of the body of one person or of any animal or  
36 object into the sex organ or anus of another person including, but  
37 not limited to, cunnilingus, fellatio, or anal penetration. Evidence  
38 of emission of semen is not required to prove sexual penetration.

39 (35) "Stalking" means any of the following:

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

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

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

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

9 (ii) Serves no lawful purpose; and

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

13 (36) "Temporary protection order" means a protection order that  
14 is issued before the court has decided whether to issue a full  
15 protection order. "Temporary protection order" includes ex parte  
16 temporary protection orders, as well as temporary protection orders  
17 that are reissued by the court pending the completion of a full  
18 hearing to decide whether to issue a full protection order. An "ex  
19 parte temporary protection order" means a temporary protection order  
20 that is issued without prior notice to the respondent.

21 (37) "Unlawful harassment" means:

22 (a) A knowing and willful course of conduct directed at a  
23 specific person that seriously alarms, annoys, harasses, or is  
24 detrimental to such person, and that serves no legitimate or lawful  
25 purpose. The course of conduct must be such as would cause a  
26 reasonable person to suffer substantial emotional distress, and must  
27 actually cause substantial emotional distress to the petitioner; or

28 (b) A single act of violence or threat of violence directed at a  
29 specific person that seriously alarms, annoys, harasses, or is  
30 detrimental to such person, and that serves no legitimate or lawful  
31 purpose, which would cause a reasonable person to suffer substantial  
32 emotional distress, and must actually cause substantial emotional  
33 distress to the petitioner. A single threat of violence must include:

34 (i) A malicious and intentional threat as described in RCW  
35 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

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

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

39 (b) Found incapacitated under chapter 11.88 RCW; or



- 1 (c) Who has a developmental disability as defined under RCW  
2 71A.10.020; or  
3 (d) Admitted to any facility; or  
4 (e) Receiving services from home health, hospice, or home care  
5 agencies licensed or required to be licensed under chapter 70.127  
6 RCW; or  
7 (f) Receiving services from a person under contract with the  
8 department of social and health services to provide services in the  
9 home under chapter 74.09 or 74.39A RCW; or  
10 (g) Who self-directs his or her own care and receives services  
11 from a personal aide under chapter 74.39 RCW.

12  
13

**PART II**  
**JURISDICTION AND VENUE**

14 NEW SECTION. **Sec. 3.** REVIEW OF EXISTING COURT JURISDICTION. The  
15 legislature finds that there are inconsistencies and differing  
16 approaches within existing provisions governing the jurisdictional  
17 division of authority and responsibility among superior courts and  
18 courts of limited jurisdiction for protection order proceedings  
19 addressed by this act. This act retains those jurisdictional  
20 differences only as an interim measure, and creates an approach in  
21 section 12 of this act to study the existing jurisdictional division  
22 and make recommendations on the benefits and ramifications of  
23 modifying or consolidating jurisdiction for the protection orders  
24 addressed by this act.

25 NEW SECTION. **Sec. 4.** DOMESTIC VIOLENCE PROTECTION ORDERS AND  
26 SEXUAL ASSAULT PROTECTION ORDERS. (1) The superior, district, and  
27 municipal courts have jurisdiction over domestic violence protection  
28 order proceedings and sexual assault protection order proceedings  
29 under this chapter. The jurisdiction of district and municipal courts  
30 is limited to enforcement of section 56(1) of this act, or the  
31 equivalent municipal ordinance, and the issuance and enforcement of  
32 temporary orders for protection provided for in section 38 of this  
33 act if:

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

1 (b) The petition for relief under this chapter presents issues of  
2 the residential schedule of, and contact with, children of the  
3 parties; or

4 (c) The petition for relief under this chapter requests the court  
5 to exclude a party from the dwelling which the parties share.

6 (2) When the jurisdiction of a district or municipal court is  
7 limited to the issuance and enforcement of a temporary protection  
8 order, the district or municipal court shall set the full hearing in  
9 superior court and transfer the case. If the notice and order are not  
10 served on the respondent in time for the full hearing, the issuing  
11 court shall have concurrent jurisdiction with the superior court to  
12 extend the temporary protection order.

13 NEW SECTION. **Sec. 5.** STALKING PROTECTION ORDERS. (1) The  
14 district courts shall have original jurisdiction and cognizance of  
15 stalking protection order proceedings brought under this chapter,  
16 except a district court shall transfer such actions and proceedings  
17 to the superior court when it is shown that:

18 (a) The petitioner, victim, or respondent to the petition is  
19 under 18 years of age;

20 (b) A superior court has exercised or is exercising jurisdiction  
21 over a proceeding involving the parties; or

22 (c) The action would have the effect of interfering with a  
23 respondent's care, control, or custody of the respondent's minor  
24 child.

25 (2) Municipal courts may exercise jurisdiction and cognizance of  
26 any stalking protection order proceedings brought under this chapter  
27 by adoption of local court rule, except a municipal court shall  
28 transfer such actions and proceedings to the superior court when it  
29 is shown that:

30 (a) The petitioner, victim, or respondent to the petition is  
31 under 18 years of age;

32 (b) A superior court has exercised or is exercising jurisdiction  
33 over a proceeding involving the parties; or

34 (c) The action would have the effect of interfering with a  
35 respondent's care, control, or custody of the respondent's minor  
36 child.

37 (3) Superior courts shall have concurrent jurisdiction to receive  
38 the transfer of stalking protection order petitions in cases where a  
39 district or municipal court judge makes findings of fact and

1 conclusions of law showing that meritorious reasons exist for the  
2 transfer. The jurisdiction of district and municipal courts is  
3 limited to enforcement of section 56(1) of this act, or the  
4 equivalent municipal ordinance, and the issuance and enforcement of  
5 temporary protection orders provided for in section 38 of this act if  
6 the superior court is exercising jurisdiction over a proceeding under  
7 this chapter involving the parties.

8 NEW SECTION. **Sec. 6.** ANTIHARASSMENT PROTECTION ORDERS. (1) The  
9 district courts shall have original jurisdiction and cognizance of  
10 antiharassment protection order proceedings brought under this  
11 chapter, except the district court shall transfer such actions and  
12 proceedings to the superior court when it is shown that:

- 13 (a) The respondent to the petition is under 18 years of age;  
14 (b) A superior court has exercised or is exercising jurisdiction  
15 over a proceeding involving the parties; or  
16 (c) The action would have the effect of interfering with a  
17 respondent's care, control, or custody of the respondent's minor  
18 child.

19 (2) Municipal courts may exercise jurisdiction and cognizance of  
20 antiharassment protection order proceedings brought under this  
21 chapter by adoption of local court rule, except the municipal court  
22 shall transfer such actions and proceedings to the superior court  
23 when it is shown that:

- 24 (a) The respondent to the petition is under 18 years of age;  
25 (b) A superior court has exercised or is exercising jurisdiction  
26 over a proceeding involving the parties; or  
27 (c) The action would have the effect of interfering with a  
28 respondent's care, control, or custody of the respondent's minor  
29 child.

30 (3) The civil jurisdiction of district and municipal courts under  
31 this section is limited to the issuance and enforcement of temporary  
32 protection orders in cases that require transfer to superior court  
33 under subsections (1) and (2) of this section. The district or  
34 municipal court shall transfer the case to superior court after the  
35 temporary protection order is entered.

36 (4) Superior courts shall have concurrent jurisdiction to receive  
37 transfer of antiharassment petitions in cases where a district or  
38 municipal court judge makes findings of fact and conclusions of law  
39 showing that meritorious reasons exist for the transfer.

1 (5) The municipal and district courts shall have jurisdiction and  
2 cognizance of any criminal actions brought under section 57 of this  
3 act.

4 NEW SECTION. **Sec. 7.** VULNERABLE ADULT PROTECTION ORDERS. The  
5 superior courts have jurisdiction over vulnerable adult protection  
6 order proceedings under this chapter.

7 NEW SECTION. **Sec. 8.** EXTREME RISK PROTECTION ORDERS. The  
8 superior courts have jurisdiction over extreme risk protection order  
9 proceedings under this chapter. The juvenile court may hear an  
10 extreme risk protection order proceeding under this chapter if the  
11 respondent is under the age of 18 years. Additionally, district and  
12 municipal courts have limited jurisdiction over the issuance and  
13 enforcement of temporary extreme risk protection orders issued under  
14 section 43 of this act. The district or municipal court shall set the  
15 full hearing in superior court and transfer the case. If the notice  
16 and order are not served on the respondent in time for the full  
17 hearing, the issuing court has concurrent jurisdiction with the  
18 superior court to extend the temporary extreme risk protection order.

19 NEW SECTION. **Sec. 9.** VENUE. An action for a protection order  
20 should be filed in the county or municipality where the petitioner  
21 resides. The petitioner may also file in the county or municipality  
22 where an act giving rise to the petition for a protection order  
23 occurred; the county or municipality where a child to be protected by  
24 the order primarily resides; or the county or municipality where the  
25 petitioner resided prior to relocating if relocation was due to the  
26 respondent's conduct.

27 NEW SECTION. **Sec. 10.** PERSONAL JURISDICTION OVER NONRESIDENTS.  
28 (1) In a proceeding in which a petition for a protection order under  
29 this chapter is sought, a court of this state may exercise personal  
30 jurisdiction over a nonresident individual if:

31 (a) The individual is personally served with a petition within  
32 this state;

33 (b) The individual submits to the jurisdiction of this state by  
34 consent, entering a general appearance, or filing a responsive  
35 document having the effect of waiving any objection to consent to  
36 personal jurisdiction;

1 (c) The act or acts of the individual or the individual's agent  
2 giving rise to the petition or enforcement of a protection order  
3 occurred within this state;

4 (d)(i) The act or acts of the individual or the individual's  
5 agent giving rise to the petition or enforcement of a protection  
6 order occurred outside this state and are part of an ongoing pattern  
7 that has an adverse effect on the petitioner or a member of the  
8 petitioner's family or household and the petitioner resides in this  
9 state; or

10 (ii) As a result of the acts giving rise to the petition or  
11 enforcement of a protection order, the petitioner or a member of the  
12 petitioner's family or household has sought safety or protection in  
13 this state and currently resides in this state; or

14 (e) There is any other basis consistent with RCW 4.28.185 or with  
15 the Constitutions of this state and the United States.

16 (2) For jurisdiction to be exercised under subsection (1)(d) of  
17 this section, the individual must have communicated with the  
18 petitioner or a member of the petitioner's family, directly or  
19 indirectly, or made known a threat to the safety of the petitioner or  
20 member of the petitioner's family, while the petitioner or member of  
21 the petitioner's family resides in this state.

22 (3) For the purposes of this section:

23 (a) "Communicated" or "made known" includes the following means:  
24 In person, through publication, by mail, telephonically, through an  
25 electronic communication site or medium, by text, or through other  
26 social media. Communication on any electronic medium that is  
27 generally available to any individual residing in the state is  
28 sufficient to exercise jurisdiction under subsection (1)(d) of this  
29 section.

30 (b) An act or acts that "occurred within this state" include an  
31 oral or written statement made or published by a person outside of  
32 this state to any person in this state by means included in (a) of  
33 this subsection, or by means of interstate commerce or foreign  
34 commerce.

35 NEW SECTION. **Sec. 11.** OUT-OF-STATE CHILD CUSTODY JURISDICTIONAL  
36 ISSUES. Jurisdictional issues regarding out-of-state proceedings  
37 involving the custody or residential placement of any child of the  
38 parties are governed by the uniform child custody jurisdiction and  
39 enforcement act, chapter 26.27 RCW.

1           NEW SECTION.       **Sec. 12.**       RECOMMENDATIONS ON JURISDICTION OVER  
2 PROTECTION ORDER PROCEEDINGS. (1) The Washington state women's  
3 commission, in consultation with the administrative office of the  
4 courts and the gender and justice commission, shall consider and  
5 develop recommendations regarding the jurisdictional division of  
6 authority and responsibility among superior courts and courts of  
7 limited jurisdiction for protection order proceedings, and the  
8 differing approaches to jurisdiction among the types of protection  
9 orders. The work shall assess whether jurisdiction should be  
10 harmonized, modified, or consolidated to further the stated intent of  
11 this act. The work shall consider the underlying rationale for the  
12 existing jurisdictional division, assess whether the jurisdictional  
13 division creates barriers to access, gather data on usage and  
14 financial costs or savings, and weigh other relevant benefits and  
15 ramifications of modifying or consolidating jurisdiction.

16           (2) In developing the recommendations, the commission must work  
17 with representatives of superior, district, and municipal court  
18 judicial officers, court clerks, and administrators, including those  
19 with experience in protection order proceedings, as well as advocates  
20 and practitioners with expertise in each type of protection order.  
21 Participants should include those from both rural and urban  
22 jurisdictions.

23           (3) The commission shall provide a report of its findings and  
24 recommendations to the legislature by December 1, 2021.

25           (4) This section expires January 1, 2022.

26   **PART III**

27   **FILING**

28           NEW SECTION.       **Sec. 13.**       FILING—TYPES OF PETITIONS. (1) There  
29 exists an action known as a petition for a protection order. The  
30 following types of petitions for a protection order may be filed:

31           (a) A petition for a domestic violence protection order, which  
32 must allege the existence of domestic violence committed against the  
33 petitioner or petitioners by an intimate partner or a family or  
34 household member. The petitioner may petition for relief on behalf of  
35 himself or herself and on behalf of family or household members who  
36 are minors or vulnerable adults. A petition for a domestic violence  
37 protection order must specify whether the petitioner and the  
38 respondent are intimate partners or family or household members. A

1 petitioner who has been sexually assaulted or stalked by an intimate  
2 partner or a family or household member should, but is not required  
3 to, seek a domestic violence protection order, rather than a sexual  
4 assault protection order or a stalking protection order.

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

16 (i) Himself or herself;

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

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

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

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

33 (i) Himself or herself;

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

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

38 (iv) Any other adult for whom the petitioner demonstrates to the  
39 court's satisfaction that the petitioner is interested in the adult's  
40 well-being, the court's intervention is necessary, and the adult

1 cannot file the petition because of age, disability, health, or  
2 inaccessibility.

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

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

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

32 (i) Himself or herself;

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

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

37 (iv) Any other adult for whom the petitioner demonstrates to the  
38 court's satisfaction that the petitioner is interested in the adult's  
39 well-being, the court's intervention is necessary, and the adult



1 cannot file the petition because of age, disability, health, or  
2 inaccessibility.

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

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

13 (4) A petition for any type of protection order must not be  
14 dismissed or denied on the basis that the conduct alleged by the  
15 petitioner would meet the criteria for the issuance of another type  
16 of protection order.

17 (5) The protection order petition must contain a section where  
18 the petitioner, regardless of petition type, may request specific  
19 relief provided for in section 39 of this act that the petitioner  
20 seeks for himself or herself or for family or household members who  
21 are minors. The totality of selected relief, and any other relief the  
22 court deems appropriate for the petitioner, or family or household  
23 members who are minors, must be considered at the time of entry of  
24 temporary protection orders and at the time of entry of full  
25 protection orders.

26 (6) If a court reviewing the petition for a protection order or a  
27 request for a temporary protection order determines that the petition  
28 was not filed in the correct court, the court shall enter findings  
29 establishing the correct court, and direct the clerk to transfer the  
30 petition to the correct court and to provide notice of the transfer  
31 to all parties who have appeared.

32 (7) Upon filing a petition for a protection order, the petitioner  
33 may request that the court enter an ex parte temporary protection  
34 order until a hearing on a full protection order may be held. An ex  
35 parte temporary protection order shall be effective for a fixed  
36 period of time and shall be issued initially for a period not to  
37 exceed 14 days.

38 (8) The court shall set a hearing for a full protection order not  
39 later than 14 days from the date of the filing of the petition for a  
40 protection order, if the petition for a protection order is filed

1 before 5:00 p.m. on a judicial day. If a petition for a protection  
2 order is filed after 5:00 p.m. on a judicial day or is filed on a  
3 nonjudicial day, the court shall set a hearing for a full protection  
4 order not later than 14 days from the first judicial day after the  
5 petition is filed.

6 NEW SECTION. **Sec. 14.** FILING—PROVISIONS GOVERNING ALL  
7 PETITIONS. The following apply to all petitions for protection orders  
8 under this chapter.

9 (1)(a) Courts in all municipalities and counties must permit  
10 petitions for protection orders and all other filings in connection  
11 with the petition to be filed either: (i) In person; (ii) remotely  
12 through an electronic filing system that is accessible on the  
13 websites of every court clerk and through the website for the  
14 Washington state courts, or through the use of an alternative online  
15 portal; or (iii) by mail for persons who are incarcerated or who are  
16 otherwise unable to file in person or remotely through an electronic  
17 filing system.

18 (b) Electronic filings for protection orders may be made at any  
19 time of the day. The electronic filing system should allow for auto-  
20 enrollment of the petitioner to electronically track the progress of  
21 the petition for a protection order. The electronic filing system  
22 should allow for text messaging or email notification alerting the  
23 petitioner once the petition has been processed and is under review  
24 by a judicial officer; when the order has been signed, entered into  
25 the Washington crime information center system, and served upon the  
26 respondent; when the firearms have been removed and returned; and  
27 reminders for court appearances. Respondents, once served, should be  
28 able to sign up for similar electronic notification. The electronic  
29 filing system must grant access to the parties and any attorneys of  
30 record without charge.

31 (2) Court rules shall address that contact information provided  
32 by the petitioner through the filing process, including on the law  
33 enforcement information sheet, and contact information of parties and  
34 witnesses shall be exempt from public disclosure. A respondent is  
35 required to provide his or her contact information to complete a law  
36 enforcement information sheet.

37 (3) A petition must be accompanied by a declaration signed under  
38 penalty of perjury stating the specific facts and circumstances for

1 which relief is sought. Parties, attorneys, and witnesses may  
2 electronically sign sworn statements in all filings.

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

19 (5) The petition may be made regardless of whether or not there  
20 is a pending lawsuit, complaint, petition, or other action between  
21 the parties, except in cases where the court has realigned the  
22 parties in accordance with section 26 of this act.

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

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

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

35 (9) No fees for any type of filing or service of process may be  
36 charged by a court or any public agency to petitioners seeking relief  
37 under this chapter. Courts may not charge petitioners any fees or  
38 surcharges the payment of which is a condition precedent to the  
39 petitioner's ability to secure access to relief under this chapter.  
40 Petitioners shall be provided the necessary number of certified

1 copies, forms, and instructional brochures free of charge. A  
2 respondent who is served electronically with a protection order shall  
3 be provided a certified copy of the order free of charge upon  
4 request.

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

12 (11) If the court deems it necessary, the court may appoint a  
13 guardian ad litem for a petitioner or for a respondent who is under  
14 18 years of age and who is not represented by counsel. If a guardian  
15 ad litem is appointed by the court for either or both parties,  
16 neither the petitioner nor the respondent shall be required by the  
17 court to pay any costs associated with the appointment.

18 (12) Minor children must only be referred to in the petition and  
19 in all other publicly available filed documents by their initials and  
20 age.

21 (13) If a petitioner has requested an ex parte temporary  
22 protection order, because these are often emergent situations, the  
23 court shall prioritize scheduling and hold an ex parte hearing in  
24 person, by telephone, by video, or by other electronic means on the  
25 day the petition is filed if possible. Otherwise, it must be heard no  
26 later than the following judicial day. The clerk shall ensure that  
27 the request for an ex parte temporary protection order is presented  
28 timely to a judicial officer as specified in this section.

29 (14) Courts shall not require a petitioner to file duplicative  
30 forms. This includes, but is not limited to, a requirement that a  
31 petitioner must file both a law enforcement information sheet and a  
32 separate confidential information form.

33 (15) The Indian child welfare act applies in the following  
34 manner.

35 (a) In a proceeding under this chapter where the petitioner seeks  
36 to protect a minor and the petitioner is not the minor's parent as  
37 defined by RCW 13.38.040, the petition must contain a statement  
38 alleging whether the minor is or may be an Indian child as defined in  
39 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and  
40 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,

1 shall apply. A party should allege in the petition if these laws have  
2 been satisfied in a prior proceeding and identify the proceeding.

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

23 NEW SECTION. **Sec. 15.** FILING—PROVISIONS APPLICABLE TO SPECIFIED  
24 ORDERS. The following apply only to the specific type of protection  
25 orders referenced in each subsection.

26 (1) The department of social and health services, in its  
27 discretion, may file a petition for a vulnerable adult protection  
28 order or a domestic violence protection order on behalf of, and with  
29 the consent of, any vulnerable adult. When the department has reason  
30 to believe a vulnerable adult lacks the ability or capacity to  
31 consent, the department, in its discretion, may seek relief on behalf  
32 of the vulnerable adult. Neither the department nor the state of  
33 Washington is liable for seeking or failing to seek relief on behalf  
34 of any persons under this section. The vulnerable adult shall not be  
35 held responsible for any violations of the order by the respondent.

36 (2) If a parent in a proceeding under chapter 13.34 RCW has been  
37 directed in connection with the proceeding to seek a protection order  
38 against a specific person on behalf of either himself or herself or  
39 family or household members who are minors, or both, the parent may

1 request that the department of children, youth, and families file  
2 such a petition for a protection order on behalf of the parent and  
3 applicable family or household members who are minors. The department  
4 shall comply with such requests by a parent.

5 (3) (a) If the petitioner for an extreme risk protection order is  
6 a law enforcement agency, the petitioner shall make a good faith  
7 effort to provide notice to an intimate partner or family or  
8 household member of the respondent and to any known third party who  
9 may be at risk of violence. The notice must state that the petitioner  
10 intends to petition the court for an extreme risk protection order or  
11 has already done so, and include referrals to appropriate resources,  
12 including behavioral health, domestic violence, and counseling  
13 resources. The petitioner must attest in the petition to having  
14 provided such notice, or attest to the steps that will be taken to  
15 provide such notice.

16 (b) Recognizing that an extreme risk protection order may need to  
17 be issued outside of normal business hours, courts shall allow law  
18 enforcement petitioners to petition after hours for a temporary  
19 extreme risk protection order using an on-call, after-hours judge, as  
20 is done for approval of after-hours search warrants.

21 NEW SECTION. **Sec. 16.** DUTIES OF THE ADMINISTRATIVE OFFICE OF  
22 THE COURTS—RECOMMENDATIONS FOR FILING AND DATA COLLECTION. (1) The  
23 administrative office of the courts shall:

24 (a) By the effective date of this section, develop and distribute  
25 standard forms for petitions and orders issued under this chapter,  
26 and facilitate the use of online forms for electronic filings.

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

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

1 (b) By the effective date of this section, develop and distribute  
2 instructions and informational brochures regarding protection orders  
3 and a court staff handbook on the protection order process, which  
4 shall be made available online to view and download at no cost.  
5 Developing additional methods to inform the public about protection  
6 orders in understandable terms and in languages other than English  
7 through videos and social media should also be considered. The  
8 instructions, brochures, forms, and handbook must be prepared in  
9 consultation with civil legal aid, culturally specific advocacy  
10 programs, and domestic violence and sexual assault advocacy programs.  
11 The instructions must be designed to assist petitioners in completing  
12 the petition, and must include a sample of standard petition and  
13 protection order forms. The instructions and standard petition must  
14 include a means for the petitioner to identify, with only lay  
15 knowledge, the firearms the respondent may own, possess, receive,  
16 have access to, or have in the respondent's custody or control. The  
17 instructions must provide pictures of types of firearms that the  
18 petitioner may choose from to identify the relevant firearms, or an  
19 equivalent means to allow petitioners to identify firearms without  
20 requiring specific or technical knowledge regarding the firearms. The  
21 court staff handbook must allow for the addition of a community  
22 resource list by the court clerk. The informational brochure must  
23 describe the use of, and the process for, obtaining, renewing,  
24 modifying, terminating, and enforcing protection orders as provided  
25 under this chapter, as well as the process for obtaining, modifying,  
26 terminating, and enforcing an antiharassment no-contact order as  
27 provided under chapter 9A.46 RCW, a domestic violence no-contact  
28 order as provided under chapter 10.99 RCW, a restraining order as  
29 provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a  
30 foreign protection order as defined in chapter 26.52 RCW, and a  
31 Canadian domestic violence protection order as defined in RCW  
32 26.55.010;

33 (c) Determine the significant non-English-speaking or limited  
34 English-speaking populations in the state. The administrative office  
35 of the courts shall then arrange for translation of the instructions  
36 and informational brochures required by this section, which must  
37 contain a sample of the standard petition and protection order forms,  
38 into the languages spoken by at least the top five significant non-  
39 English-speaking populations, and shall distribute a master copy of  
40 the translated instructions and informational brochures to all court

1 clerks and to the Washington supreme court's interpreter commission,  
2 minority and justice commission, and gender and justice commission by  
3 the effective date of this section. Such materials must be updated  
4 and distributed if needed due to relevant changes in the law;

5 (d) (i) Distribute a master copy of the petition and order forms,  
6 instructions, and informational brochures to all court clerks, and  
7 distribute a master copy of the petition and order forms to all  
8 superior, district, and municipal courts;

9 (ii) By October 1, 2021, in collaboration with civil legal aid  
10 attorneys, domestic violence advocates, sexual assault advocates,  
11 elder abuse advocates, and judicial officers, develop and distribute  
12 a single petition form that a petitioner may use to file for any type  
13 of protection order authorized by this chapter, with the exception of  
14 extreme risk protection orders;

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

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

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

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

26 (II) An order sealing the court records relating to that order;  
27 and

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

31 (e) Update the law enforcement information sheet, which it  
32 provides for petitioners who are seeking a temporary protection  
33 order, to help prompt the petitioner to disclose on the form whether  
34 the person who the petitioner is seeking to restrain has a  
35 disability, brain injury, or impairment requiring special assistance;  
36 and

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



1 (2) The Washington state women's commission, in consultation with  
2 the administrative office of the courts and the gender and justice  
3 commission, shall work with representatives of superior, district,  
4 and municipal court judicial officers, court clerks, and  
5 administrators, including those with experience in protection order  
6 proceedings, as well as advocates and practitioners with expertise in  
7 each type of protection order, and others with relevant expertise, to  
8 develop recommendations for the legislature by December 1, 2021, on  
9 the following matters:

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

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

18 NEW SECTION. **Sec. 17.** FILING—COURT CLERK DUTIES. (1) All court  
19 clerks' offices shall make available the standardized forms,  
20 instructions, and informational brochures required by this chapter,  
21 and shall fill in and keep current specific program names and  
22 telephone numbers for community resources, including civil legal aid  
23 and volunteer lawyer programs. Any assistance or information provided  
24 by clerks under this chapter, or any assistance or information  
25 provided by any person, including court clerks, employees of the  
26 department of social and health services, and other court  
27 facilitators, to complete the forms provided by the court, does not  
28 constitute the practice of law, and clerks are not responsible for  
29 incorrect information contained in a petition.

30 (2) All court clerks shall obtain community resource lists as  
31 described in (a) and (b) of this subsection, which the court shall  
32 make available as part of, or in addition to, the informational  
33 brochures described in section 16 of this act.

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

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

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

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

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

21 **PART IV**  
22 **SERVICE**

23 NEW SECTION. **Sec. 18.** SERVICE—METHODS OF SERVICE. (1) To  
24 minimize delays and the need for more hearings, which can hinder  
25 access to justice and undermine judicial economy, to lessen costs, to  
26 guarantee actual notice to the respondent, and to simplify and  
27 modernize processes for petitioners, respondents, law enforcement,  
28 and the courts, the following methods of service are authorized for  
29 protection order proceedings, including petitions, temporary  
30 protection orders, reissuances of temporary protection orders, full  
31 protection orders, motions to renew protection orders, and motions to  
32 modify or terminate protection orders.

33 (a) Personal service, consistent with court rules for civil  
34 proceedings, must be made by law enforcement to mitigate risks,  
35 increase safety, and ensure swift recovery of firearms in cases  
36 requiring the surrender of firearms, such as extreme risk protection  
37 orders and protection orders with orders to surrender weapons; cases  
38 that involve transferring the custody of a child or children from the

1 respondent to the petitioner; or cases involving vacating the  
2 respondent from the parties' shared residence. Personal service  
3 should also be used in cases involving a respondent who is  
4 incarcerated. Personal service must otherwise be made by law  
5 enforcement unless the petitioner elects to have the respondent  
6 served by a third party who is not a party to the action and is over  
7 18 years of age and competent to be a witness.

8 (b) (i) Service by electronic means, including service by email,  
9 text message, social media applications, or other technologies, must  
10 be prioritized for all orders at the time of the issuance of  
11 temporary protection orders, with the exception of the following  
12 cases, for which personal service must be prioritized: (A) Cases  
13 requiring the surrender of firearms, such as extreme risk protection  
14 orders and protection orders with orders to surrender weapons; (B)  
15 cases that involve transferring the custody of a child or children  
16 from the respondent to the petitioner; (C) cases involving vacating  
17 the respondent from the parties' shared residence; or (D) cases  
18 involving a respondent who is incarcerated. Once firearms and  
19 concealed pistol licenses have been surrendered and verified by the  
20 court, or there is evidence the respondent does not possess firearms,  
21 the restrained party has been vacated from the shared residence, or  
22 the custody of the child or children has been transferred, per court  
23 order, then subsequent motions and orders may be served  
24 electronically.

25 (ii) Service by electronic means must be effected by a law  
26 enforcement officer, unless the petitioner elects to have the  
27 respondent served by any person who is not a party to the action, is  
28 over 18 years of age and competent to be a witness, and can provide  
29 sworn proof of service to the court as required.

30 (iii) Electronic service must be effected by transmitting copies  
31 of the petition and any supporting materials filed with the petition,  
32 notice of hearing, and any orders, or relevant materials for motions,  
33 to the respondent at the respondent's electronic address or the  
34 respondent's electronic account associated with email, text  
35 messaging, social media applications, or other technologies.  
36 Verification of receipt may be accomplished through read-receipt  
37 mechanisms, a response, a sworn statement from the person who  
38 effected service verifying transmission and any follow-up  
39 communications such as email or telephone contact used to further  
40 verify, or an appearance by the respondent at a hearing. Sworn proof

1 of service must be filed with the court by the person who effected  
2 service. Service by electronic means is complete upon transmission  
3 when made prior to 5:00 p.m. on a judicial day. Service made on a  
4 Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day  
5 shall be deemed complete at 9:00 a.m. on the first judicial day  
6 thereafter.

7 (c) Service by mail is permitted when electronic service is not  
8 possible, and there have been two unsuccessful attempts at personal  
9 service or when the petitioner requests it in lieu of electronic  
10 service or personal service where personal service is not otherwise  
11 required. If electronic service and personal service are not  
12 successful, the court shall affirmatively order service by mail  
13 without requiring additional motions to be filed by the petitioner.  
14 Service by mail must be made by any person who is not a party to the  
15 action and is over 18 years of age and competent to be a witness, by  
16 mailing copies of the materials to be served to the party to be  
17 served at the party's last known address or any other address  
18 determined by the court to be appropriate. Two copies must be mailed,  
19 postage prepaid, one by ordinary first-class mail and the other by a  
20 form of mail requiring a tracking or certified information showing  
21 when and where it was delivered. The envelopes must bear the return  
22 address of the sender. Service is complete upon the mailing of two  
23 copies as prescribed in this section.

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

1 summary of the provisions under the temporary protection order. The  
2 summons must be essentially in the following form:

3 In the ..... court of the state of Washington  
4 for the county of .....

5 ....., Petitioner

6 vs. No. ....

7 ....., Respondent

8 The state of Washington to .....  
9 (respondent):

10 You are hereby summoned to appear on the ....  
11 day of ....., (year) ....., at .... a.m./p.m., and  
12 respond to the petition. If you fail to respond, a  
13 protection order will be issued against you pursuant to  
14 the provisions of chapter 7--- RCW (the new chapter  
15 created in section 81 of this act), for a minimum of one  
16 year from the date you are required to appear. A  
17 temporary protection order has been issued against you,  
18 restraining you from the following: (Insert a brief  
19 statement of the provisions of the temporary protection  
20 order). A copy of the petition, notice of hearing, and  
21 temporary protection order has been filed with the clerk  
22 of this court.

23 .....

24 Petitioner.....

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

31 (3) To promote judicial economy and reduce delays, for  
32 respondents who are able to be served electronically, the respondent,  
33 or the parent or guardian of the respondent for respondents under the  
34 age of 18 or the guardian or conservator of an adult respondent,  
35 shall be required to provide his or her electronic address or  
36 electronic account associated with an email, text messaging, social  
37 media application, or other technology, if it is a contact address

1 other than what was provided in the law enforcement information  
2 sheet. This must occur at the earliest point at which the respondent,  
3 parent, guardian, or conservator is in contact with the court so that  
4 electronic service can be effected for all subsequent motions,  
5 orders, and hearings.

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

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

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

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

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

38 (6) The court shall not dismiss, over the objection of a  
39 petitioner, a petition for a protection order or a motion to renew a  
40 protection order based on the inability of law enforcement or the

1 petitioner to serve the respondent, unless the court determines that  
2 all available methods of service have been attempted unsuccessfully.

3 NEW SECTION. **Sec. 19.** SERVICE BY A LAW ENFORCEMENT OFFICER.

4 When service is to be completed under this chapter by a law  
5 enforcement officer:

6 (1) The clerk of the court shall have a copy of any order issued  
7 under this chapter, as well as the petition for a protection order  
8 and any supporting materials, electronically forwarded on or before  
9 the next judicial day to the law enforcement agency specified in the  
10 order for service upon the respondent;

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

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

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

33 (5) If the respondent is in a protected person's presence at the  
34 time of contact for service, the law enforcement officer should take  
35 reasonable steps to separate the parties when possible prior to  
36 completing the service or inquiring about or collecting firearms.  
37 When the order requires the respondent to vacate the parties' shared  
38 residence, law enforcement shall take reasonable steps to ensure that  
39 the respondent has left the premises and is on notice that his or her

1 return is a violation of the terms of the order. The law enforcement  
2 officer must provide the respondent with copies of all forms with the  
3 exception of the law enforcement information sheet and the return of  
4 service form;

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

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

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

27 NEW SECTION. **Sec. 20.** MATERIALS TO BE SERVED. The following  
28 materials must be served, depending on the type of relief sought.

29 (1) If the petitioner is seeking a hearing on a petition for a  
30 protection order, the respondent must be served with the petition for  
31 a protection order, any supporting declarations or other materials,  
32 the notice of hearing, any temporary protection order issued by the  
33 court, and any temporary order to surrender and prohibit weapons  
34 issued by the court.

35 (2) If the petitioner is seeking the renewal or reissuance of a  
36 protection order, the respondent must be served with the motion to  
37 renew or reissue the protection order, any supporting declarations or  
38 other materials, and the notice of hearing.



1 (3) If either party is seeking to modify or terminate a  
2 protection order, the other party must be served with the motion to  
3 modify or terminate the protection order, any supporting declarations  
4 or other materials, and the notice of hearing.

5 (4) For any other motion filed by a party with the court, the  
6 other party must be served with all materials the moving party  
7 submitted to the court and with any notice of hearing issued by the  
8 court related to the motion.

9 NEW SECTION. **Sec. 21.** TIME REQUIREMENTS. Service must be  
10 completed on the nonmoving party not less than five judicial days  
11 before the hearing date, unless waived by the nonmoving party. If  
12 service cannot be made, the court shall set a new hearing date and  
13 shall either require an additional attempt at obtaining service or  
14 permit service by other means authorized in this chapter. If the  
15 nonmoving party was served before the hearing, but less than five  
16 judicial days before the hearing, it is not necessary to re-serve  
17 materials that the nonmoving party already received, but any new  
18 notice of hearing and reissued order must be served on the nonmoving  
19 party. The court shall not require more than two attempts at  
20 obtaining service before permitting service by other means authorized  
21 in this chapter unless the moving party requests additional time to  
22 attempt service. If the court permits service by mail or by  
23 publication, the court shall set the hearing date not later than 24  
24 days from the date of the order authorizing such service.

25 NEW SECTION. **Sec. 22.** VULNERABLE ADULT PROTECTION ORDERS—  
26 SERVICE WHEN VULNERABLE ADULT IS NOT THE PETITIONER. (1) When a  
27 petition for a vulnerable adult protection order is filed by someone  
28 other than the vulnerable adult, notice of the petition and hearing  
29 must be personally served upon the vulnerable adult not less than  
30 five judicial days before the hearing.

31 (2) In addition to copies of all pleadings filed by the  
32 petitioner, the petitioner shall provide a written notice to the  
33 vulnerable adult using a standard notice form developed by the  
34 administrative office of the courts. The standard notice form shall  
35 be designed to explain to the vulnerable adult in clear, plain  
36 language the purpose and nature of the petition and that the  
37 vulnerable adult has the right to participate in the hearing and to  
38 either support or object to the petition.

1 (3) When good faith attempts to personally serve the vulnerable  
2 adult have been unsuccessful, the court shall permit service by  
3 electronic means or by mail. The court may authorize service by  
4 publication if the court determines that personal service, service by  
5 electronic means, and service by mail cannot be obtained. If timely  
6 service under this section cannot be made, the court shall continue  
7 the hearing date until the substitute service approved by the court  
8 has been satisfied.

9 NEW SECTION. **Sec. 23.** DEVELOPMENT OF BEST PRACTICES. Courts and  
10 law enforcement agencies shall adopt rules, protocols, and pattern  
11 forms to standardize and implement best practices for service,  
12 including mechanisms and verification options for electronic service  
13 and electronic returns of service, as well as best practices for  
14 efficient transmission of court documents to law enforcement for  
15 entry into criminal justice databases and returns of service or  
16 property.

17 **PART V**  
18 **HEARINGS**

19 NEW SECTION. **Sec. 24.** HEARING PROCEDURES. In hearings under  
20 this chapter, the following apply:

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

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

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

1 law enforcement agency or the prosecutor's office to present the  
2 information to the court if personal presence of the petitioning  
3 officer is not required for testimonial purposes.

4 (3) A hearing on a petition for a protection order must be set by  
5 the court regardless of whether the court has granted or denied a  
6 request for a temporary protection order in the proceeding.

7 (4) If the petitioner informs the court prior to a scheduled  
8 hearing that the respondent has not been served at least five  
9 judicial days before the hearing date, or if the parties have  
10 informed the court of an agreed date of continuance for the hearing,  
11 the court shall reissue any temporary protection order previously  
12 issued, cancel the scheduled hearing, and reset the hearing date.

13 (5) When considering any request to stay, continue, or delay a  
14 hearing under this chapter because of the pendency of a parallel  
15 criminal investigation or prosecution of the respondent, courts shall  
16 apply a rebuttable presumption against such delay and give due  
17 recognition to the purpose of this chapter to provide victims quick  
18 and effective relief. Courts must consider on the record the  
19 following factors:

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

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

25 (c) Status of the criminal case;

26 (d) The interests of the petitioners in proceeding expeditiously  
27 with litigation and the potential prejudice and risk to petitioners  
28 of a delay;

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

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

33 (g) The interests of persons not parties to the civil litigation;  
34 and

35 (h) The interest of the public in the pending civil and criminal  
36 litigation.

37 (6) Hearings shall be conducted upon live testimony of the  
38 parties and sworn declarations unless the court finds that live  
39 testimony of witnesses other than the parties is necessary and  
40 material. If either party requests a continuance to allow for proper

1 notice of witnesses or to afford a party time to seek counsel, the  
2 court should continue the hearing. If the court continues the  
3 hearing, the court shall reissue any temporary orders.

4 (7) Prehearing discovery under the civil court rules, including,  
5 but not limited to, depositions, requests for production, or requests  
6 for admission, is not permitted unless specifically authorized by the  
7 court for good cause shown, upon motion of a party.

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

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

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

17 (ii) When constitutionally required to be admitted.

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

33 (10) Parties may request an opportunity to cross-examine  
34 witnesses, to pursue discovery, to provide oral testimony by nonparty  
35 witnesses, or for other procedures. The court shall determine whether  
36 to grant such requests, and whether to continue the hearing to permit  
37 the parties to prepare.

38 (11) When a petitioner has alleged incapacity to consent to  
39 sexual conduct or sexual penetration due to intoxicants, alcohol, or

1 other condition, the court must determine on the record whether the  
2 petitioner had the capacity to consent.

3 (12) If the court finds that the petition for a protection order  
4 does not contain sufficient allegations as a matter of law to support  
5 the issuance of a protection order, the court shall continue the  
6 matter for 14 days and offer the petitioner the opportunity to file  
7 an amended petition, unless the court finds in writing that the  
8 amendment would be futile. If no amended petition is filed, the  
9 petition shall be dismissed after 14 days. All temporary protection  
10 orders shall expire upon the court's finding that the petition is  
11 insufficient.

12 (13) Courts shall not require parties to submit duplicate or  
13 working copies of pleadings or other materials filed with the court.

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

20 NEW SECTION. **Sec. 25.** HEARINGS—REMOTE HEARINGS. (1) Hearings on  
21 protection orders, including hearings concerning temporary protection  
22 orders, full protection orders, compliance, reissuance, renewal,  
23 modification, or termination, may be conducted in person or remotely  
24 in order to enhance access for all parties.

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

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

1 (4) Courts shall not post or stream proceedings or recordings of  
2 protection order hearings online without a waiver from all parties.  
3 Unless the court orders a hearing to be closed to the public  
4 consistent with the requirements of Washington law, courts should  
5 provide in-person access to members of the public who wish to observe  
6 or listen to a hearing conducted by telephone, video, or other  
7 electronic means.

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

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

15 (b) Courts should endeavor to give a party or witness appearing  
16 by telephone no more than a one-hour waiting time by the court for  
17 the hearing to begin;

18 (c) Courts should inform the parties before the hearing begins on  
19 how the hearing is being recorded, the ability of the public to view  
20 the hearing, and the availability of the recording of the hearing;

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

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

31 (f) To help ensure that remote access does not undermine personal  
32 safety or privacy, or introduce other risks, courts should protect  
33 the privacy of telephone numbers, emails, and other contact  
34 information for parties and witnesses. Courts should inform parties  
35 and witnesses appearing remotely not to state their addresses or  
36 telephone numbers at the hearing, and advise parties and witnesses  
37 that they may use virtual backgrounds to help ensure that their  
38 backgrounds do not reveal their location;

39 (g) Courts should provide the parties, in orders setting the  
40 hearing, with a telephone number and an email address for the court,

1 which the parties may use to inform the court if they have been  
2 unable to appear remotely for a hearing. Before dismissing a petition  
3 due to the petitioner not appearing for a remote hearing or the court  
4 not being able to reach the petitioner via telephone or video, and  
5 before granting relief due to the respondent not appearing for a  
6 remote hearing or the court not being able to reach the respondent  
7 via telephone or video, the court shall check for any notifications  
8 to the court regarding issues with remote access or other  
9 technological difficulties. If any party has provided such  
10 notification to the court, the court shall not dismiss or grant the  
11 petition, but shall reset the hearing. Such relief may be sought on a  
12 motion for a reconsideration for good cause if a party was unable to  
13 provide the notification on the day of the hearing prior to the  
14 court's ruling. If a party is unable to promptly notify the court by  
15 telephone or email of the party's reasons for being unable to appear  
16 due to issues with remote access or other technological difficulties,  
17 the party may inform the court of such issues or difficulties by mail  
18 or by other means available, and the court shall consider whether  
19 there is good cause to order a new hearing; and

20 (h) Courts should consider a party's request that the court  
21 continue a remote hearing, and reset the hearing for a specified  
22 time, if the party demonstrates to the court that the party would be  
23 unable to appear at the remote hearing outside of the presence of  
24 others who reside with the party, but are not part of the proceeding  
25 including, but not limited to, children, and that the presence of  
26 those individuals may hinder testimony or the ability to provide  
27 complete and detailed responses. The court should grant a first  
28 request for good cause shown. Subsequent requests may be granted in  
29 the court's discretion.

30 NEW SECTION. **Sec. 26.** REALIGNMENT OF PARTIES IN DOMESTIC  
31 VIOLENCE AND ANTIHARASSMENT PROTECTION ORDER PROCEEDINGS. In  
32 proceedings where the petitioner is seeking a domestic violence  
33 protection order or an antiharassment protection order, the court may  
34 realign the designation of the parties as "petitioner" and  
35 "respondent" where the court finds that the original petitioner is  
36 the abuser or harasser and the original respondent is the victim of  
37 domestic violence or unlawful harassment. The court may issue a  
38 temporary protection order in accordance with this chapter until the

1 victim is able to prepare a petition for a protection order in  
2 accordance with this chapter.

3 NEW SECTION. **Sec. 27.** EXTREME RISK PROTECTION ORDER HEARINGS.  
4 For extreme risk protection order hearings, the following also apply.

5 (1) The court may:

6 (a) Examine under oath the petitioner, the respondent, and any  
7 witnesses they may produce, or, in lieu of examination, consider  
8 sworn declarations of the petitioner, the respondent, and any  
9 witnesses they may produce; and

10 (b) Ensure that a reasonable search has been conducted for  
11 criminal history records and civil protection order history related  
12 to the respondent.

13 (2) During the hearing, the court shall consider whether a  
14 behavioral health evaluation is appropriate, and may order such  
15 evaluation if appropriate.

16 (3) In determining whether grounds for an extreme risk protection  
17 order exist, the court may consider any relevant evidence including,  
18 but not limited to, any of the following:

19 (a) A recent act or threat of violence by the respondent against  
20 self or others, whether or not such violence or threat of violence  
21 involves a firearm;

22 (b) A pattern of acts or threats of violence by the respondent  
23 within the past 12 months including, but not limited to, acts or  
24 threats of violence by the respondent against self or others;

25 (c) Any behaviors that present an imminent threat of harm to self  
26 or others;

27 (d) A violation by the respondent of a protection order or a no-  
28 contact order issued;

29 (e) A previous or existing extreme risk protection order issued  
30 against the respondent;

31 (f) A violation of a previous or existing extreme risk protection  
32 order issued against the respondent;

33 (g) A conviction of the respondent for a crime that constitutes  
34 domestic violence as defined in RCW 10.99.020;

35 (h) A conviction of the respondent under RCW 9A.36.080;

36 (i) The respondent's ownership of, access to, or intent to  
37 possess, firearms;

38 (j) The unlawful or reckless use, display, or brandishing of a  
39 firearm by the respondent;



1 (k) The history of use, attempted use, or threatened use of  
2 physical force by the respondent against another person, or the  
3 respondent's history of stalking another person;

4 (l) Any prior arrest of the respondent for a felony offense or  
5 violent crime;

6 (m) Corroborated evidence of the abuse of controlled substances  
7 or alcohol by the respondent; and

8 (n) Evidence of recent acquisition of firearms by the respondent.

9 NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER  
10 HEARINGS. For vulnerable adult protection order hearings, the  
11 following also apply.

12 (1) When a petition for a vulnerable adult protection order is  
13 filed by someone other than the vulnerable adult or the vulnerable  
14 adult's full guardian over either the person or the estate, or both,  
15 and the vulnerable adult for whom protection is sought advises the  
16 court at the hearing that the vulnerable adult does not want all or  
17 part of the protection sought in the petition, then the court may  
18 dismiss the petition or the provisions that the vulnerable adult  
19 objects to and any existing vulnerable adult protection order, or the  
20 court may take additional testimony or evidence, or order additional  
21 evidentiary hearings to determine whether the vulnerable adult is  
22 unable, due to incapacity, undue influence, or duress, to protect his  
23 or her person or estate in connection with the issues raised in the  
24 petition or order. If an additional evidentiary hearing is ordered  
25 and the court determines that there is reason to believe that there  
26 is a genuine issue about whether the vulnerable adult is unable to  
27 protect his or her person or estate in connection with the issues  
28 raised in the petition or order, the court may issue a temporary  
29 protection order of the vulnerable adult pending a decision after the  
30 evidentiary hearing.

31 (2) Pursuant to subsection (1) of this section, an evidentiary  
32 hearing on the issue of whether the vulnerable adult is unable, due  
33 to incapacity, undue influence, or duress, to protect his or her  
34 person or estate in connection with the issues raised in the petition  
35 or order, must be held within 14 days of entry of the temporary  
36 protection order. If the court did not enter a temporary protection  
37 order, the evidentiary hearing must be held within 14 days of the  
38 prior hearing on the petition. Notice of the time and place of the  
39 evidentiary hearing must be served upon the vulnerable adult and the

1 respondent not less than five judicial days before the hearing. If  
2 timely service cannot be made, the court may set a new hearing date.  
3 A hearing under this subsection is not necessary if the vulnerable  
4 adult has been determined to be fully incapacitated over either the  
5 person or the estate, or both, under the guardianship laws, chapter  
6 11.88 RCW. If a hearing is scheduled under this subsection, the  
7 protection order must remain in effect pending the court's decision  
8 at the subsequent hearing.

9 (3) At the hearing held pursuant to subsection (1) of this  
10 section, the court shall give the vulnerable adult, the respondent,  
11 the petitioner, and, in the court's discretion, other interested  
12 persons, the opportunity to testify and submit relevant evidence.

13 (4) If the court determines that the vulnerable adult is capable  
14 of protecting his or her person or estate in connection with the  
15 issues raised in the petition, and the vulnerable adult continues to  
16 object to the protection order, the court shall dismiss the order or  
17 may modify the order if agreed to by the vulnerable adult. If the  
18 court determines that the vulnerable adult is not capable of  
19 protecting his or her person or estate in connection with the issues  
20 raised in the petition or order, and that the vulnerable adult  
21 continues to need protection, the court shall order relief consistent  
22 with this chapter as it deems necessary for the protection of the  
23 vulnerable adult. In the entry of any order that is inconsistent with  
24 the expressed wishes of the vulnerable adult, the court's order is  
25 governed by the legislative findings contained in section 1 of this  
26 act.

27 NEW SECTION. **Sec. 29.** GRANT OF ORDER, DENIAL OF ORDER, AND  
28 IMPROPER GROUNDS. (1) The court shall issue a protection order if it  
29 finds by a preponderance of the evidence that the petitioner has  
30 proved the required criteria specified in (a) through (f) of this  
31 subsection for obtaining a protection order under this chapter.

32 (a) For a domestic violence protection order, that the petitioner  
33 has been subjected to domestic violence by the respondent.

34 (b) For a sexual assault protection order, that the petitioner  
35 has been subjected to nonconsensual sexual conduct or nonconsensual  
36 sexual penetration by the respondent.

37 (c) For a stalking protection order, that the petitioner has been  
38 subjected to stalking by the respondent.

1 (d) For a vulnerable adult protection order, that the petitioner  
2 has been abandoned, abused, financially exploited, or neglected, or  
3 is threatened with abandonment, abuse, financial exploitation, or  
4 neglect by the respondent.

5 (e) For an extreme risk protection order, that the respondent  
6 poses a significant danger of causing personal injury to self or  
7 others by having in the respondent's custody or control, purchasing,  
8 possessing, accessing, receiving, or attempting to purchase or  
9 receive, a firearm.

10 (f) For an antiharassment protection order, that the petitioner  
11 has been subjected to unlawful harassment by the respondent.

12 (2) The court may not deny or dismiss a petition for a protection  
13 order on the grounds that:

14 (a) The petitioner or the respondent is a minor, unless  
15 provisions in this chapter specifically limit relief or remedies  
16 based upon a party's age;

17 (b) The petitioner did not report the conduct giving rise to the  
18 petition to law enforcement;

19 (c) A no-contact order or a restraining order that restrains the  
20 respondent's contact with the petitioner has been issued in a  
21 criminal proceeding or in a domestic relations proceeding;

22 (d) The relief sought by the petitioner may be available in a  
23 different action or proceeding, or criminal charges are pending  
24 against the respondent;

25 (e) The conduct at issue did not occur recently or because of the  
26 passage of time since the last incident of conduct giving rise to the  
27 petition; or

28 (f) The respondent no longer lives near the petitioner.

29 (3) In proceedings where the petitioner alleges that the  
30 respondent engaged in nonconsensual sexual conduct or nonconsensual  
31 sexual penetration, the court shall not require proof of physical  
32 injury on the person of the petitioner or any other forensic  
33 evidence. Denial of a remedy to the petitioner may not be based, in  
34 whole or in part, on evidence that:

35 (a) The respondent was voluntarily intoxicated;

36 (b) The petitioner was voluntarily intoxicated; or

37 (c) The petitioner engaged in limited consensual sexual touching.

38 (4) In proceedings where the petitioner alleges that the  
39 respondent engaged in stalking, the court may not require proof of

1 the respondent's intentions regarding the acts alleged by the  
2 petitioner.

3 (5) If the court declines to issue a protection order, the court  
4 shall state in writing the particular reasons for the court's denial.  
5 If the court declines a request to include one or more of the  
6 petitioner's family or household member who is a minor or a  
7 vulnerable adult in the order, the court shall state the reasons for  
8 that denial in writing. The court shall also explain from the bench:

9 (a) That the petitioner may refile a petition for a protection  
10 order at any time if the petitioner has new evidence to present that  
11 would support the issuance of a protection order;

12 (b) The parties' rights to seek revision, reconsideration, or  
13 appeal of the order; and

14 (c) The parties' rights to have access to the court transcript or  
15 recording of the hearing.

16 (6) A court's ruling on a protection order must be filed by the  
17 court in writing and must be made by the court on the mandatory form  
18 developed by the administrative office of the courts.

19 NEW SECTION. **Sec. 30.** JUDICIAL INFORMATION SYSTEM CONSULTATION.

20 (1) Before ruling on an order under this chapter, the court shall  
21 consult the judicial information system to determine the criminal  
22 history, history of criminal victimization, history of being a  
23 respondent or petitioner in a protection order proceeding, or  
24 pendency of other proceedings involving the parties. The court may  
25 take judicial notice of a parallel criminal proceeding for the  
26 related conduct involving the same parties, including whether the  
27 defendant in that action waived speedy trial.

28 (2) Before granting an order under this chapter directing  
29 residential placement of a child or restraining or limiting a party's  
30 contact with his or her child, the court shall consult the judicial  
31 information system, if available, to determine the pendency of other  
32 proceedings involving the residential placement of any child of the  
33 parties for whom residential placement has been requested.

34 (3) When the court proposes to consider information from the  
35 judicial information system or another criminal or civil database,  
36 the court shall: Disclose the information to each party present at  
37 the hearing; on timely request, provide each party with an  
38 opportunity to be heard; and take appropriate measures to alleviate

1 safety concerns of the parties. The court has discretion not to  
2 disclose information that the court does not propose to consider.

3 NEW SECTION. **Sec. 31.** COMPLIANCE HEARINGS. For compliance  
4 hearings:

5 (1) Only the respondent is required to appear if the court is  
6 reviewing compliance with any conditions of the order. The petitioner  
7 may appear at such hearing and provide evidence to the court  
8 regarding the respondent's compliance with the order. The petitioner  
9 may also file a declaration in response to the respondent's  
10 representation of compliance with any conditions of the order. After  
11 reviewing such a declaration by the petitioner, the court may ask the  
12 petitioner to appear at the hearing or provide additional declaration  
13 or documentation to address disputed issues.

14 (2) Any orders entered by the court pursuant to a compliance  
15 hearing must be served on the respondent if the respondent failed to  
16 appear at the hearing at which the court entered the orders.

17 (3) The court shall use its best efforts to notify the petitioner  
18 of the outcome of the compliance hearing including, but not limited  
19 to, informing the petitioner on whether the respondent is found to be  
20 out of compliance with an order to surrender and prohibit weapons.  
21 Such notice should be provided to the petitioner by electronic means  
22 if possible, but may also be made by telephone or another method that  
23 allows notification to be provided without unnecessary delay.

24 NEW SECTION. **Sec. 32.** APPOINTMENT OF COUNSEL. The court may  
25 appoint counsel to represent the petitioner if the respondent is  
26 represented by counsel.

27 NEW SECTION. **Sec. 33.** INTERPRETERS. (1) Pursuant to chapter  
28 2.42 RCW, in order to ensure that parties have meaningful access to  
29 the court, an interpreter shall be appointed for any party who,  
30 because of a hearing or speech impairment, cannot readily understand  
31 or communicate in spoken language. Notwithstanding the provisions of  
32 chapter 2.42 RCW, the court shall not:

33 (a) Appoint an interpreter who is not trained to provide  
34 interpretation services; or

35 (b) Appoint a person to provide interpretation services if that  
36 person is serving as an advocate for the party.

1 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties  
2 have meaningful access to the court, an interpreter shall be  
3 appointed for any party who cannot readily speak or understand the  
4 English language. Notwithstanding the provisions of chapter 2.43 RCW,  
5 the court shall not:

6 (a) Appoint an interpreter who is not trained to provide  
7 interpretation services; or

8 (b) Appoint a person to provide interpretation services if that  
9 person is serving as an advocate for the party.

10 (3) Once an interpreter has been appointed for a party, the party  
11 shall no longer be required to make further requests for the  
12 appointment of an interpreter for subsequent hearings or proceedings.  
13 The clerk shall identify the party as a person who needs interpreter  
14 services and shall be responsible for ensuring that an interpreter is  
15 available for every subsequent hearing.

16 (4) The interpreter shall translate or interpret for the party in  
17 preparing forms, participating in the hearing and court-ordered  
18 assessments, and translating any orders.

19 (5) The same interpreter shall not serve parties on both sides of  
20 the proceeding, unless the court finds good cause on the record to do  
21 so because it is not possible to obtain more than one interpreter for  
22 the proceeding.

23 (6) Courts shall make a private space available for parties and  
24 interpreters to meet and confer.

25 (7) When a hearing is conducted through telephone, video, or  
26 other electronic means, the court must make appropriate  
27 accommodations to permit interpreters to serve the parties as needed.

28 NEW SECTION. **Sec. 34.** PROTECTION ORDER ADVOCATE AND SUPPORT  
29 PERSON. (1) Whether or not the petitioner has retained an attorney, a  
30 sexual assault or domestic violence advocate, as defined in RCW  
31 5.60.060, shall be allowed to accompany the petitioner and confer  
32 with the petitioner during court proceedings. The sexual assault or  
33 domestic violence advocate shall not provide legal representation nor  
34 interpretation services. Court administrators shall allow sexual  
35 assault and domestic violence advocates to assist petitioners with  
36 their protection orders. Sexual assault and domestic violence  
37 advocates are not engaged in the unauthorized practice of law when  
38 providing assistance of the types specified in this section. Unless  
39 the sexual assault or domestic violence advocate seeks to speak

1 directly to the court, advocates shall not be required to be  
2 identified on the record beyond stating their role as a sexual  
3 assault or domestic violence advocate and identifying the program for  
4 which they work or volunteer for. Communications between the  
5 petitioner and a sexual assault and domestic violence advocate are  
6 protected as provided by RCW 5.60.060.

7 (2) Whether or not the petitioner has retained an attorney, a  
8 protection order advocate must be allowed to accompany the petitioner  
9 to any legal proceeding including, but not limited to, sitting or  
10 standing next to the petitioner and conferring with the petitioner  
11 during court proceedings, or addressing the court when invited to do  
12 so.

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

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

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

24 (d) A protection order advocate who is not employed by, or under  
25 the direct supervision of, a law enforcement agency, a prosecutor's  
26 office, the child protective services section of the department of  
27 children, youth, and families as defined in RCW 26.44.020, or other  
28 governmental entity, has the same privileges, rights, and  
29 responsibilities as a sexual assault advocate and domestic violence  
30 advocate under RCW 5.60.060.

31 (3) Whether or not the petitioner has retained an attorney, if a  
32 petitioner does not have an advocate, the petitioner shall be allowed  
33 a support person to accompany the petitioner to any legal proceeding  
34 including, but not limited to, sitting or standing next to the  
35 petitioner and conferring with the petitioner during court  
36 proceedings. The support person may be any third party of the  
37 petitioner's choosing, provided that:

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

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

8 NEW SECTION. **Sec. 35.** TRAINING. To help ensure familiarity with  
9 the unique nature of protection order proceedings, and an  
10 understanding of trauma-informed practices, best practices in use of  
11 new technologies for remote hearings, and evolving uses of technology  
12 as part of coercive control techniques, judicial officers, including  
13 persons who serve as judicial officers pro tempore, should receive  
14 training on procedural justice, trauma-informed practices, gender-  
15 based violence dynamics, elder abuse, juvenile sex offending, teen  
16 dating violence, and requirements for the surrender of weapons before  
17 presiding over protection order hearings. Trainings should be  
18 provided on an ongoing basis as best practices, research on trauma,  
19 and legislation continue to evolve. As a method of continuous  
20 training, court commissioners, including pro tempore commissioners,  
21 shall be notified by the presiding judge or court administrator upon  
22 revision of any decision made under this chapter.

23 NEW SECTION. **Sec. 36.** RECOMMENDATIONS ON IMPROVING PROTECTION  
24 ORDER PROCEEDINGS. The Washington state women's commission, in  
25 consultation with the administrative office of the courts and the  
26 gender and justice commission, shall work with representatives of  
27 superior, district, and municipal court judicial officers, court  
28 clerks, and administrators, including those with experience in  
29 protection order proceedings, as well as advocates and practitioners  
30 with expertise in each type of protection order, and others with  
31 relevant expertise, to consider and develop recommendations  
32 regarding: (1) Uses of technology to reduce administrative burdens in  
33 protection order proceedings; (2) improving access to unrepresented  
34 parties in protection order proceedings, including promoting access  
35 for pro bono attorneys for remote protection order proceedings, in  
36 consultation with the Washington state bar association; (3)  
37 developing best practices for courts when there are civil protection  
38 order and criminal proceedings that concern the same alleged conduct;



1 and (4) developing best practices in data collection and sharing,  
2 including demographic information, in order to promote research and  
3 study on protection orders and transparency of protection order data  
4 for the public, in partnership with the Washington state center for  
5 court research, the Washington state institute for public policy, the  
6 University of Washington, and the urban Indian health institute. The  
7 commission shall provide a report of its recommendations to the  
8 legislature by December 1, 2021.

9 **PART VI**

10 **ORDERS, DURATION, RELIEF, AND REMEDIES**

11 NEW SECTION. **Sec. 37.** Sections 38 through 42 of this act apply  
12 to all orders other than extreme risk protection orders.

13 NEW SECTION. **Sec. 38.** EX PARTE TEMPORARY PROTECTION ORDERS,  
14 OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) Where it appears  
15 from the petition and any additional evidence that the respondent has  
16 engaged in conduct against the petitioner that serves as a basis for  
17 a protection order under this chapter, and the petitioner alleges  
18 that irreparable injury could result if an order is not issued  
19 immediately without prior notice to the respondent, the court may  
20 grant an ex parte temporary protection order, pending a full hearing.  
21 The court has broad discretion to grant such relief as the court  
22 deems proper, including the forms of relief listed in section 39 of  
23 this act, provided that the court shall not order a form of relief  
24 listed in section 39 of this act if it would not be feasible or  
25 appropriate for the respondent to comply with such a requirement  
26 before a full hearing may be held on the petition for a protection  
27 order. If the court does not order all the relief requested by the  
28 petitioner in an ex parte temporary protection order, the court shall  
29 still consider ordering such relief at the full hearing on the  
30 petition for a protection order. In issuing the order, the court  
31 shall consider the provisions of RCW 9.41.800, and order the  
32 respondent to surrender, and prohibit the respondent from accessing,  
33 having in his or her custody or control, possessing, purchasing,  
34 attempting to purchase or receive, or receiving, all firearms,  
35 dangerous weapons, and any concealed pistol license, as required in  
36 RCW 9.41.800.

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

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

9 (4) A petitioner may not obtain an ex parte temporary  
10 antiharassment protection order against a respondent if the  
11 petitioner has previously obtained two such ex parte orders against  
12 the same respondent, but has failed to obtain the issuance of a civil  
13 antiharassment protection order, unless good cause for such failure  
14 can be shown.

15 NEW SECTION. **Sec. 39.** RELIEF FOR TEMPORARY AND FULL PROTECTION  
16 ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) In issuing  
17 any type of protection order, other than an extreme risk protection  
18 order, the court shall have broad discretion to grant such relief as  
19 the court deems proper, including an order that provides relief as  
20 follows:

21 (a) Restrain the respondent from committing any of the following  
22 acts against the petitioner and other persons protected by the order:  
23 Domestic violence; nonconsensual sexual conduct or nonconsensual  
24 sexual penetration; sexual abuse; stalking; acts of abandonment,  
25 abuse, neglect, or financial exploitation against a vulnerable adult;  
26 and unlawful harassment;

27 (b) Restrain the respondent from making any attempts to have  
28 contact, including nonphysical contact, with the petitioner or the  
29 petitioner's family or household members who are minors or other  
30 members of the petitioner's household, either directly, indirectly,  
31 or through third parties regardless of whether those third parties  
32 know of the order;

33 (c) Exclude the respondent from the dwelling that the parties  
34 share; from the residence, workplace, or school of the petitioner; or  
35 from the day care or school of a minor child;

36 (d) Restrain the respondent from knowingly coming within, or  
37 knowingly remaining within, a specified distance from a specified  
38 location including, but not limited to, a residence, school, day  
39 care, workplace, the protected party's person, and the protected

1 party's vehicle. The specified distance shall presumptively be at  
2 least 1,000 feet, unless the court for good cause finds that a  
3 shorter specified distance is appropriate;

4 (e) If the parties have children in common, make residential  
5 provisions with regard to their minor children on the same basis as  
6 is provided in chapter 26.09 RCW. However, parenting plans as  
7 specified in chapter 26.09 RCW must not be required under this  
8 chapter. The court may not delay or defer relief under this chapter  
9 on the grounds that the parties could seek a parenting plan or  
10 modification to a parenting plan in a different action. A protection  
11 order must not be denied on the grounds that the parties have an  
12 existing parenting plan in effect. A protection order may suspend the  
13 respondent's contact with the parties' children under an existing  
14 parenting plan, subject to further orders in a family law proceeding;

15 (f) Order the respondent to participate in a state-certified  
16 domestic violence perpetrator treatment program approved under RCW  
17 26.50.150 (as recodified by this act) or a state-certified sex  
18 offender treatment program approved under RCW 18.155.070;

19 (g) Order the respondent to obtain a mental health or chemical  
20 dependency evaluation. If the court determines that a mental health  
21 evaluation is necessary, the court shall clearly document the reason  
22 for this determination and provide a specific question or questions  
23 to be answered by the mental health professional. The court shall  
24 consider the ability of the respondent to pay for an evaluation;

25 (h) In cases where the petitioner and the respondent are students  
26 who attend the same public or private elementary, middle, or high  
27 school, the court, when issuing a protection order and providing  
28 relief, shall consider, among the other facts of the case, the  
29 severity of the act, any continuing physical danger, emotional  
30 distress, or educational disruption to the petitioner, and the  
31 financial difficulty and educational disruption that would be caused  
32 by a transfer of the respondent to another school. The court may  
33 order that the respondent not attend the public or private  
34 elementary, middle, or high school attended by the petitioner. In the  
35 event the court orders a transfer of the respondent to another  
36 school, the parents or legal guardians of the respondent are  
37 responsible for transportation and other costs associated with the  
38 change of school by the respondent. The court shall send notice of  
39 the restriction on attending the same school as the petitioner to the

1 public or private school the respondent will attend and to the school  
2 the petitioner attends;

3 (i) Require the respondent to pay the administrative court costs  
4 and service fees, as established by the county or municipality  
5 incurring the expense, and to reimburse the petitioner for costs  
6 incurred in bringing the action, including reasonable attorneys' fees  
7 or limited license legal technician fees when such fees are incurred  
8 by a person licensed and practicing in accordance with state supreme  
9 court admission and practice rule 28, the limited practice rule for  
10 limited license legal technicians;

11 (j) Restrain the respondent from harassing, following,  
12 monitoring, keeping under physical or electronic surveillance,  
13 cyberstalking as defined in RCW 9.61.260, and using telephonic,  
14 audiovisual, or other electronic means to monitor the actions,  
15 location, or communication of the petitioner or the petitioner's  
16 family or household members who are minors or other members of the  
17 petitioner's household. For the purposes of this subsection,  
18 "communication" includes both "wire communication" and "electronic  
19 communication" as defined in RCW 9.73.260;

20 (k) Other than for respondents who are minors, require the  
21 respondent to submit to electronic monitoring. The order must specify  
22 who shall provide the electronic monitoring services and the terms  
23 under which the monitoring must be performed. The order also may  
24 include a requirement that the respondent pay the costs of the  
25 monitoring. The court shall consider the ability of the respondent to  
26 pay for electronic monitoring;

27 (l) Consider the provisions of RCW 9.41.800, and order the  
28 respondent to surrender, and prohibit the respondent from accessing,  
29 having in his or her custody or control, possessing, purchasing,  
30 attempting to purchase or receive, or receiving, all firearms,  
31 dangerous weapons, and any concealed pistol license, as required in  
32 RCW 9.41.800;

33 (m) Order possession and use of essential personal effects. The  
34 court shall list the essential personal effects with sufficient  
35 specificity to make it clear which property is included. Personal  
36 effects may include pets. The court may order that a petitioner be  
37 granted the exclusive custody or control of any pet owned, possessed,  
38 leased, kept, or held by the petitioner, respondent, or minor child  
39 residing with either the petitioner or respondent, and may prohibit  
40 the respondent from interfering with the petitioner's efforts to

1 obtain the pet. The court may also prohibit the respondent from  
2 knowingly coming within, or knowingly remaining within, a specified  
3 distance of specified locations where the pet is regularly found;

4 (n) Order use of a vehicle;

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

24 (p) Restrain the respondent from committing acts of abandonment,  
25 abuse, neglect, or financial exploitation against a vulnerable adult;

26 (q) Require an accounting by the respondent of the disposition of  
27 the vulnerable adult's income or other resources;

28 (r) Restrain the transfer of either the respondent's or  
29 vulnerable adult's property, or both, for a specified period not  
30 exceeding 90 days;

31 (s) Order financial relief and restrain the transfer of jointly  
32 owned assets;

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

1 protection order to take down and delete the intimate images so that  
2 the order may not inadvertently be violated; or

3 (u) Order other relief as it deems necessary for the protection  
4 of the petitioner and other family or household members who are  
5 minors or vulnerable adults for whom the petitioner has sought  
6 protection, including orders or directives to a law enforcement  
7 officer, as allowed under this chapter.

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

14 (3) The court shall not take any of the following actions in  
15 issuing a protection order.

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

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

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

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

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

1        NEW SECTION.    **Sec. 40.**    DURATION OF FULL PROTECTION ORDERS, OTHER  
2 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When issuing an order  
3 after notice to the respondent and a hearing, the court may either  
4 grant relief for a fixed period of time or enter a permanent order of  
5 protection. The court shall not grant relief for less than one year  
6 unless the petitioner has specifically requested relief for a shorter  
7 period of time.

8        (2)(a) If a protection order restrains the respondent from  
9 contacting the respondent's minor children, the restraint must be for  
10 a fixed period not to exceed one year. This limitation is not  
11 applicable to protection orders issued under chapter 26.09, 26.26A,  
12 or 26.26B RCW.

13        (b) If the petitioner has petitioned for relief on behalf of the  
14 respondent's minor children, the court shall advise the petitioner  
15 that if the petitioner wants to continue protection for a period  
16 beyond one year, the petitioner may either petition for renewal  
17 pursuant to the provisions of this chapter or may seek relief  
18 pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

19        NEW SECTION.    **Sec. 41.**    LAW ENFORCEMENT STAND-BY TO RECOVER  
20 POSSESSIONS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When  
21 an order is issued under this chapter upon request of the petitioner,  
22 the court may order a law enforcement officer to accompany the  
23 petitioner and assist in placing the petitioner in possession of  
24 those items indicated in the order or to otherwise assist in the  
25 execution of the order of protection. The order must list all items  
26 that are to be included with sufficient specificity to make it clear  
27 which property is included. Orders issued under this chapter must  
28 include a designation of the appropriate law enforcement agency to  
29 execute, serve, or enforce the order.

30        (2) Upon order of a court, a law enforcement officer shall  
31 accompany the petitioner and assist in placing the petitioner in  
32 possession of all items listed in the order and to otherwise assist  
33 in the execution of the order.

34        (3) Where orders involve surrender of firearms, dangerous  
35 weapons, and concealed pistol licenses, those items must be secured  
36 and accounted for in a manner that prioritizes safety and compliance  
37 with court orders.

1        NEW SECTION.    **Sec. 42.**    ENTRY OF PROTECTION ORDER DATA, OTHER  
2 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) The clerk of the court  
3 shall enter any protection order, including temporary protection  
4 orders, issued under this chapter into a statewide judicial  
5 information system on the same day such order is issued.

6        (2) A copy of a protection order granted under this chapter,  
7 including temporary protection orders, must be forwarded immediately  
8 by the clerk of the court, by electronic means if possible, to the  
9 law enforcement agency specified in the order. Upon receipt of the  
10 order, the law enforcement agency shall immediately enter the order  
11 into any computer-based criminal intelligence information system  
12 available in this state used by law enforcement agencies to list  
13 outstanding warrants. The order must remain in the computer until the  
14 expiration date specified on the order. If the court has entered an  
15 order that prohibits the respondent from possessing or purchasing a  
16 firearm, the law enforcement agency shall also enter the order into  
17 the national instant criminal background check system and any other  
18 federal or state computer-based systems used by law enforcement or  
19 others to identify prohibited purchasers of firearms. The order must  
20 remain in each system for the period stated in the order, and the law  
21 enforcement agency shall only expunge orders from the systems that  
22 have expired or terminated. Entry into the computer-based criminal  
23 intelligence information system constitutes notice to all law  
24 enforcement agencies of the existence of the order. The order is  
25 fully enforceable in any county in the state.

26        (3) The information entered into the computer-based criminal  
27 intelligence information system must include notice to law  
28 enforcement on whether the order was personally served, served by  
29 electronic means, served by publication, or served by mail.

30        (4) If a law enforcement agency receives a protection order for  
31 entry or service, but the order falls outside the agency's  
32 jurisdiction, the agency may enter and serve the order or may  
33 immediately forward it to the appropriate law enforcement agency for  
34 entry and service, and shall provide documentation back to the court  
35 verifying which law enforcement agency has entered and will serve the  
36 order.

37        NEW SECTION.    **Sec. 43.**    TEMPORARY PROTECTION ORDERS—EXTREME RISK  
38 PROTECTION ORDERS. (1) In considering whether to issue a temporary



1 extreme risk protection order, the court shall consider all relevant  
2 evidence, including the evidence described in section 27 of this act.

3 (2) If a court finds there is reasonable cause to believe that  
4 the respondent poses a significant danger of causing personal injury  
5 to self or others in the near future by having in the respondent's  
6 custody or control, purchasing, possessing, accessing, receiving, or  
7 attempting to purchase or receive, a firearm, the court shall issue a  
8 temporary extreme risk protection order.

9 (3) A temporary extreme risk protection order must include:

10 (a) A statement of the grounds asserted for the order;

11 (b) The date and time the order was issued;

12 (c) The date and time the order expires;

13 (d) The address of the court in which any responsive pleading  
14 should be filed;

15 (e) The date and time of the scheduled hearing;

16 (f) A description of the requirements for the surrender of  
17 firearms under section 45 of this act; and

18 (g) The following statement: "To the subject of this protection  
19 order: This order is valid until the date and time noted above. You  
20 are required to surrender all firearms in your custody, control, or  
21 possession. You may not have in your custody or control, access,  
22 possess, purchase, receive, or attempt to purchase or receive, a  
23 firearm, or a concealed pistol license, while this order is in  
24 effect. You must surrender to the (insert name of local law  
25 enforcement agency) all firearms in your custody, control, or  
26 possession, and any concealed pistol license issued to you under RCW  
27 9.41.070 immediately. A hearing will be held on the date and at the  
28 time noted above to determine if an extreme risk protection order  
29 should be issued. Failure to appear at that hearing may result in a  
30 court making an order against you that is valid for one year. You may  
31 seek the advice of an attorney as to any matter connected with this  
32 order."

33 (4) A temporary extreme risk protection order issued expires upon  
34 the full hearing on the petition for an extreme risk protection  
35 order, unless reissued by the court.

36 (5) A temporary extreme risk protection order must be served by a  
37 law enforcement officer in the same manner as provided for in section  
38 19 of this act for service of the notice of hearing and petition, and  
39 must be served concurrently with the notice of hearing and petition.

1 (6) If the court declines to issue a temporary extreme risk  
2 protection order, the court shall state the particular reasons for  
3 the court's denial.

4 NEW SECTION. **Sec. 44.** FULL ORDERS—EXTREME RISK PROTECTION  
5 ORDERS. (1) An extreme risk protection order issued after notice and  
6 a hearing must include:

7 (a) A statement of the grounds supporting the issuance of the  
8 order;

9 (b) The date and time the order was issued;

10 (c) The date and time the order expires;

11 (d) Whether a behavioral health evaluation of the respondent is  
12 required;

13 (e) The address of the court in which any responsive pleading  
14 should be filed;

15 (f) A description of the requirements for the surrender of  
16 firearms under section 45 of this act; and

17 (g) The following statement: "To the subject of this protection  
18 order: This order will last until the date and time noted above. If  
19 you have not done so already, you must surrender to the (insert name  
20 of local law enforcement agency) all firearms in your custody,  
21 control, or possession, and any concealed pistol license issued to  
22 you under RCW 9.41.070 immediately. You may not have in your custody  
23 or control, access, possess, purchase, receive, or attempt to  
24 purchase or receive, a firearm, or a concealed pistol license, while  
25 this order is in effect. You have the right to request one hearing to  
26 terminate this order every 12-month period that this order is in  
27 effect, starting from the date of this order and continuing through  
28 any renewals. You may seek the advice of an attorney as to any matter  
29 connected with this order."

30 (2) When the court issues an extreme risk protection order, the  
31 court shall inform the respondent that the respondent is entitled to  
32 request termination of the order in the manner prescribed by section  
33 62 of this act. The court shall provide the respondent with a form to  
34 request a termination hearing.

35 NEW SECTION. **Sec. 45.** SURRENDER OF FIREARMS—EXTREME RISK  
36 PROTECTION ORDERS. (1) Upon the issuance of any extreme risk  
37 protection order under this chapter, including a temporary extreme  
38 risk protection order, the court shall:

1 (a) Order the respondent to surrender to the local law  
2 enforcement agency all firearms in the respondent's custody, control,  
3 or possession, and any concealed pistol license issued under RCW  
4 9.41.070; and

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

8 (2) The law enforcement officer serving any extreme risk  
9 protection order under this chapter, including a temporary extreme  
10 risk protection order, shall request that the respondent immediately  
11 surrender all firearms in his or her custody, control, or possession,  
12 and any concealed pistol license issued under RCW 9.41.070, and  
13 conduct any search permitted by law for such firearms. The law  
14 enforcement officer shall take possession of all firearms belonging  
15 to the respondent that are surrendered, in plain sight, or discovered  
16 pursuant to a lawful search. The order must be personally served upon  
17 the respondent or defendant if the order is entered in open court in  
18 the presence of the respondent or defendant. The respondent or  
19 defendant shall acknowledge receipt and service. If the respondent or  
20 defendant refuses service, an agent of the court may indicate on the  
21 record that the respondent or defendant refused service. The court  
22 shall enter the service and receipt into the record. A copy of the  
23 order and service must be transmitted immediately to law enforcement.  
24 Alternatively, if personal service by a law enforcement officer is  
25 not possible, the respondent shall surrender the firearms in a safe  
26 manner to the control of the local law enforcement agency within 24  
27 hours of being served with the order by alternate service.

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

35 (4) Upon the sworn statement or testimony of the petitioner or of  
36 any law enforcement officer alleging that the respondent has failed  
37 to comply with the surrender of firearms as required by an order  
38 issued under this chapter, the court shall determine whether probable  
39 cause exists to believe that the respondent has failed to surrender  
40 all firearms in his or her possession, custody, or control. If

1 probable cause for a violation of the order exists, the court shall  
2 issue a warrant describing the firearms and authorizing a search of  
3 the locations where the firearms are reasonably believed to be and  
4 the seizure of any firearms discovered pursuant to such search.

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

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

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

17 (c) The firearm is not otherwise unlawfully possessed by the  
18 owner.

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

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

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

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

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

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

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

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

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

38 (iii) If the law enforcement agency has a reasonable suspicion  
39 that the respondent is not in full compliance with the terms of the  
40 order, the law enforcement agency must submit the basis for its

1 belief to the court, and may do so through the filing of an  
2 affidavit.

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

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

11 (8) (a) To help ensure that accurate and comprehensive information  
12 about firearms compliance is provided to judicial officers, a  
13 representative from either the prosecuting attorney's office or city  
14 attorney's office, or both, from the relevant jurisdiction may appear  
15 and be heard at any hearing that concerns:

- 16 (i) Compliance with an extreme risk protection order; or  
17 (ii) Compliance with an order to surrender and prohibit weapons  
18 issued in connection with another type of protection order.

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

24 (9) (a) The court, on motion of the state or city, or on motion of  
25 the court if no representative from the prosecuting attorney's office  
26 or city attorney's office from the relevant jurisdiction is present,  
27 may order that a respondent shall not be excused from complying with,  
28 or testifying about complying with, an order to surrender and  
29 prohibit firearms under this section on the grounds that the  
30 respondent's testimony or compliance may tend to incriminate or  
31 subject the respondent to a penalty or forfeiture. However, no  
32 testimony or other information compelled under the order over an  
33 assertion of a privilege against self-incrimination, nor any  
34 information directly or indirectly derived from such testimony or  
35 information, may be used against the respondent in any criminal case,  
36 except a prosecution for perjury, giving a false statement, or  
37 otherwise failing to comply with an order to testify, or as provided  
38 in (b) of this subsection.

39 (b) A grant of immunity pursuant to this subsection pertains only  
40 to immunity from prosecution related to those firearms, dangerous

1 weapons, or concealed pistol licenses that are timely surrendered to  
2 law enforcement in compliance with an order to surrender and prohibit  
3 firearms under this section. Such compelled surrender, or compelled  
4 testimony regarding surrender, may nevertheless be used as evidence  
5 in an investigation or prosecution related to the respondent having  
6 in his or her custody or control, accessing, possessing, purchasing,  
7 receiving, or attempting to purchase or receive, other firearms,  
8 dangerous weapons, or concealed pistol licenses unlawfully in  
9 violation of the order, to the extent such use is consistent with a  
10 grant of immunity pursuant to this subsection that is coextensive  
11 with the constitutional privilege against self-incrimination.

12 (c) To provide relevant information to the court to determine  
13 compliance with the order, the court may allow the prosecuting  
14 attorney or city attorney to question the respondent regarding  
15 compliance.

16 (10) All law enforcement agencies must develop and implement  
17 policies and procedures regarding the acceptance, storage, and return  
18 of firearms required to be surrendered under this chapter. A law  
19 enforcement agency holding any surrendered firearm or concealed  
20 pistol license shall comply with the provisions of RCW 9.41.340 and  
21 9.41.345 before the return of the firearm or concealed pistol license  
22 to the owner or individual from whom it was obtained.

23 NEW SECTION. **Sec. 46.** FIREARMS RETURN AND DISPOSAL—EXTREME RISK  
24 PROTECTION ORDERS. (1) If an extreme risk protection order is  
25 terminated or expires without renewal, a law enforcement agency  
26 holding any firearm that has been surrendered pursuant to this  
27 chapter shall return any surrendered firearm requested by a  
28 respondent only after confirming, through a background check, that  
29 the respondent is currently eligible to own or possess firearms under  
30 federal and state law, and after confirming with the court that the  
31 extreme risk protection order has terminated or has expired without  
32 renewal.

33 (2) A law enforcement agency must, if requested, provide prior  
34 notice of the return of a firearm to a respondent to family or  
35 household members and to an intimate partner of the respondent in the  
36 manner provided in RCW 9.41.340 and 9.41.345.

37 (3) Any firearm surrendered by a respondent pursuant to section  
38 45 of this act that remains unclaimed by the lawful owner shall be

1 disposed of in accordance with the law enforcement agency's policies  
2 and procedures for the disposal of firearms in police custody.

3 NEW SECTION. **Sec. 47.** REPORTING OF ORDERS—EXTREME RISK  
4 PROTECTION ORDERS. (1) The clerk of the court shall enter any extreme  
5 risk protection order, including temporary extreme risk protection  
6 orders, issued under this chapter into a statewide judicial  
7 information system on the same day such order is issued.

8 (2) A copy of an extreme risk protection order granted under this  
9 chapter, including temporary extreme risk protection orders, must be  
10 forwarded immediately by the clerk of the court, by electronic means  
11 if possible, to the law enforcement agency specified in the order.  
12 Upon receipt of the order, the law enforcement agency shall  
13 immediately enter the order into the national instant criminal  
14 background check system, any other federal or state computer-based  
15 systems used by law enforcement or others to identify prohibited  
16 purchasers of firearms, and any computer-based criminal intelligence  
17 information system available in this state used by law enforcement  
18 agencies to list outstanding warrants. The order must remain in each  
19 system for the period stated in the order, and the law enforcement  
20 agency shall only expunge orders from the systems that have expired  
21 or terminated. Entry into the computer-based criminal intelligence  
22 information system constitutes notice to all law enforcement agencies  
23 of the existence of the order. The order is fully enforceable in any  
24 county in the state.

25 (3) The information entered into the computer-based criminal  
26 intelligence information system must include notice to law  
27 enforcement whether the order was personally served, served by  
28 electronic means, served by publication, or served by mail.

29 (4) If a law enforcement agency receives a protection order for  
30 entry or service, but the order falls outside the agency's  
31 jurisdiction, the agency may enter and serve the order or may  
32 immediately forward it to the appropriate law enforcement agency for  
33 entry and service, and shall provide documentation back to the court  
34 verifying which law enforcement agency has entered and will serve the  
35 order.

36 (5) The issuing court shall, within three judicial days after the  
37 issuance of any extreme risk protection order, including a temporary  
38 extreme risk protection order, forward a copy of the respondent's  
39 driver's license or identicard, or comparable information, along with



1 the date of order issuance, to the department of licensing. Upon  
2 receipt of the information, the department of licensing shall  
3 determine if the respondent has a concealed pistol license. If the  
4 respondent does have a concealed pistol license, the department of  
5 licensing shall immediately notify a law enforcement agency that the  
6 court has directed the revocation of the license. The law enforcement  
7 agency, upon receipt of such notification, shall immediately revoke  
8 the license.

9 (6) If an extreme risk protection order is terminated before its  
10 expiration date, the clerk of the court shall forward on the same day  
11 a copy of the termination order to the department of licensing and  
12 the law enforcement agency specified in the termination order. Upon  
13 receipt of the order, the law enforcement agency shall promptly  
14 remove the order from any computer-based system in which it was  
15 entered pursuant to subsection (2) of this section.

16 NEW SECTION. **Sec. 48.** SEALING OF RECORDS—EXTREME RISK  
17 PROTECTION ORDERS. (1) A respondent under the age of 18, or a  
18 respondent whose extreme risk protection order was based solely on  
19 threats of self-harm by the respondent, may petition the court to  
20 have the court records sealed from public view at the time of the  
21 issuance of the full order, at any time during the life of the order,  
22 or at any time after its expiration.

23 (2) The court shall seal the court records from public view if  
24 there are no other active protection orders against the restrained  
25 party, there are no pending violations of the order, and there is  
26 evidence of full compliance with the surrender of firearms as ordered  
27 by the extreme risk protection order.

28 (3) Nothing in this section changes the requirement for the order  
29 to be entered into, and maintained in, computer-based systems as  
30 required in section 47 of this act.

31 NEW SECTION. **Sec. 49.** CERTAIN FINDINGS AND INFORMATION IN  
32 ORDERS. (1) Orders issued by the court following a hearing must  
33 identify the persons who participated in the hearing and whether each  
34 person appeared in person, by telephone, by video, or by other  
35 electronic means. If the respondent appeared at the hearing, the  
36 order must identify that the respondent has knowledge of the court's  
37 order.

1 (2) Courts shall not accept agreed orders unless there are  
2 findings indicating whether the respondent is a credible threat to  
3 the physical safety of the protected person or child.

4 (3) The court shall ensure that in issuing protection orders,  
5 including, but not limited to, orders to reissue temporary protection  
6 orders and orders to renew protection orders, the court specifies  
7 whether the respondent is ordered to surrender, and prohibited from  
8 possessing, firearms and dangerous weapons.

9 (4) If the court issued a temporary protection order that  
10 included a temporary order to surrender and prohibit weapons, the  
11 temporary order to surrender and prohibit weapons must automatically  
12 reissue with the temporary protection order. If the court determines  
13 by a preponderance of the evidence that irreparable injury to the  
14 petitioner will not result through the modification or termination of  
15 the order to surrender and prohibit weapons as originally entered,  
16 then the court must make specific findings.

17 (5) If the court has information regarding any of the  
18 respondent's known aliases, that information must be included in the  
19 protection order.

20 NEW SECTION. **Sec. 50.** ERRORS IN PROTECTION ORDERS. After a  
21 protection order is issued, the court may correct clerical or  
22 technical errors in the order at any time. The court may correct  
23 errors either on the court's own initiative or upon notice to the  
24 court of an error. If the court corrects an error in an order, the  
25 court shall provide notice of the correction to the parties and the  
26 person who notified the court of the error, and shall provide a copy  
27 of the corrected order. The court shall direct the clerk to forward  
28 the corrected order on or before the next judicial day to the law  
29 enforcement agency specified in the order.

30 NEW SECTION. **Sec. 51.** SEALING OF RECORDS. The judicial  
31 information system committee's data dissemination committee shall  
32 develop recommendations on best practices for courts to consider for  
33 whether and when the sealing of records in protection order cases is  
34 appropriate or necessary under this chapter. The committee shall also  
35 consider methods to ensure compliance with the provisions of the  
36 federal violence against women act under 18 U.S.C. Sec. 2265(d)(3)  
37 that prohibit internet publication of filing or registration

1 information of protection orders when such publication is likely to  
2 reveal the identity or location of the person protected by the order.

3 NEW SECTION. **Sec. 52.** ISSUANCE OF ORDERS NOT DISMISSED OR  
4 SUSPENDED. The practice of dismissing or suspending a criminal  
5 prosecution in exchange for the issuance of a protection order  
6 undermines the purposes of this chapter. Nothing in this chapter  
7 shall be construed as encouraging that practice.

8 **PART VII**

9 **REISSUANCE AND RENEWAL**

10 NEW SECTION. **Sec. 53.** REISSUANCE OF TEMPORARY PROTECTION  
11 ORDERS. (1) A temporary protection order issued under this chapter  
12 may be reissued for the following reasons:

- 13 (a) Agreement of the parties;  
14 (b) To provide additional time to effect service of the temporary  
15 protection order on the respondent; or  
16 (c) If the court, in writing, finds good cause to reissue the  
17 order.

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

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

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

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

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

1 (c) Status of the criminal case;

2 (d) The interests of the petitioners in proceeding expeditiously  
3 with litigation and the potential prejudice and risk to petitioners  
4 of a delay;

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

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

9 (g) The interests of persons not parties to the civil litigation;  
10 and

11 (h) The interest of the public in the pending civil and criminal  
12 litigation.

13 (5) Courts shall not require a petitioner to complete a new law  
14 enforcement information sheet when a temporary protection order is  
15 reissued or when a full order for a fixed time period is entered,  
16 unless the petitioner indicates that the information needs to be  
17 updated or amended. The clerk shall maintain in a restricted file the  
18 original law enforcement information sheet that the petitioner  
19 completed when filing the original petition for a protection order.  
20 The law enforcement information sheet shall not be disclosed to the  
21 respondent or be subject to public disclosure.

22 NEW SECTION. **Sec. 54.** RENEWAL OF PROTECTION ORDERS, OTHER THAN  
23 EXTREME RISK PROTECTION ORDERS. The following provisions apply to the  
24 renewal of all full protection orders issued under this chapter, with  
25 the exception of the renewal of extreme risk protection orders.

26 (1) If the court grants a protection order for a fixed time  
27 period, the petitioner may file a motion to renew the order at any  
28 time within the 90 days before the order expires. The motion for  
29 renewal must state the reasons the petitioner seeks to renew the  
30 protection order. Upon receipt of a motion for renewal, the court  
31 shall order a hearing, which must be not later than 14 days from the  
32 date of the order. Service must be made on the respondent not less  
33 than five judicial days before the hearing, as provided in section 18  
34 of this act.

35 (2) If the motion for renewal is uncontested and the petitioner  
36 seeks no modification of the order, the order may be renewed on the  
37 basis of the petitioner's motion and statement of the reason for the  
38 requested renewal.

1 (3) The petitioner bears no burden of proving that he or she has  
2 a current reasonable fear of harm by the respondent.

3 (4) The court shall grant the motion for renewal unless the  
4 respondent proves by a preponderance of the evidence that there has  
5 been a substantial change in circumstances and the following:

6 (a) For a domestic violence protection order, that the respondent  
7 proves that the respondent will not resume acts of domestic violence  
8 against the petitioner or the petitioner's family or household  
9 members who are minors or vulnerable adults when the order expires;

10 (b) For a sexual assault protection order, that the respondent  
11 proves that the respondent will not engage in, or attempt to engage  
12 in, physical or nonphysical contact with the petitioner when the  
13 order expires;

14 (c) For a stalking protection order, that the respondent proves  
15 that the respondent will not resume acts of stalking against the  
16 petitioner or the petitioner's family or household members when the  
17 order expires;

18 (d) For a vulnerable adult protection order, that the respondent  
19 proves that the respondent will not resume acts of abandonment,  
20 abuse, financial exploitation, or neglect against the vulnerable  
21 adult when the order expires; or

22 (e) For an antiharassment protection order, that the respondent  
23 proves that the respondent will not resume harassment of the  
24 petitioner when the order expires.

25 (5) In determining whether there has been a substantial change in  
26 circumstances, the court may consider the following unweighted  
27 factors, and no inference is to be drawn from the order in which the  
28 factors are listed:

29 (a) Whether the respondent has committed or threatened sexual  
30 assault; domestic violence; stalking; abandonment, abuse, financial  
31 exploitation, or neglect of a vulnerable adult; or other harmful acts  
32 against the petitioner or any other person since the protection order  
33 was entered;

34 (b) Whether the respondent has violated the terms of the  
35 protection order and the time that has passed since the entry of the  
36 order;

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

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

1 (e) Whether the respondent has either: Acknowledged  
2 responsibility for acts of sexual assault, domestic violence, or  
3 stalking, or acts of abandonment, abuse, financial exploitation, or  
4 neglect of a vulnerable adult, or behavior that resulted in the entry  
5 of the protection order; or successfully completed state-certified  
6 perpetrator treatment or counseling since the protection order was  
7 entered;

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

11 (g) Other factors relating to a substantial change in  
12 circumstances.

13 (6) The court shall not deny a motion to renew a protection order  
14 for any of the following reasons:

15 (a) The respondent has not violated the protection order  
16 previously issued by the court;

17 (b) The petitioner or the respondent is a minor;

18 (c) The petitioner did not report the conduct giving rise to the  
19 protection order, or subsequent violations of the protection order,  
20 to law enforcement;

21 (d) A no-contact order or a restraining order that restrains the  
22 respondent's contact with the petitioner has been issued in a  
23 criminal proceeding or in a domestic relations proceeding;

24 (e) The relief sought by the petitioner may be available in a  
25 different action or proceeding;

26 (f) The passage of time since the last incident of conduct giving  
27 rise to the issuance of the protection order; or

28 (g) The respondent no longer lives near the petitioner.

29 (7) The terms of the original protection order must not be  
30 changed on a motion for renewal unless the petitioner has requested  
31 the change.

32 (8) The court may renew the protection order for another fixed  
33 time period of no less than one year, or may enter a permanent order  
34 as provided in this section.

35 (9) If the protection order includes the parties' children, a  
36 renewed protection order may be issued for more than one year,  
37 subject to subsequent orders entered in a proceeding under chapter  
38 26.09, 26.26A, or 26.26B RCW.

1 (10) The court may award court costs, service fees, and  
2 reasonable attorneys' fees to the petitioner as provided in section  
3 39 of this act.

4 (11) If the court declines to renew the protection order, the  
5 court shall state, in writing in the order, the particular reasons  
6 for the court's denial. If the court declines to renew a protection  
7 order that had restrained the respondent from having contact with  
8 children protected by the order, the court shall determine on the  
9 record whether the respondent and the children should undergo  
10 reunification therapy. Any reunification therapy provider should be  
11 made aware of the respondent's history of domestic violence and  
12 should have training and experience in the dynamics of intimate  
13 partner violence.

14 NEW SECTION. **Sec. 55.** RENEWAL—EXTREME RISK PROTECTION ORDERS.

15 The following provisions apply to the renewal of extreme risk  
16 protection orders.

17 (1) The court must notify the petitioner of the impending  
18 expiration of an extreme risk protection order. Notice must be  
19 received by the petitioner 105 calendar days before the date the  
20 order expires.

21 (2) An intimate partner or family or household member of a  
22 respondent, or a law enforcement agency, may by motion request a  
23 renewal of an extreme risk protection order at any time within 90  
24 days before the expiration of the order.

25 (a) Upon receipt of the motion to renew, the court shall order  
26 that a hearing be held not later than 14 days from the date the order  
27 issues.

28 (b) In determining whether to renew an extreme risk protection  
29 order issued under this section, the court shall consider all  
30 relevant evidence presented by the petitioner and follow the same  
31 procedure as provided in section 27 of this act.

32 (c) If the court finds by a preponderance of the evidence that  
33 the requirements for the issuance of an extreme risk protection order  
34 as provided in section 27 of this act continue to be met, the court  
35 shall renew the order. However, if, after notice, the motion for  
36 renewal is uncontested and the petitioner seeks no modification of  
37 the order, the order may be renewed on the basis of the petitioner's  
38 motion and statement of the reason for the requested renewal.

1 (d) The renewal of an extreme risk protection order has a  
2 duration of one year, subject to termination as provided in section  
3 62 of this act or further renewal by order of the court.

4 **PART VIII**

5 **VIOLATIONS AND ENFORCEMENT**

6 NEW SECTION. **Sec. 56.** VIOLATION OF ORDER AND PENALTIES, OTHER  
7 THAN ANTIHARASSMENT PROTECTION ORDERS OR EXTREME RISK PROTECTION  
8 ORDERS. (1)(a) Whenever a domestic violence protection order, a  
9 sexual assault protection order, a stalking protection order, or a  
10 vulnerable adult protection order is granted under this chapter, or  
11 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,  
12 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign  
13 protection order as defined in RCW 26.52.020, or there is a Canadian  
14 domestic violence protection order as defined in RCW 26.55.010, and  
15 the respondent or person to be restrained knows of the order, a  
16 violation of any of the following provisions of the order is a gross  
17 misdemeanor, except as provided in subsections (4) and (5) of this  
18 section:

19 (i) The restraint provisions prohibiting acts or threats of  
20 violence against, or stalking of, a protected party, or the restraint  
21 provisions prohibiting contact with a protected party;

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

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

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

31 (v) A provision of a foreign protection order or a Canadian  
32 domestic violence protection order specifically indicating that a  
33 violation will be a crime.

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

36 (i) May require that the respondent submit to electronic  
37 monitoring. The court shall specify who must provide the electronic  
38 monitoring services and the terms under which the monitoring must be



1 performed. The order also may include a requirement that the  
2 respondent pay the costs of the monitoring. The court shall consider  
3 the ability of the convicted person to pay for electronic monitoring;  
4 and

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

10 (2) A law enforcement officer shall arrest without a warrant and  
11 take into custody a person whom the law enforcement officer has  
12 probable cause to believe has violated a domestic violence protection  
13 order, a sexual assault protection order, a stalking protection  
14 order, or a vulnerable adult protection order, or an order issued  
15 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,  
16 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
17 in RCW 26.52.020, or a Canadian domestic violence protection order as  
18 defined in RCW 26.55.010, that restrains the person or excludes the  
19 person from a residence, workplace, school, or day care, or prohibits  
20 the person from knowingly coming within, or knowingly remaining  
21 within, a specified distance of a location, a protected party's  
22 person, or a protected party's vehicle, if the person restrained  
23 knows of the order. Presence of the order in the law enforcement  
24 computer-based criminal intelligence information system is not the  
25 only means of establishing knowledge of the order.

26 (3) A violation of a domestic violence protection order, a sexual  
27 assault protection order, a stalking protection order, or a  
28 vulnerable adult protection order, or an order issued under chapter  
29 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B  
30 RCW, or a valid foreign protection order as defined in RCW 26.52.020,  
31 or a Canadian domestic violence protection order as defined in RCW  
32 26.55.010, shall also constitute contempt of court, and is subject to  
33 the penalties prescribed by law.

34 (4) Any assault that is a violation of a domestic violence  
35 protection order, a sexual assault protection order, a stalking  
36 protection order, or a vulnerable adult protection order, or an order  
37 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,  
38 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
39 in RCW 26.52.020, or a Canadian domestic violence protection order as  
40 defined in RCW 26.55.010, and that does not amount to assault in the

1 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
2 felony, and any conduct in violation of such an order that is  
3 reckless and creates a substantial risk of death or serious physical  
4 injury to another person is a class C felony.

5 (5) A violation of a domestic violence protection order, a sexual  
6 assault protection order, a stalking protection order, or a  
7 vulnerable adult protection order, or a court order issued under  
8 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or  
9 26.26B RCW, or a valid foreign protection order as defined in RCW  
10 26.52.020, or a Canadian domestic violence protection order as  
11 defined in RCW 26.55.010, is a class C felony if the offender has at  
12 least two previous convictions for violating the provisions of a  
13 domestic violence protection order, a sexual assault protection  
14 order, a stalking protection order, or a vulnerable adult protection  
15 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,  
16 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
17 protection order as defined in RCW 26.52.020, or a Canadian domestic  
18 violence protection order as defined in RCW 26.55.010. The previous  
19 convictions may involve the same victim or other victims specifically  
20 protected by the orders the offender violated.

21 (6) Upon the filing of an affidavit by the petitioner or any law  
22 enforcement officer alleging that the respondent has violated 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 granted 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 court may  
29 issue an order to the respondent, requiring the respondent to appear  
30 and show cause within 14 days as to why the respondent should not be  
31 found in contempt of court and punished accordingly. The hearing may  
32 be held in the court of any county or municipality in which the  
33 petitioner or respondent temporarily or permanently resides at the  
34 time of the alleged violation.

35 NEW SECTION. **Sec. 57.** ENFORCEMENT AND PENALTIES—ANTI-HARASSMENT  
36 PROTECTION ORDERS. (1) When the court issues an anti-harassment  
37 protection order under this chapter, the court shall advise the  
38 petitioner that the respondent may not be subjected to the penalties

1 set forth in this section for a violation of the order unless the  
2 respondent knows of the order.

3 (2) A willful disobedience by a respondent age 18 years or over  
4 of any of the following provisions of an antiharassment protection  
5 order issued under this chapter is a gross misdemeanor:

6 (a) The restraint provisions prohibiting acts or threats of  
7 violence against, or unlawful harassment or stalking of, a protected  
8 party, or restraint provisions prohibiting contact with a protected  
9 party;

10 (b) A provision excluding the person from a residence, workplace,  
11 school, or day care;

12 (c) A provision prohibiting the person from knowingly coming  
13 within, or knowingly remaining within, a specified distance of a  
14 location, a protected party's person, or a protected party's vehicle;  
15 or

16 (d) A provision prohibiting interfering with the protected  
17 party's efforts to remove a pet owned, possessed, leased, kept, or  
18 held by the petitioner, respondent, or a minor child residing with  
19 either the petitioner or the respondent.

20 (3) Any respondent age 18 years or over who willfully disobeys  
21 the terms of any antiharassment protection order issued under this  
22 chapter may also, in the court's discretion, be found in contempt of  
23 court and subject to penalties under chapter 7.21 RCW.

24 (4) Any respondent under the age of 18 years who willfully  
25 disobeys the terms of an antiharassment protection order issued under  
26 this chapter may, in the court's discretion, be found in contempt of  
27 court and subject to the sanction specified in RCW 7.21.030(4),  
28 provided that the sanction specified in RCW 7.21.030(4) may be  
29 imposed only for willful disobedience of the provisions listed in  
30 subsection (2) of this section.

31 (5) A defendant arrested for violating any antiharassment  
32 protection order issued under this chapter is required to appear in  
33 person before a magistrate within one judicial day after the arrest.  
34 At the time of the appearance, the court shall determine the  
35 necessity of imposing a no-contact order or other conditions of  
36 pretrial release in accordance with RCW 9A.46.050.

37 (6) A defendant who is charged by citation, complaint, or  
38 information with violating any antiharassment protection order issued  
39 under this chapter and not arrested shall appear in court for  
40 arraignment in accordance with RCW 9A.46.050.

1 (7) Appearances required under this section are mandatory and  
2 cannot be waived.

3 NEW SECTION. **Sec. 58.** PENALTIES—EXTREME RISK PROTECTION ORDERS.

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

8 (2) Any person who has in his or her custody or control,  
9 accesses, purchases, possesses, or receives, or attempts to purchase  
10 or receive, a firearm with knowledge that he or she is prohibited  
11 from doing so by an extreme risk protection order is guilty of  
12 unlawful possession of a firearm in the second degree under RCW  
13 9.41.040, and further is prohibited from having in his or her custody  
14 or control, accessing, purchasing, possessing, or receiving, or  
15 attempting to purchase or receive, a firearm for a period of five  
16 years from the date the existing order expires.

17 NEW SECTION. **Sec. 59.** ENFORCEMENT—KNOWLEDGE OF ORDER. (1) When

18 the court issues a protection order under this chapter, the court  
19 shall advise the petitioner that the respondent may not be subjected  
20 to the penalties set forth in this chapter for a violation of the  
21 order unless the respondent knows of the order.

22 (2) When a law enforcement officer investigates a report of an  
23 alleged violation of a protection order issued under this chapter,  
24 the officer shall attempt to determine whether the respondent knew of  
25 the existence of the protection order. If the law enforcement officer  
26 determines that the respondent did not, or probably did not, know  
27 about the protection order and the officer is provided a current copy  
28 of the order, the officer shall serve the order on the respondent if  
29 the respondent is present. If the respondent is not present, the  
30 officer shall make reasonable efforts to serve a copy of the order on  
31 the respondent. If the officer serves the respondent with the  
32 petitioner's copy of the order, the officer shall give the petitioner  
33 a receipt indicating that the petitioner's copy has been served on  
34 the respondent. After the officer has served the order on the  
35 respondent, the officer shall enforce prospective compliance with the  
36 order.

37 (3) Presentation of an unexpired, certified copy of a protection  
38 order with proof of service is sufficient for a law enforcement

1 officer to enforce the order regardless of the presence of the order  
2 in the law enforcement computer-based criminal intelligence  
3 information system.

4 NEW SECTION. **Sec. 60.** ENFORCEMENT—PROSECUTOR ASSISTANCE. When a  
5 party alleging a violation of a protection order issued under this  
6 chapter states that the party is unable to afford private counsel and  
7 asks the prosecuting attorney for the county or the attorney for the  
8 municipality in which the order was issued for assistance, the  
9 attorney shall initiate and prosecute a contempt proceeding if there  
10 is probable cause to believe that the violation occurred. In this  
11 action, the court may require the violator of the order to pay the  
12 costs incurred in bringing the action, including a reasonable  
13 attorney's fee.

14 **PART IX**  
15 **MODIFICATION AND TERMINATION**

16 NEW SECTION. **Sec. 61.** MODIFICATION OR TERMINATION OF PROTECTION  
17 ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS AND VULNERABLE  
18 ADULT PROTECTION ORDERS. This section applies to modification or  
19 termination of domestic violence protection orders, sexual assault  
20 protection orders, stalking protection orders, and antiharassment  
21 protection orders.

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

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

36 (3) Upon the motion of a respondent, the court may not modify or  
37 terminate an existing protection order unless the respondent proves

1 by a preponderance of the evidence that there has been a substantial  
2 change in circumstances such that the respondent will not resume,  
3 engage in, or attempt to engage in, the following acts against the  
4 petitioner or those persons protected by the protection order if the  
5 order is terminated or modified:

6 (a) Acts of domestic violence, in cases involving domestic  
7 violence protection orders;

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

10 (c) Acts of stalking, in cases involving stalking protection  
11 orders; or

12 (d) Acts of unlawful harassment, in cases involving  
13 antiharassment protection orders.

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

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

20 (a) Whether the respondent has committed or threatened sexual  
21 assault, domestic violence, stalking, or other harmful acts against  
22 the petitioner or any other person since the protection order was  
23 entered;

24 (b) Whether the respondent has violated the terms of the  
25 protection order and the time that has passed since the entry of the  
26 order;

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

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

31 (e) Whether the respondent has either acknowledged responsibility  
32 for acts of sexual assault, domestic violence, stalking, or behavior  
33 that resulted in the entry of the protection order, or successfully  
34 completed state-certified perpetrator treatment or counseling since  
35 the protection order was entered;

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

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

1 (h) Other factors relating to a substantial change in  
2 circumstances.

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

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

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

16 (8) If a person who is protected by a protection order has a  
17 child or adopts a child after a protection order has been issued, but  
18 before the protection order has expired, the petitioner may seek to  
19 include the new child in the order of protection on an ex parte  
20 basis.

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

24 NEW SECTION. **Sec. 62.** TERMINATION OF EXTREME RISK PROTECTION  
25 ORDERS. This section applies to the termination of extreme risk  
26 protection orders.

27 (1) The respondent may submit one written request for a hearing  
28 to terminate an extreme risk protection order issued under this  
29 chapter every 12-month period that the order is in effect, starting  
30 from the date of the order and continuing through any renewals.

31 (2) Upon receipt of the request for a hearing to terminate an  
32 extreme risk protection order, the court shall set a date for a  
33 hearing. The hearing must occur no sooner than 14 days and no later  
34 than 30 days from the date of service of the request upon the  
35 petitioner.

36 (3) The respondent shall have the burden of proving by a  
37 preponderance of the evidence that the respondent does not pose a  
38 significant danger of causing personal injury to self or others by  
39 having in his or her custody or control, accessing, possessing,

1 purchasing, receiving, or attempting to purchase or receive, a  
2 firearm or other dangerous weapons. The court may consider any  
3 relevant evidence, including evidence of the considerations listed in  
4 section 27 of this act.

5 (4) If the court finds after the hearing that the respondent has  
6 met his or her burden, the court shall terminate the order.

7 NEW SECTION. **Sec. 63.** MODIFICATION OR TERMINATION OF VULNERABLE  
8 ADULT PROTECTION ORDERS. This section applies to the modification or  
9 termination of vulnerable adult protection orders.

10 (1) Any vulnerable adult who has not been adjudicated fully  
11 incapacitated under chapter 11.88 RCW, or the vulnerable adult's  
12 guardian, may file a motion to modify or terminate the protection  
13 order.

14 (2) In a hearing on a motion to modify or terminate the  
15 protection order, the court shall grant such relief consistent with  
16 section 39 of this act as it deems necessary for the protection of  
17 the vulnerable adult, including modification or termination of the  
18 protection order.

19 NEW SECTION. **Sec. 64.** REPORTING OF MODIFICATION OR TERMINATION  
20 OF ORDER. In any situation where a protection order issued under this  
21 chapter is modified or terminated before its expiration date, the  
22 clerk of the court shall forward on the same day a true copy of the  
23 modified order or the termination order to the law enforcement agency  
24 specified in the modified or termination order. Upon receipt of the  
25 order, the law enforcement agency shall promptly enter it in the  
26 computer-based criminal intelligence information system, or if the  
27 order is terminated, remove the order from the computer-based  
28 criminal intelligence information system.

29 **PART X**  
30 **MISCELLANEOUS**

31 NEW SECTION. **Sec. 65.** ORDERS UNDER THIS AND OTHER CHAPTERS,  
32 ENFORCEMENT, AND CONSOLIDATION—VALIDITY AND ENFORCEMENT OF ORDERS  
33 UNDER PRIOR CHAPTERS. (1)(a) Any order available under this chapter,  
34 other than an extreme risk protection order, may be issued in actions  
35 under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW. If a protection  
36 order is issued in an action under chapter 13.32A, 26.09, 26.26A, or



1 26.26B RCW, the order must be issued on the forms mandated by section  
2 16 of this act. An order issued in accordance with this subsection  
3 (1)(a) is fully enforceable and must be enforced under the provisions  
4 of this chapter.

5 (b) If a party files an action under chapter 13.32A, 26.09,  
6 26.26A, or 26.26B RCW, an order issued previously under this chapter  
7 between the same parties may be consolidated by the court under that  
8 action and cause number. Any order issued under this chapter after  
9 consolidation must contain the original cause number and the cause  
10 number of the action under chapter 13.32A, 26.09, 26.26A, or 26.26B  
11 RCW.

12 (2) Nothing in this act affects the validity of protection orders  
13 issued prior to the effective date of this section under chapter  
14 7.90, 7.92, 7.94, 10.14, 26.50, or 74.34 RCW. Protection orders  
15 entered prior to the effective date of this section under chapter  
16 7.90, 7.92, 7.94, 10.14, 26.50, or 74.34 RCW are subject to the  
17 provisions of this act and are fully enforceable under the applicable  
18 provisions of sections 56 through 60 of this act and may be modified  
19 or terminated in accordance with the applicable provisions of  
20 sections 61 through 65 of this act.

21 NEW SECTION. **Sec. 66.** JUDICIAL INFORMATION SYSTEM AND DATABASE.  
22 To prevent the issuance of competing protection orders in different  
23 courts and to give courts needed information for the issuance of  
24 orders, the judicial information system must be available in each  
25 district, municipal, and superior court, and must include a database  
26 containing the following information:

27 (1) The names of the parties and the cause number for every order  
28 of protection issued under this chapter, every criminal no-contact  
29 order issued under chapters 9A.46 and 10.99 RCW, every dissolution  
30 action under chapter 26.09 RCW, every minor guardianship action under  
31 chapter 11.130 RCW, every parentage action under chapter 26.26A or  
32 26.26B RCW, every restraining order issued on behalf of an abused  
33 child or adult dependent person under chapter 26.44 RCW, every  
34 foreign protection order filed under chapter 26.52 RCW, and every  
35 Canadian domestic violence protection order filed under chapter 26.55  
36 RCW. When a guardian or the department of social and health services  
37 or department of children, youth, and families has petitioned for  
38 relief on behalf of an abused child, adult dependent person, or  
39 vulnerable adult, the name of the person on whose behalf relief was

1 sought must be included in the database as a party rather than the  
2 guardian or appropriate department;

3 (2) A criminal history of the parties; and

4 (3) Other relevant information necessary to assist courts in  
5 issuing orders under this chapter as determined by the judicial  
6 information system committee.

7 NEW SECTION. **Sec. 67.** TITLE TO REAL ESTATE—EFFECT. Nothing in  
8 this chapter may affect the title to real estate: PROVIDED, That a  
9 judgment for costs or fees awarded under this chapter constitutes a  
10 lien on real estate to the extent provided in chapter 4.56 RCW.

11 NEW SECTION. **Sec. 68.** PROCEEDINGS ADDITIONAL—FILING OF CRIMINAL  
12 CHARGES NOT REQUIRED. (1) Any proceeding under this chapter is in  
13 addition to other civil or criminal remedies.

14 (2) Nothing in this chapter shall be construed as requiring  
15 criminal charges to be filed as a condition of a protection order  
16 being issued.

17 NEW SECTION. **Sec. 69.** OTHER AUTHORITY RETAINED. This chapter  
18 does not affect the ability of a law enforcement officer to remove a  
19 firearm or concealed pistol license from any person or to conduct any  
20 search and seizure for firearms pursuant to other lawful authority.

21 NEW SECTION. **Sec. 70.** LIABILITY. (1) Except as provided in  
22 section 58 of this act, this chapter does not impose criminal or  
23 civil liability on any person or entity for acts or omissions related  
24 to obtaining an extreme risk protection order or a temporary extreme  
25 risk protection order including, but not limited to, reporting,  
26 declining to report, investigating, declining to investigate, filing,  
27 or declining to file a petition under this chapter.

28 (2) No law enforcement officer may be held criminally or civilly  
29 liable for making an arrest under section 56 of this act if the  
30 officer acts in good faith.

31 NEW SECTION. **Sec. 71.** PROTECTION ORDER COMMISSIONERS—  
32 APPOINTMENT AUTHORIZED. In each county, the superior court may  
33 appoint one or more attorneys to act as protection order  
34 commissioners pursuant to this chapter to exercise all powers and

1 perform all duties of a court commissioner appointed pursuant to RCW  
2 2.24.010, provided that such positions may not be created without  
3 prior consent of the county legislative authority. A person appointed  
4 as a protection order commissioner under this chapter may also be  
5 appointed to any other commissioner position authorized by law.  
6 Protection order commissioners should receive training as specified  
7 in section 35 of this act.

8 **Sec. 72.** RCW 7.--.--- and 2021 c ... (this act) s 2 are each  
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

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

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

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

33 (b) "Mental abuse" means an intentional, willful, or reckless  
34 verbal or nonverbal action that threatens, humiliates, harasses,  
35 coerces, intimidates, isolates, unreasonably confines, or punishes a  
36 vulnerable adult. "Mental abuse" may include ridiculing, yelling,  
37 swearing, or withholding or tampering with prescribed medications or  
38 their dosage.

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

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

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

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

27 (4) "Coercive control" means a pattern of behavior that in  
28 purpose or effect unreasonably interferes with a person's free will  
29 and personal liberty and is used to cause another to suffer physical  
30 or psychological harm. Examples of coercive control include, but are  
31 not limited to, unreasonably engaging in any of the following:

32 (a) Making threats of harm, dependence, isolation, intimidation,  
33 and/or physical forms of violence;

34 (b) Isolating the other party from friends, relatives, or other  
35 sources of support;

36 (c) Depriving the other party of basic necessities or committing  
37 other forms of economic abuse;

38 (d) Controlling, regulating, or monitoring the other party's  
39 movements, communications, daily behavior, finances, economic  
40 resources, or access to services;

1 (e) Compelling the other party by force, threat of force, or  
2 intimidation, including threats based on actual or suspected  
3 immigration status such as threats to contact federal agencies, to  
4 engage in conduct from which the other party has a right to abstain  
5 or to abstain from conduct in which the other party has a right to  
6 engage;

7 (f) Using technology, including, but not limited to,  
8 cyberstalking, monitoring, surveillance, impersonation, or  
9 distribution of intimate images, to harass, stalk, or abuse;

10 (g) Engaging in vexatious or abusive litigation against a  
11 petitioner to harass, coerce, or control the petitioner; to diminish  
12 or exhaust the petitioner's financial resources; or to compromise the  
13 petitioner's employment or housing;

14 (h) Engaging in psychological aggression; and

15 (i) Frightening, humiliating, degrading, or punishing the other  
16 party.

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

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

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

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

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

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

1 (iv) The respondent is acting pursuant to any statutory authority  
2 including, but not limited to, acts which are reasonably necessary  
3 to:

4 (A) Protect property or liberty interests;

5 (B) Enforce the law; or

6 (C) Meet specific statutory duties or requirements;

7 (v) The respondent's course of conduct has the purpose or effect  
8 of unreasonably interfering with the petitioner's privacy or the  
9 purpose or effect of creating an intimidating, hostile, or offensive  
10 living environment for the petitioner; or

11 (vi) Contact by the respondent with the petitioner or the  
12 petitioner's family has been limited in any manner by any previous  
13 court order.

14 (7) "Court clerk" means court administrators in courts of limited  
15 jurisdiction and elected court clerks.

16 (8) "Dating relationship" means a social relationship of a  
17 romantic nature. Factors that the court may consider in making this  
18 determination include: (a) The length of time the relationship has  
19 existed; (b) the nature of the relationship; and (c) the frequency of  
20 interaction between the parties.

21 (9) "Domestic violence" means:

22 (a) 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 intimate partner by another  
26 intimate partner; or

27 (b) Physical harm, bodily injury, assault, or the infliction of  
28 fear of physical harm, bodily injury, or assault; nonconsensual  
29 sexual conduct or nonconsensual sexual penetration; coercive control;  
30 unlawful harassment; or stalking of one family or household member by  
31 another family or household member.

32 (10) "Electronic monitoring" has the same meaning as in RCW  
33 9.94A.030.

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

1 (12) "Facility" means a residence licensed or required to be  
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
5 habilitation centers; or any other facility licensed or certified by  
6 the department of social and health services.

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

14 (14) "Financial exploitation" means the illegal or improper use  
15 of, control over, or withholding of, the property, income, resources,  
16 or trust funds of the vulnerable adult by any person or entity for  
17 any person's or entity's profit or advantage other than for the  
18 vulnerable adult's profit or advantage. "Financial exploitation"  
19 includes, but is not limited to:

20 (a) The use of deception, intimidation, or undue influence by a  
21 person or entity in a position of trust and confidence with a  
22 vulnerable adult to obtain or use the property, income, resources,  
23 government benefits, health insurance benefits, or trust funds of the  
24 vulnerable adult for the benefit of a person or entity other than the  
25 vulnerable adult;

26 (b) The breach of a fiduciary duty, including, but not limited  
27 to, the misuse of a power of attorney, trust, or a guardianship or  
28 conservatorship appointment, that results in the unauthorized  
29 appropriation, sale, or transfer of the property, income, resources,  
30 or trust funds of the vulnerable adult for the benefit of a person or  
31 entity other than the vulnerable adult; or

32 (c) Obtaining or using a vulnerable adult's property, income,  
33 resources, or trust funds without lawful authority, by a person or  
34 entity who knows or clearly should know that the vulnerable adult  
35 lacks the capacity to consent to the release or use of the vulnerable  
36 adult's property, income, resources, or trust funds.

37 (15) "Firearm" means a weapon or device from which a projectile  
38 or projectiles may be fired by an explosive such as gunpowder.  
39 "Firearm" does not include a flare gun or other pyrotechnic visual  
40 distress signaling device, or a powder-actuated tool or other device

1 designed solely to be used for construction purposes. "Firearm" also  
2 includes parts that can be assembled to make a firearm.

3 (16) "Full hearing" means a hearing where the court determines  
4 whether to issue a full protection order.

5 (17) "Full protection order" means a protection order that is  
6 issued by the court after notice to the respondent and where the  
7 parties had the opportunity for a full hearing by the court. "Full  
8 protection order" includes a protection order entered by the court by  
9 agreement of the parties to resolve the petition for a protection  
10 order without a full hearing.

11 (18) "Hospital" means a facility licensed under chapter 70.41 or  
12 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
13 employee, agent, officer, director, or independent contractor  
14 thereof.

15 (~~(19) ("Incapacitated person" means a person who is at a~~  
16 ~~significant risk of personal or financial harm under RCW 11.88.010(1)~~  
17 ~~(a), (b), (c), or (d).~~

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

24 (~~(21))~~ (20) "Intimate partner" means: (a) Spouses or domestic  
25 partners; (b) former spouses or former domestic partners; (c) persons  
26 who have a child in common regardless of whether they have been  
27 married or have lived together at any time; or (d) persons who have  
28 or have had a dating relationship where both persons are at least 13  
29 years of age or older.

30 (~~(22))~~ (21)(a) "Isolate" or "isolation" means to restrict a  
31 person's ability to communicate, visit, interact, or otherwise  
32 associate with persons of his or her choosing. Isolation may be  
33 evidenced by acts including, but not limited to:

34 (i) Acts that prevent a person from sending, making, or receiving  
35 his or her personal mail, electronic communications, or telephone  
36 calls; or

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



1 (b) The term "isolate" or "isolation" may not be construed in a  
2 manner that prevents a guardian or limited guardian from performing  
3 his or her fiduciary obligations under chapter ~~((11.92))~~ 11.130 RCW  
4 or prevents a hospital or facility from providing treatment  
5 consistent with the standard of care for delivery of health services.

6 ~~((23))~~ (22) "Judicial day" means days of the week other than  
7 Saturdays, Sundays, or legal holidays.

8 ~~((24))~~ (23) "Mechanical restraint" means any device attached or  
9 adjacent to a vulnerable adult's body that the vulnerable adult  
10 cannot easily remove that restricts freedom of movement or normal  
11 access to the vulnerable adult's body. "Mechanical restraint" does  
12 not include the use of devices, materials, or equipment that are (a)  
13 medically authorized, as required, and (b) used in a manner that is  
14 consistent with federal or state licensing or certification  
15 requirements for facilities, hospitals, or programs authorized under  
16 chapter 71A.12 RCW.

17 ~~((25))~~ (24) "Minor" means a person who is under 18 years of  
18 age.

19 ~~((26))~~ (25) "Neglect" means: (a) A pattern of conduct or  
20 inaction by a person or entity with a duty of care that fails to  
21 provide the goods and services that maintain the physical or mental  
22 health of a vulnerable adult, or that fails to avoid or prevent  
23 physical or mental harm or pain to a vulnerable adult; or (b) an act  
24 or omission by a person or entity with a duty of care that  
25 demonstrates a serious disregard of consequences of such a magnitude  
26 as to constitute a clear and present danger to the vulnerable adult's  
27 health, welfare, or safety including, but not limited to, conduct  
28 prohibited under RCW 9A.42.100.

29 ~~((27))~~ (26) "Nonconsensual" means a lack of freely given  
30 consent.

31 ~~((28))~~ (27) "Nonphysical contact" includes, but is not limited  
32 to, written notes, mail, telephone calls, email, text messages,  
33 contact through social media applications, contact through other  
34 technologies, and contact through third parties.

35 ~~((29))~~ (28) "Petitioner" means any named petitioner or any  
36 other person identified in the petition on whose behalf the petition  
37 is brought.

38 ~~((30))~~ (29) "Physical restraint" means the application of  
39 physical force without the use of any device, for the purpose of  
40 restraining the free movement of a vulnerable adult's body. "Physical

1 restraint" does not include (a) briefly holding, without undue force,  
2 a vulnerable adult in order to calm or comfort him or her, or (b)  
3 holding a vulnerable adult's hand to safely escort him or her from  
4 one area to another.

5 ~~((31))~~ (30) "Possession" means having an item in one's custody  
6 or control. Possession may be either actual or constructive. Actual  
7 possession occurs when the item is in the actual physical custody of  
8 the person charged with possession. Constructive possession occurs  
9 when there is no actual physical possession, but there is dominion  
10 and control over the item.

11 ~~((32))~~ (31) "Respondent" means the person who is identified as  
12 the respondent in a petition filed under this chapter.

13 ~~((33))~~ (32) "Sexual conduct" means any of the following:

14 (a) Any intentional or knowing touching or fondling of the  
15 genitals, anus, or breasts, directly or indirectly, including through  
16 clothing;

17 (b) Any intentional or knowing display of the genitals, anus, or  
18 breasts for the purposes of arousal or sexual gratification of the  
19 respondent;

20 (c) Any intentional or knowing touching or fondling of the  
21 genitals, anus, or breasts, directly or indirectly, including through  
22 clothing, that the petitioner is forced to perform by another person  
23 or the respondent;

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

27 (e) Any intentional or knowing touching of the clothed or  
28 unclothed body of a child under the age of 16, if done for the  
29 purpose of sexual gratification or arousal of the respondent or  
30 others; or

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

34 ~~((34))~~ (33) "Sexual penetration" means any contact, however  
35 slight, between the sex organ or anus of one person by an object, the  
36 sex organ, mouth, or anus of another person, or any intrusion,  
37 however slight, of any part of the body of one person or of any  
38 animal or object into the sex organ or anus of another person  
39 including, but not limited to, cunnilingus, fellatio, or anal

1 penetration. Evidence of emission of semen is not required to prove  
2 sexual penetration.

3 ~~((35))~~ (34) "Stalking" means any of the following:

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

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

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

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

13 (ii) Serves no lawful purpose; and

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

17 ~~((36))~~ (35) "Temporary protection order" means a protection  
18 order that is issued before the court has decided whether to issue a  
19 full protection order. "Temporary protection order" includes ex parte  
20 temporary protection orders, as well as temporary protection orders  
21 that are reissued by the court pending the completion of a full  
22 hearing to decide whether to issue a full protection order. An "ex  
23 parte temporary protection order" means a temporary protection order  
24 that is issued without prior notice to the respondent.

25 ~~((37))~~ (36) "Unlawful harassment" means:

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

32 (b) A single act of violence or threat of violence directed at a  
33 specific person that seriously alarms, annoys, harasses, or is  
34 detrimental to such person, and that serves no legitimate or lawful  
35 purpose, which would cause a reasonable person to suffer substantial  
36 emotional distress, and must actually cause substantial emotional  
37 distress to the petitioner. A single threat of violence must include:

38 (i) A malicious and intentional threat as described in RCW  
39 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

40 ~~((38))~~ (37) "Vulnerable adult" includes a person:

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

3 (b) (~~Found incapacitated under chapter 11.88 RCW~~) Subject to a  
4 guardianship under RCW 11.130.265 or adult subject to conservatorship  
5 under RCW 11.130.360; or

6 (c) Who has a developmental disability as defined under RCW  
7 71A.10.020; or

8 (d) Admitted to any facility; or

9 (e) Receiving services from home health, hospice, or home care  
10 agencies licensed or required to be licensed under chapter 70.127  
11 RCW; or

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

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

17 **Sec. 73.** RCW 7.--.--- and 2021 c ... (this act) s 28 are each  
18 amended to read as follows:

19 For vulnerable adult protection order hearings, the following  
20 also apply.

21 (1) When a petition for a vulnerable adult protection order is  
22 filed by someone other than the vulnerable adult or the vulnerable  
23 adult's (~~full~~) guardian (~~over either the~~), conservator, or person  
24 (~~or the estate~~) acting under a protective arrangement, or both, and  
25 the vulnerable adult for whom protection is sought advises the court  
26 at the hearing that the vulnerable adult does not want all or part of  
27 the protection sought in the petition, then the court may dismiss the  
28 petition or the provisions that the vulnerable adult objects to and  
29 any existing vulnerable adult protection order, or the court may take  
30 additional testimony or evidence, or order additional evidentiary  
31 hearings to determine whether the vulnerable adult is unable, due to  
32 incapacity, undue influence, or duress, to protect his or her person  
33 or estate in connection with the issues raised in the petition or  
34 order. If an additional evidentiary hearing is ordered and the court  
35 determines that there is reason to believe that there is a genuine  
36 issue about whether the vulnerable adult is unable to protect his or  
37 her person or estate in connection with the issues raised in the  
38 petition or order, the court may issue a temporary protection order

1 of the vulnerable adult pending a decision after the evidentiary  
2 hearing.

3 (2) Pursuant to subsection (1) of this section, an evidentiary  
4 hearing on the issue of whether the vulnerable adult is unable, due  
5 to incapacity, undue influence, or duress, to protect his or her  
6 person or estate in connection with the issues raised in the petition  
7 or order, must be held within 14 days of entry of the temporary  
8 protection order. If the court did not enter a temporary protection  
9 order, the evidentiary hearing must be held within 14 days of the  
10 prior hearing on the petition. Notice of the time and place of the  
11 evidentiary hearing must be served upon the vulnerable adult and the  
12 respondent not less than five judicial days before the hearing. If  
13 timely service cannot be made, the court may set a new hearing date.  
14 A hearing under this subsection is not necessary if the vulnerable  
15 adult has been determined to be ~~((fully incapacitated over either the  
16 person or the estate, or both, under the))~~ subject to a guardianship  
17 ~~((laws))~~, conservatorship, or other protective arrangement under  
18 chapter ~~((11.88))~~ 11.130 RCW. If a hearing is scheduled under this  
19 subsection, the protection order must remain in effect pending the  
20 court's decision at the subsequent hearing.

21 (3) At the hearing held pursuant to subsection (1) of this  
22 section, the court shall give the vulnerable adult, the respondent,  
23 the petitioner, and, in the court's discretion, other interested  
24 persons, the opportunity to testify and submit relevant evidence.

25 (4) If the court determines that the vulnerable adult is capable  
26 of protecting his or her person or estate in connection with the  
27 issues raised in the petition, and the vulnerable adult continues to  
28 object to the protection order, the court shall dismiss the order or  
29 may modify the order if agreed to by the vulnerable adult. If the  
30 court determines that the vulnerable adult is not capable of  
31 protecting his or her person or estate in connection with the issues  
32 raised in the petition or order, and that the vulnerable adult  
33 continues to need protection, the court shall order relief consistent  
34 with this chapter as it deems necessary for the protection of the  
35 vulnerable adult. In the entry of any order that is inconsistent with  
36 the expressed wishes of the vulnerable adult, the court's order is  
37 governed by the legislative findings contained in RCW 7.--.---  
38 (section 1, chapter . . . (this act), Laws of 2021).

1 **Sec. 74.** RCW 7.--.--- and 2021 c ... (this act) s 63 are each  
2 amended to read as follows:

3 This section applies to the modification or termination of  
4 vulnerable adult protection orders.

5 (1) Any vulnerable adult who (~~has not been adjudicated fully~~  
6 ~~incapacitated under chapter 11.88 RCW~~) is subject to a limited  
7 guardianship, limited conservatorship, or other protective  
8 arrangement under chapter 11.130 RCW, or the vulnerable adult's  
9 guardian, conservator, or person acting on behalf of the vulnerable  
10 adult under a protective arrangement, may, at any time subsequent to  
11 the entry of a permanent protection order under this chapter, file a  
12 motion to modify or terminate the protection order.

13 (2) In a hearing on a motion to modify or terminate the  
14 protection order, the court shall grant such relief consistent with  
15 RCW 7.--.--- (section 39, chapter . . . (this act), Laws of 2021) as  
16 it deems necessary for the protection of the vulnerable adult,  
17 including modification or termination of the protection order.

#### 18 **PART XI**

#### 19 **EXTREME RISK PROTECTION ORDERS AND ORDERS TO SURRENDER AND PROHIBIT** 20 **WEAPONS**

21 **Sec. 75.** RCW 9.41.040 and 2020 c 29 s 4 are each amended to read  
22 as follows:

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

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

31 (2)(a) A person, whether an adult or juvenile, is guilty of the  
32 crime of unlawful possession of a firearm in the second degree, if  
33 the person does not qualify under subsection (1) of this section for  
34 the crime of unlawful possession of a firearm in the first degree and  
35 the person owns, has in his or her possession, or has in his or her  
36 control any firearm:

37 (i) After having previously been convicted or found not guilty by  
38 reason of insanity in this state or elsewhere of any felony not

1 specifically listed as prohibiting firearm possession under  
2 subsection (1) of this section, or any of the following crimes when  
3 committed by one family or household member against another or by one  
4 intimate partner against another, committed on or after July 1, 1993:  
5 Assault in the fourth degree, coercion, stalking, reckless  
6 endangerment, criminal trespass in the first degree, or violation of  
7 the provisions of a protection order or no-contact order restraining  
8 the person or excluding the person from a residence ((~~RCW 26.50.060,~~  
9 ~~26.50.070, 26.50.130,~~) chapter 7.--- RCW (the new chapter created in  
10 section 81 of this act) or RCW 10.99.040);

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

15 (iii) During any period of time that the person is subject to an  
16 extreme risk protection order issued under chapter 7.--- RCW (the new  
17 chapter created in section 81 of this act) that was issued after a  
18 hearing for which the person received actual notice, and at which the  
19 person had an opportunity to participate, whether the court then  
20 issues a full order or reissues a temporary order. If the court  
21 enters an agreed order by the parties without a hearing, such an  
22 order meets the requirements of this subsection;

23 (iv) During any period of time that the person is subject to a  
24 court order issued under chapter ((~~7.90, 7.92,~~) 7.--- (the new  
25 chapter created in section 81 of this act), 9A.46, ((~~10.14,~~) 10.99,  
26 26.09, ((~~26.10,~~) 26.26A, or 26.26B((~~, or 26.50~~)) RCW that:

27 (A) Was issued after a hearing ((~~of~~)) for which the person  
28 received actual notice, and at which the person had an opportunity to  
29 participate, whether the court then issues a full order or reissues a  
30 temporary order. If the court enters an agreed order by the parties  
31 without a hearing, such an order meets the requirements of this  
32 subsection;

33 (B) Restrains the person from harassing, stalking, or threatening  
34 the person protected under the order or child of the person or  
35 protected person, or engaging in other conduct that would place the  
36 protected person in reasonable fear of bodily injury to the protected  
37 person or child; and

38 (C) (I) Includes a finding that the person represents a credible  
39 threat to the physical safety of the protected person or child and by  
40 its terms explicitly prohibits the use, attempted use, or threatened

1 use of physical force against the protected person or child that  
2 would reasonably be expected to cause bodily injury; or

3 (II) Includes an order under RCW 9.41.800 requiring the person to  
4 surrender all firearms and prohibiting the person from accessing,  
5 ~~((obtaining, or))~~ having in his or her custody or control,  
6 possessing, purchasing, receiving, or attempting to purchase or  
7 receive, firearms;

8 ~~((iv))~~ (v) After having previously been involuntarily committed  
9 ~~((for mental health treatment))~~ based on a mental disorder under RCW  
10 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or  
11 equivalent statutes of another jurisdiction, unless his or her right  
12 to possess a firearm has been restored as provided in RCW 9.41.047;

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

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

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

23 (b) ~~((a)(iii) of this subsection does not apply to a sexual~~  
24 ~~assault protection order under chapter 7.90 RCW if the order has been~~  
25 ~~modified pursuant to RCW 7.90.170 to remove any restrictions on~~  
26 ~~firearm purchase, transfer, or possession.~~

27 ~~((e))~~ Unlawful possession of a firearm in the second degree is a  
28 class C felony punishable according to chapter 9A.20 RCW.

29 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
30 as used in this chapter, a person has been "convicted," whether in an  
31 adult court or adjudicated in a juvenile court, at such time as a  
32 plea of guilty has been accepted or a verdict of guilty has been  
33 filed, notwithstanding the pendency of any future proceedings  
34 including, but not limited to, sentencing or disposition, post-trial  
35 or post-fact-finding motions, and appeals. Conviction includes a  
36 dismissal entered after a period of probation, suspension, or  
37 deferral of sentence, and also includes equivalent dispositions by  
38 courts in jurisdictions other than Washington state. A person shall  
39 not be precluded from possession of a firearm if the conviction has  
40 been the subject of a pardon, annulment, certificate of



1 rehabilitation, or other equivalent procedure based on a finding of  
2 the rehabilitation of the person convicted or the conviction or  
3 disposition has been the subject of a pardon, annulment, or other  
4 equivalent procedure based on a finding of innocence. Where no record  
5 of the court's disposition of the charges can be found, there shall  
6 be a rebuttable presumption that the person was not convicted of the  
7 charge.

8 (4) (a) Notwithstanding subsection (1) or (2) of this section, a  
9 person convicted or found not guilty by reason of insanity of an  
10 offense prohibiting the possession of a firearm under this section  
11 other than murder, manslaughter, robbery, rape, indecent liberties,  
12 arson, assault, kidnapping, extortion, burglary, or violations with  
13 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
14 who received a probationary sentence under RCW 9.95.200, and who  
15 received a dismissal of the charge under RCW 9.95.240, shall not be  
16 precluded from possession of a firearm as a result of the conviction  
17 or finding of not guilty by reason of insanity. Notwithstanding any  
18 other provisions of this section, if a person is prohibited from  
19 possession of a firearm under subsection (1) or (2) of this section  
20 and has not previously been convicted or found not guilty by reason  
21 of insanity of a sex offense prohibiting firearm ownership under  
22 subsection (1) or (2) of this section and/or any felony defined under  
23 any law as a class A felony or with a maximum sentence of at least  
24 (~~twenty~~) 20 years, or both, the individual may petition a court of  
25 record to have his or her right to possess a firearm restored:

26 (i) Under RCW 9.41.047; and/or

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

34 (B) If the conviction or finding of not guilty by reason of  
35 insanity was for a nonfelony offense, after three or more consecutive  
36 years in the community without being convicted or found not guilty by  
37 reason of insanity or currently charged with any felony, gross  
38 misdemeanor, or misdemeanor crimes, if the individual has no prior  
39 felony convictions that prohibit the possession of a firearm counted

1 as part of the offender score under RCW 9.94A.525 and the individual  
2 has completed all conditions of the sentence.

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

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

8 (ii) The superior court in the county in which the petitioner  
9 resides.

10 (5) In addition to any other penalty provided for by law, if a  
11 person under the age of (~~eighteen~~) 18 years is found by a court to  
12 have possessed a firearm in a vehicle in violation of subsection (1)  
13 or (2) of this section or to have committed an offense while armed  
14 with a firearm during which offense a motor vehicle served an  
15 integral function, the court shall notify the department of licensing  
16 within (~~twenty-four~~) 24 hours and the person's privilege to drive  
17 shall be revoked under RCW 46.20.265, unless the offense is the  
18 juvenile's first offense in violation of this section and has not  
19 committed an offense while armed with a firearm, an unlawful  
20 possession of a firearm offense, or an offense in violation of  
21 chapter 66.44, 69.52, 69.41, or 69.50 RCW.

22 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
23 or interpreted as preventing an offender from being charged and  
24 subsequently convicted for the separate felony crimes of theft of a  
25 firearm or possession of a stolen firearm, or both, in addition to  
26 being charged and subsequently convicted under this section for  
27 unlawful possession of a firearm in the first or second degree.  
28 Notwithstanding any other law, if the offender is convicted under  
29 this section for unlawful possession of a firearm in the first or  
30 second degree and for the felony crimes of theft of a firearm or  
31 possession of a stolen firearm, or both, then the offender shall  
32 serve consecutive sentences for each of the felony crimes of  
33 conviction listed in this subsection.

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

36 **Sec. 76.** RCW 9.41.075 and 2005 c 453 s 4 are each amended to  
37 read as follows:

38 (1) The license shall be revoked by (~~the license-issuing~~  
39 authority) a law enforcement agency immediately upon:

1 (a) Discovery by the ((issuing authority)) law enforcement agency  
2 that the ((person)) licensee was ineligible under RCW 9.41.070 for a  
3 concealed pistol license when applying for the license or license  
4 renewal;

5 (b) Conviction of the licensee, or the licensee being found not  
6 guilty by reason of insanity, of an offense, or commitment of the  
7 licensee for mental health treatment, that makes a person ineligible  
8 under RCW 9.41.040 to possess a firearm;

9 (c) Conviction of the licensee for a third violation of this  
10 chapter within five calendar years; ((or))

11 (d) An order that the licensee forfeit a firearm under RCW  
12 9.41.098(1)(d); or

13 (e) The law enforcement agency's receipt of an order to surrender  
14 and prohibit weapons or an extreme risk protection order, other than  
15 an ex parte temporary protection order, issued against the licensee.

16 (2)(a) Unless the person may lawfully possess a pistol without a  
17 concealed pistol license, an ineligible person to whom a concealed  
18 pistol license was issued shall, within ((fourteen)) 14 days of  
19 license revocation, lawfully transfer ownership of any pistol  
20 acquired while the person was in possession of the license.

21 (b) Upon discovering a person issued a concealed pistol license  
22 was ineligible for the license, the ((issuing authority)) law  
23 enforcement agency shall contact the department of licensing to  
24 determine whether the person purchased a pistol while in possession  
25 of the license. If the person did purchase a pistol while in  
26 possession of the concealed pistol license, if the person may not  
27 lawfully possess a pistol without a concealed pistol license, the  
28 ((issuing authority)) law enforcement agency shall require the person  
29 to present satisfactory evidence of having lawfully transferred  
30 ownership of the pistol. The ((issuing authority)) law enforcement  
31 agency shall require the person to produce the evidence within  
32 ((fifteen)) 15 days of the revocation of the license.

33 (3) When a licensee is ordered to forfeit a firearm under RCW  
34 9.41.098(1)(d), the ((issuing authority)) law enforcement agency  
35 shall:

36 (a) On the first forfeiture, revoke the license for one year;

37 (b) On the second forfeiture, revoke the license for two years;

38 or

39 (c) On the third or subsequent forfeiture, revoke the license for  
40 five years.

1 Any person whose license is revoked as a result of a forfeiture  
2 of a firearm under RCW 9.41.098(1)(d) may not reapply for a new  
3 license until the end of the revocation period.

4 (4) The (~~issuing authority~~) law enforcement agency shall  
5 notify, in writing, the department of licensing of the revocation of  
6 a license. The department of licensing shall record the revocation.

7 **Sec. 77.** RCW 9.41.800 and 2019 c 245 s 1 and 2019 c 46 s 5006  
8 are each reenacted and amended to read as follows:

9 (1) Any court when entering an order authorized under chapter  
10 (~~7.92 RCW, RCW 7.90.090~~) 7.--- RCW (the new chapter created in  
11 section 81 of this act), RCW 9A.46.080, (~~10.14.080,~~) 10.99.040,  
12 10.99.045, 26.09.050, 26.09.060, (~~26.10.040, 26.10.115,~~)  
13 26.26B.020, (~~26.50.060, 26.50.070,~~) or 26.26A.470 shall, upon a  
14 showing by (~~clear and convincing~~) a preponderance of the evidence,  
15 that a party has: Used, displayed, or threatened to use a firearm or  
16 other dangerous weapon in a felony, or is ineligible to possess a  
17 firearm under the provisions of RCW 9.41.040:

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

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

22 (c) Prohibit the party from accessing, (~~obtaining, or~~) having  
23 in his or her custody or control, possessing, purchasing, receiving,  
24 or attempting to purchase or receive, any firearms or other dangerous  
25 weapons;

26 (d) Prohibit the party from obtaining or possessing a concealed  
27 pistol license;

28 (e) Other than for ex parte temporary protection orders, unless  
29 the ex parte temporary protection order was reissued after the party  
30 received noticed and had an opportunity to be heard, direct law  
31 enforcement to revoke any concealed pistol license issued to the  
32 party.

33 (2) (~~Any court when entering an order authorized under chapter~~  
34 ~~7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,~~  
35 ~~26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,~~  
36 ~~26.50.070, or 26.26A.470 may, upon a showing by a preponderance of~~  
37 ~~the evidence but not by clear and convincing evidence, that a party~~  
38 ~~has: Used, displayed, or threatened to use a firearm or other~~

1 ~~dangerous weapon in a felony, or is ineligible to possess a firearm~~  
2 ~~under the provisions of RCW 9.41.040:~~

3 ~~(a) Require that the party immediately surrender all firearms and~~  
4 ~~other dangerous weapons;~~

5 ~~(b) Require that the party immediately surrender a concealed~~  
6 ~~pistol license issued under RCW 9.41.070;~~

7 ~~(c) Prohibit the party from accessing, obtaining, or possessing~~  
8 ~~any firearms or other dangerous weapons;~~

9 ~~(d) Prohibit the party from obtaining or possessing a concealed~~  
10 ~~pistol license.~~

11 ~~(3))~~ During any period of time that the ((~~person~~)) party is  
12 subject to a court order issued under chapter ((~~7.90, 7.92~~)) 7.---  
13 (the new chapter created in section 81 of this act), 9A.46,  
14 ((~~10.14,~~)) 10.99, 26.09, ((~~26.10,~~)) 26.26A, or 26.26B((~~, or 26.50~~))  
15 RCW that:

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

22 (b) Restrains the ((~~person~~)) party from harassing, stalking, or  
23 threatening an intimate partner of the ((~~person~~)) party, the  
24 protected person, or child of the intimate partner, party, or  
25 protected person, or engaging in other conduct that would place an  
26 intimate partner or protected person in reasonable fear of bodily  
27 injury to the intimate partner, protected person, or child; and

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

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

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

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

39 (C) Prohibit the party from accessing, ((~~obtaining, or~~)) having  
40 in his or her custody or control, possessing, purchasing, receiving,

1 or attempting to purchase or receive, any firearms or other dangerous  
2 weapons; and

3 (D) Prohibit the party from obtaining or possessing a concealed  
4 pistol license.

5 ~~((4))~~ (3) The court may order temporary surrender and prohibit  
6 the purchase of all firearms and other dangerous weapons, and any  
7 concealed pistol license, without notice to the other party if it  
8 finds, on the basis of the moving affidavit or other evidence, that  
9 irreparable injury could result if an order is not issued until the  
10 time for response has elapsed.

11 ~~((5))~~ (4) In addition to the provisions of subsections (1) ~~((7~~  
12 ~~-2),~~) and ~~((4))~~ (3) of this section, the court may enter an order  
13 requiring a party to comply with the provisions in subsection (1) of  
14 this section if it finds that the possession of a firearm or other  
15 dangerous weapon by any party presents a serious and imminent threat  
16 to public health or safety, or to the health or safety of any  
17 individual.

18 ~~((6))~~ (5) The requirements of subsections (1) ~~((, (2),~~) and  
19 ~~((5))~~ (4) of this section may be for a period of time less than the  
20 duration of the order.

21 ~~((7))~~ (6) The court ~~((may))~~ shall require the party to  
22 surrender all firearms and other dangerous weapons in his or her  
23 immediate possession or control or subject to his or her immediate  
24 possession or control, and any concealed pistol license issued under  
25 RCW 9.41.070, to the local law enforcement agency. Law enforcement  
26 officers shall use law enforcement databases to assist in locating  
27 the ~~((respondent))~~ party in situations where the protected person  
28 does not know where the ~~((respondent))~~ party lives or where there is  
29 evidence that the ~~((respondent))~~ party is trying to evade service.

30 ~~((8))~~ (7) If the court enters a protection order, restraining  
31 order, or no-contact order that includes an order to surrender  
32 firearms, dangerous weapons, and any concealed pistol license under  
33 this section ~~((, the))~~ :

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

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

1       **Sec. 78.** RCW 9.41.801 and 2020 c 126 s 1 are each amended to  
2 read as follows:

3       (1) Because of the heightened risk of lethality to petitioners  
4 when respondents to protection orders become aware of court  
5 involvement and continue to have access to firearms, and the  
6 frequency of noncompliance with court orders prohibiting possession  
7 of firearms, law enforcement and judicial processes must emphasize  
8 swift and certain compliance with court orders prohibiting access,  
9 possession, and ownership of all firearms.

10       (2) A law enforcement officer serving a protection order, no-  
11 contact order, or restraining order that includes an order to  
12 surrender all firearms, dangerous weapons, and a concealed pistol  
13 license under RCW 9.41.800 shall inform the respondent that the order  
14 is effective upon service and the respondent must immediately  
15 surrender all firearms and dangerous weapons in (~~his or her~~) the  
16 respondent's custody, control, or possession and any concealed pistol  
17 license issued under RCW 9.41.070, and conduct any search permitted  
18 by law for such firearms, dangerous weapons, and concealed pistol  
19 license. The law enforcement officer shall take possession of all  
20 firearms, dangerous weapons, and any concealed pistol license  
21 belonging to the respondent that are surrendered, in plain sight, or  
22 discovered pursuant to a lawful search. The order must be personally  
23 served upon the respondent or defendant if the order is entered in  
24 open court in the presence of the respondent or defendant. The  
25 respondent or defendant shall acknowledge receipt and service. If the  
26 respondent or defendant refuses service, an agent of the court may  
27 indicate on the record that the respondent or defendant refused  
28 service. The court shall enter the service and receipt into the  
29 record. A copy of the order and service shall be transmitted  
30 immediately to law enforcement. The respondent must immediately  
31 surrender all firearms, dangerous weapons, and any concealed pistol  
32 license in a safe manner to the control of the local law enforcement  
33 agency on the day of the hearing at which the respondent was present.

34       (3) At the time of surrender, a law enforcement officer taking  
35 possession of firearms, dangerous weapons, and any concealed pistol  
36 license shall issue a receipt identifying all firearms, dangerous  
37 weapons, and any concealed pistol license that have been surrendered  
38 and provide a copy of the receipt to the respondent. The law  
39 enforcement agency shall file the original receipt with the court  
40 within (~~twenty-four~~) 24 hours after service of the order and retain

1 a copy of the receipt, electronically whenever electronic filing is  
2 available.

3 (4) Upon the sworn statement or testimony of the petitioner or of  
4 any law enforcement officer alleging that the respondent has failed  
5 to comply with the surrender of firearms or dangerous weapons as  
6 required by an order issued under RCW 9.41.800, the court shall  
7 determine whether probable cause exists to believe that the  
8 respondent has failed to surrender all firearms and dangerous weapons  
9 in their possession, custody, or control. If probable cause exists  
10 that a crime occurred, the court shall issue a warrant describing the  
11 firearms or dangerous weapons and authorizing a search of the  
12 locations where the firearms and dangerous weapons are reasonably  
13 believed to be and the seizure of all firearms and dangerous weapons  
14 discovered pursuant to such search.

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

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

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

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

30 (6) Courts shall develop procedures to verify timely and complete  
31 compliance with orders to surrender weapons under RCW 9.41.800,  
32 including compliance review hearings to be held as soon as possible  
33 upon receipt from law enforcement of proof of service. A compliance  
34 review hearing is not required if the court can otherwise enter  
35 findings on the record or enter written findings that the proof of  
36 surrender or declaration of nonsurrender attested to by the person  
37 subject to the order, along with verification from law enforcement  
38 and any other relevant evidence, makes a sufficient showing that the  
39 person has timely and completely surrendered all firearms and  
40 dangerous weapons in (~~their~~) the person's custody, control, or



1 possession, and any concealed pistol license issued under RCW  
2 9.41.070, to a law enforcement agency. If the court does not have a  
3 sufficient record before it on which to make such a finding, the  
4 court must set a review hearing to occur as soon as possible at which  
5 the respondent must be present and provide proof of compliance with  
6 the court's order. Courts shall make available forms that petitioners  
7 may complete and submit to the court in response to a respondent's  
8 declaration of whether the respondent has surrendered weapons.

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

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

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

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

1 (ii) The court shall take judicial notice of the receipt filed  
2 with the court by the law enforcement agency pursuant to subsection  
3 (3) of this section. The court shall also provide sufficient notice  
4 to the law enforcement agency of the hearing. Upon receiving notice  
5 pursuant to this subsection, a law enforcement agency must:

6 (A) Provide the court with a complete list of firearms and other  
7 dangerous weapons surrendered by the respondent or otherwise  
8 belonging to the respondent that are in the possession of the law  
9 enforcement agency; and

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

13 (iii) If the law enforcement agency has a reasonable suspicion  
14 that the respondent is not in full compliance with the terms of the  
15 order, the law enforcement agency must submit the basis for its  
16 belief to the court, and may do so through the filing of (~~an~~  
17 ~~affidavit~~) a declaration.

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

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

26 (8) (a) To help ensure that accurate and comprehensive information  
27 about firearms compliance is provided to judicial officers, a  
28 representative from either the prosecuting attorney's office or city  
29 attorney's office, or both, from the relevant jurisdiction may appear  
30 and be heard at any hearing that concerns:

31 (i) Compliance with an extreme risk protection order; or

32 (ii) Compliance with an order to surrender and prohibit weapons  
33 issued in connection with another type of protection order.

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

39 (9) (a) The court, on motion of the state or city, or on motion of  
40 the court if no representative from the prosecuting attorney's office

1 or city attorney's office from the relevant jurisdiction is present,  
2 may order that a respondent or defendant shall not be excused from  
3 complying with, or testifying about complying with, an order to  
4 surrender and prohibit firearms under RCW 9.41.800 or any statute  
5 listed therein on the ground that the respondent's or defendant's  
6 testimony or compliance may tend to incriminate or subject the  
7 respondent or defendant to a penalty or forfeiture. However, no  
8 testimony or other information compelled under the order over an  
9 assertion of a privilege against self-incrimination, nor any  
10 information directly or indirectly derived from such testimony or  
11 information, may be used against the respondent or defendant in any  
12 criminal case, except a prosecution for perjury, giving a false  
13 statement, or otherwise failing to comply with an order to testify,  
14 or as provided in (b) of this subsection.

15 (b) A grant of immunity pursuant to this subsection pertains only  
16 to immunity from prosecution related to those firearms, dangerous  
17 weapons, or concealed pistol licenses that are timely surrendered to  
18 law enforcement in compliance with an order to surrender and prohibit  
19 firearms under RCW 9.41.800 or any statute listed therein. Such  
20 compelled surrender, or compelled testimony regarding surrender, may  
21 nevertheless be used as evidence in an investigation or prosecution  
22 related to the respondent or defendant having in his or her custody  
23 or control, accessing, possessing, purchasing, receiving, or  
24 attempting to purchase or receive, other firearms, dangerous weapons,  
25 or concealed pistol licenses unlawfully in violation of the order, to  
26 the extent such use is consistent with a grant of immunity pursuant  
27 to this subsection that is coextensive with the constitutional  
28 privilege against self-incrimination.

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

38 ((+9)) (11) The administrative office of the courts shall create  
39 a statewide pattern form to assist the courts in ensuring timely and  
40 complete compliance in a consistent manner with orders issued under

1 this chapter. The administrative office of the courts shall report  
2 annually on the number of orders issued under this chapter by each  
3 court, the degree of compliance, and the number of firearms obtained,  
4 and may make recommendations regarding additional procedures to  
5 enhance compliance and victim safety.

6 NEW SECTION. **Sec. 79.** A new section is added to chapter 9.41  
7 RCW to read as follows:

8 For the purpose of assisting courts in ensuring compliance with  
9 an order to surrender and prohibit weapons or an extreme risk  
10 protection order, the department of licensing, or the agency with  
11 responsibility for maintaining that information should it be an  
12 agency other than the department of licensing, shall make the  
13 following information available to prosecuting attorneys' offices,  
14 city attorneys' offices, public defender agency staff, probation  
15 services personnel, and judicial officers and staff of municipal,  
16 district, and superior courts for the following law enforcement  
17 purposes:

- 18 (1) Determining whether a person is ineligible to possess  
19 firearms;
- 20 (2) Determining a person's firearms purchase history; and
- 21 (3) Determining whether a person has or previously had a  
22 concealed pistol license, or has applied for a concealed pistol  
23 license.

24 **Sec. 80.** RCW 10.99.045 and 2010 c 274 s 301 are each amended to  
25 read as follows:

26 (1) A defendant arrested for an offense involving domestic  
27 violence as defined by RCW 10.99.020 shall be required to appear in  
28 person before a magistrate within one judicial day after the arrest.

29 (2) A defendant who is charged by citation, complaint, or  
30 information with an offense involving domestic violence as defined by  
31 RCW 10.99.020 and not arrested shall appear in court for arraignment  
32 in person as soon as practicable, but in no event later than  
33 (~~fourteen~~) 14 days after the next day on which court is in session  
34 following the issuance of the citation or the filing of the complaint  
35 or information.

36 (3)(a) At the time of the appearances provided in subsection (1)  
37 or (2) of this section, the court shall determine the necessity of  
38 imposing a no-contact order or other conditions of pretrial release

1 according to the procedures established by court rule for a  
2 preliminary appearance or an arraignment. The court may include in  
3 the order any conditions authorized under RCW 9.41.800 and 10.99.040.

4 (b) For the purposes of (a) of this subsection, the prosecutor  
5 shall provide for the court's review:

6 (i) The defendant's criminal history, if any, that occurred in  
7 Washington or any other state;

8 (ii) If available, the defendant's criminal history that occurred  
9 in any tribal jurisdiction; ~~((and))~~

10 (iii) The defendant's individual order history; and

11 (iv) The defendant's firearms purchase history, including any  
12 concealed pistol license history.

13 (c) For the purposes of (b) of this subsection, criminal history  
14 includes all previous convictions and orders of deferred prosecution,  
15 as reported through the judicial information system or otherwise  
16 available to the court or prosecutor, current to within the period  
17 specified in (d) of this subsection before the date of the  
18 appearance.

19 (d) The periods applicable to previous convictions and orders of  
20 deferred prosecution are:

21 (i) One working day, in the case of previous actions of courts  
22 that fully participate in the state judicial information system; and

23 (ii) Seven calendar days, in the case of previous actions of  
24 courts that do not fully participate in the judicial information  
25 system. For the purposes of this subsection, "fully participate"  
26 means regularly providing records to and receiving records from the  
27 system by electronic means on a daily basis.

28 (4) Appearances required pursuant to this section are mandatory  
29 and cannot be waived.

30 (5) The no-contact order shall be issued and entered with the  
31 ~~((appropriate))~~ law enforcement agency pursuant to the procedures  
32 outlined in RCW 10.99.040 (2) and (6).

33 NEW SECTION. **Sec. 81.** Sections 1, 2, and 4 through 71 of this  
34 act constitute a new chapter in Title 7 RCW.

35 **PART XII**

36 **CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS**

1       **Sec. 82.** RCW 26.55.010 and 2019 c 263 s 902 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Canadian domestic violence protection order" means a  
6 judgment or part of a judgment or order issued in a civil proceeding  
7 by a court of Canada under law of the issuing jurisdiction which  
8 relates to domestic violence (~~(and prohibits a respondent from:~~

9       ~~(a) Being in physical proximity to a protected individual or~~  
10 ~~following a protected individual;~~

11       ~~(b) Directly or indirectly contacting or communicating with a~~  
12 ~~protected individual or other individual described in the order;~~

13       ~~(c) Being within a certain distance of a specified place or~~  
14 ~~location associated with a protected individual; or~~

15       ~~(d) Molesting, annoying, harassing, or engaging in threatening~~  
16 ~~conduct directed at a protected individual)).~~

17       (2) "Domestic violence protection order" means an injunction or  
18 other order issued by a (~~(tribunal)~~) court which relates to domestic  
19 or family violence laws to prevent an individual from engaging in  
20 violent or threatening acts against, harassment of, direct or  
21 indirect contact or communication with, or being in physical  
22 proximity to another individual.

23       (3) "Issuing court" means the court that issues a Canadian  
24 domestic violence protection order.

25       (4) "Law enforcement officer" means an individual authorized by  
26 law of this state other than this chapter to enforce a domestic  
27 violence protection order.

28       (5) "Person" means an individual, estate, business or nonprofit  
29 entity, public corporation, government or governmental subdivision,  
30 agency, or instrumentality, or other legal entity.

31       (6) "Protected individual" means an individual protected by a  
32 Canadian domestic violence protection order.

33       (7) "Record" means information that is inscribed on a tangible  
34 medium or that is stored in an electronic or other medium and is  
35 retrievable in perceivable form.

36       (8) "Respondent" means an individual against whom a Canadian  
37 domestic violence protection order is issued.

38       (9) "State" means a state of the United States, the District of  
39 Columbia, Puerto Rico, the United States Virgin Islands, or any

1 territory or insular possession subject to the jurisdiction of the  
2 United States. The term includes a federally recognized Indian tribe.

3 ~~((10) "Tribunal" means a court, agency, or other entity  
4 authorized by law of this state other than this chapter to establish,  
5 enforce, or modify a domestic protection order.))~~

6 NEW SECTION. **Sec. 83.** A new section is added to chapter 26.55  
7 RCW to read as follows:

8 (1) A Canadian domestic violence protection order that identifies  
9 both a protected individual and a respondent and appears valid on its  
10 face is prima facie evidence of its enforceability under this act.

11 (2) A Canadian domestic violence protection order is enforceable  
12 only to the extent it prohibits a respondent from the following  
13 conduct as ordered by a Canadian court:

14 (a) Being in physical proximity to a protected individual or  
15 following a protected individual;

16 (b) Directly or indirectly contacting or communicating with a  
17 protected individual or other individual described in the order;

18 (c) Being within a certain distance of a specified place or  
19 location associated with a protected individual; or

20 (d) Molesting, annoying, harassing, or engaging in threatening  
21 conduct directed at a protected individual.

22 (3) Neither filing with the clerk of the court under RCW  
23 26.55.040 nor obtaining an order granting recognition and enforcement  
24 under RCW 26.55.030 is required prior to the enforcement of a  
25 Canadian domestic violence protection order by a law enforcement  
26 officer.

27 **Sec. 84.** RCW 26.55.020 and 2019 c 263 s 903 are each amended to  
28 read as follows:

29 (1) If a law enforcement officer determines under subsection (2)  
30 or (3) of this section that there is probable cause to believe a  
31 ~~((valid))~~ Canadian domestic violence protection order exists and that  
32 one or more of the provisions of the order ~~((has))~~ identified in  
33 section 83 of this act have been violated, the officer shall enforce  
34 the terms of the Canadian domestic violence protection order as if  
35 the terms were in an order ~~((of a tribunal. Presentation to a law~~  
36 ~~enforcement officer of a certified copy of a Canadian domestic~~  
37 ~~violence protection order is not required for enforcement))~~ issued in  
38 Washington state.

1 (2) Presentation to a law enforcement officer of a record of a  
2 Canadian domestic violence protection order that identifies both a  
3 protected individual and a respondent, and on its face is in effect,  
4 constitutes probable cause to believe that ~~((a valid))~~ an enforceable  
5 order exists.

6 (3) If a record of a Canadian domestic violence protection order  
7 is not presented as provided in subsection (2) of this section, a law  
8 enforcement officer ~~((may consider))~~ is not prohibited from  
9 considering other relevant information in determining whether there  
10 is probable cause to believe that a ~~((valid))~~ Canadian domestic  
11 violence protection order exists.

12 (4) If a law enforcement officer determines that ~~((an otherwise~~  
13 ~~valid))~~ a Canadian domestic violence protection order cannot be  
14 enforced because the respondent has not been notified of or served  
15 with the order, the officer shall notify the protected individual  
16 that the officer will make reasonable efforts to contact the  
17 respondent, consistent with the safety of the protected individual.  
18 After notice to the protected individual and consistent with the  
19 safety of the individual, the officer shall make a reasonable effort  
20 to inform the respondent of the order, notify the respondent of the  
21 terms of the order, provide a record of the order, if available, to  
22 the respondent, and allow the respondent a reasonable opportunity to  
23 comply with the order before the officer enforces the order.

24 (5) If a law enforcement officer determines that an individual is  
25 a protected individual, the officer shall inform the individual of  
26 available local victim services.

27 **Sec. 85.** RCW 26.55.030 and 2019 c 263 s 904 are each amended to  
28 read as follows:

29 (1) A ~~((tribunal))~~ court may issue an order ~~((enforcing or~~  
30 ~~refusing to enforce))~~ granting recognition and enforcement or denying  
31 recognition and enforcement of a Canadian domestic violence  
32 protection order on ~~((application))~~ petition of:

33 (a) A protected individual;

34 (b) A person authorized by law of this state other than this  
35 chapter to seek enforcement of a domestic violence protection order;  
36 or

37 ~~((b))~~ (c) A respondent.

38 (2) ~~((In a proceeding under subsection (1) of this section, the~~  
39 ~~tribunal shall follow the procedures of this state for enforcement of~~



1 ~~a domestic protection order. An order entered under this section is~~  
2 ~~limited to the enforcement of the terms of the Canadian domestic~~  
3 ~~violence protection order as defined in RCW 26.55.010.)~~ A petitioner  
4 is not required to post a bond to obtain relief in any proceeding  
5 under this section. No fees for any type of filing or service of  
6 process may be charged by a court or any public agency to petitioners  
7 seeking relief under this chapter. Courts may not charge petitioners  
8 any fees or surcharges the payment of which is a condition precedent  
9 to the petitioner's ability to secure access to relief under this  
10 chapter. Petitioners shall be provided the necessary number of  
11 certified copies, forms, and instructional brochures free of charge.  
12 A respondent who is served electronically with a protection order  
13 shall be provided a certified copy of the order free of charge upon  
14 request.

15 (3) Upon receipt of the petition, the court shall order a  
16 hearing, which shall be held not later than 14 days from the date of  
17 the order. Service shall be provided as required in sections 10 and  
18 18 through 21 of this act.

19 (4) The hearing shall be conducted as required by sections 24 and  
20 25 of this act.

21 (5) Interpreters must be appointed as required in section 33 of  
22 this act. An interpreter shall translate or interpret for the party  
23 in preparing forms, participating in the hearing and court-ordered  
24 assessments, and translating any orders.

25 ~~((3))~~ (6) A Canadian domestic violence protection order is  
26 enforceable under this section if:

27 (a) The order identifies a protected individual and a respondent;

28 (b) The order is valid and in effect;

29 (c) The issuing court had jurisdiction over the parties and the  
30 subject matter under law applicable in the issuing court; and

31 (d) The order was issued after:

32 (i) The respondent was given reasonable notice and had an  
33 opportunity to be heard before the court issued the order; or

34 (ii) In the case of an ex parte temporary protection order, the  
35 respondent was given reasonable notice and had or will have an  
36 opportunity to be heard within a reasonable time after the order was  
37 issued, in a manner consistent with the right of the respondent to  
38 due process.

1       ~~((4) A Canadian domestic violence protection order valid on its~~  
2 ~~face is prima facie evidence of its enforceability under this~~  
3 ~~section.~~

4       ~~(5))~~ (7) A claim that a Canadian domestic violence protection  
5 order does not comply with subsection ~~((3))~~ (6) of this section is  
6 an affirmative defense in a proceeding seeking enforcement of the  
7 order. If the ~~((tribunal))~~ court determines that the order is not  
8 enforceable, the ~~((tribunal))~~ court shall issue an order that the  
9 Canadian domestic violence protection order is not enforceable under  
10 this section and RCW 26.55.020 and may not be ~~((registered))~~ filed  
11 under RCW 26.55.040.

12       **Sec. 86.** RCW 26.55.040 and 2019 c 263 s 905 are each amended to  
13 read as follows:

14       (1) A person entitled to protection who has a ~~((valid))~~ Canadian  
15 domestic violence protection order may file that order by presenting  
16 a certified, authenticated, or exemplified copy of the Canadian  
17 domestic violence protection order to a clerk of the court of a  
18 Washington court ~~((in which the person entitled to protection resides~~  
19 ~~or to a clerk of the court of a Washington court where the person~~  
20 ~~entitled to protection believes enforcement may be necessary))~~  
21 according to section 9 of this act. Any out-of-state department,  
22 agency, or court responsible for maintaining protection order  
23 records, may by facsimile or electronic transmission send a  
24 reproduction of the foreign protection order to the clerk of the  
25 court of Washington as long as it contains a facsimile or digital  
26 signature by any person authorized to make such transmission.

27       (2) An individual filing a Canadian domestic violence protection  
28 order under this section shall also file a declaration signed under  
29 penalty of perjury stating that, to the best of the individual's  
30 knowledge, the order is valid and in effect.

31       (3) On receipt of a certified, authenticated, or exemplified copy  
32 of a Canadian domestic violence protection order and declaration  
33 signed under penalty of perjury stating that, to the best of the  
34 individual's knowledge, the order is valid and in effect, the clerk  
35 of the court shall ~~((register))~~ file the order in accordance with  
36 this section.

37       ~~((3) An individual registering a Canadian domestic violence~~  
38 ~~protection order under this section shall file an affidavit stating~~

1 ~~that, to the best of the individual's knowledge, the order is valid~~  
2 ~~and in effect.))~~

3 (4) After a Canadian domestic violence protection order is  
4 ~~((registered))~~ filed under this section, the clerk of the court shall  
5 provide the individual ~~((registering))~~ filing the order a certified  
6 copy of the ~~((registered))~~ filed order.

7 ~~((A Canadian domestic violence protection order registered~~  
8 ~~under this section may be entered in a state or federal registry of~~  
9 ~~protection orders in accordance with law.~~

10 ~~(6) An inaccurate, expired, or unenforceable Canadian domestic~~  
11 ~~violence protection order may be corrected or removed from the~~  
12 ~~registry of protection orders maintained in this state in accordance~~  
13 ~~with law of this state other than this chapter.~~

14 ~~(7))~~ A fee may not be charged for the ~~((registration))~~ filing of  
15 a Canadian domestic violence protection order under this section.

16 ~~((8) Registration in this state or filing under law of this~~  
17 ~~state other than this chapter of a Canadian domestic violence~~  
18 ~~protection order is not required for its enforcement under this~~  
19 ~~chapter.))~~

20 NEW SECTION. **Sec. 87.** A new section is added to chapter 26.55  
21 RCW to read as follows:

22 (1) A copy of a Canadian domestic violence protection order filed  
23 with the clerk, an order granting recognition and enforcement, or an  
24 order denying recognition and enforcement under this chapter, shall  
25 be forwarded by the clerk of the court on or before the next judicial  
26 day to the law enforcement agency specified in the order. An order  
27 granting or denying recognition and enforcement shall be accompanied  
28 by a copy of the related Canadian domestic violence protection order.

29 (2) Upon receipt of the order, the law enforcement agency shall  
30 comply with the requirements of section 42 of this act.

31 **Sec. 88.** RCW 26.55.050 and 2019 c 263 s 906 are each amended to  
32 read as follows:

33 The state, state agency, local governmental agency, law  
34 enforcement officer, prosecuting attorney, clerk of court, and state  
35 or local governmental official acting in an official capacity are  
36 immune from civil and criminal liability for an act or omission  
37 arising out of the ~~((registration))~~ filing or recognition and  
38 enforcement of a Canadian domestic violence protection order or the

1 detention or arrest of an alleged violator of a Canadian domestic  
2 violence protection order if the act or omission was a good faith  
3 effort to comply with this chapter.

4 **PART XIII**

5 **EFFECTIVE DATE AND EXPIRATION DATE**

6 NEW SECTION. **Sec. 89.** Sections 72, 73, and 74 of this act take  
7 effect January 1, 2022.

8 NEW SECTION. **Sec. 90.** Sections 2, 28, and 63 of this act expire  
9 January 1, 2022.

10 **PART XIV**

11 **CONFORMING AND TECHNICAL AMENDMENTS**

12 **Sec. 91.** RCW 2.28.210 and 2016 c 89 s 1 are each amended to read  
13 as follows:

14 (1) Before granting an order under any of the following titles of  
15 the laws of the state of Washington, the court may consult the  
16 judicial information system or any related databases, if available,  
17 to determine criminal history or the pendency of other proceedings  
18 involving the parties:

19 (a) Granting any temporary or final order establishing a  
20 parenting plan or residential schedule or directing residential  
21 placement of a child or restraining or limiting a party's contact  
22 with a child under Title 26 RCW;

23 (b) Granting any order regarding a vulnerable child or adult or  
24 alleged incapacitated person irrespective of the title or where  
25 contained in the laws of the state of Washington;

26 (c) Granting letters of guardianship or administration or letters  
27 testamentary under Title 11 RCW;

28 (d) Granting any relief under Title 71 RCW;

29 (e) Granting any relief in a juvenile proceeding under Title 13  
30 RCW; or

31 (f) Granting any order of protection, temporary order of  
32 protection, or criminal no-contact order under chapter (~~7.90-~~  
33 ~~7.92~~) 7.--- (the new chapter created in section 81 of this act),  
34 9A.46, (~~10.14~~) 10.99, (~~26.50~~) or 26.52 RCW.

1 (2) In the event that the court consults such a database, the  
2 court shall disclose that fact to the parties and shall disclose any  
3 particular matters relied upon by the court in rendering the  
4 decision. Upon request of a party, a copy of the document relied upon  
5 must be filed, as a confidential document, within the court file,  
6 with any confidential contact information such as addresses, phone  
7 numbers, or other information that might disclose the location or  
8 whereabouts of any person redacted from the document or documents.

9 **Sec. 92.** RCW 4.08.050 and 1996 c 134 s 7 are each amended to  
10 read as follows:

11 Except as provided under RCW (~~(26.50.020 and)~~) 28A.225.035 and  
12 section 14 of this act, when an infant is a party he or she shall  
13 appear by guardian, or if he or she has no guardian, or in the  
14 opinion of the court the guardian is an improper person, the court  
15 shall appoint one to act. Said guardian shall be appointed as  
16 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. 93.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to  
27 read as follows:

28 (1) Any person desiring a change of his or her name or that of  
29 his or her child or ward, may apply therefor to the district court of  
30 the judicial district in which he or she resides, by petition setting  
31 forth the reasons for such change; thereupon such court in its  
32 discretion may order a change of the name and thenceforth the new  
33 name shall be in place of the former.

34 (2) An offender under the jurisdiction of the department of  
35 corrections who applies to change his or her name under subsection  
36 (1) of this section shall submit a copy of the application to the  
37 department of corrections not fewer than five days before the entry  
38 of an order granting the name change. No offender under the

1 jurisdiction of the department of corrections at the time of  
2 application shall be granted an order changing his or her name if the  
3 court finds that doing so will interfere with legitimate penological  
4 interests, except that no order shall be denied when the name change  
5 is requested for religious or legitimate cultural reasons or in  
6 recognition of marriage or dissolution of marriage. An offender under  
7 the jurisdiction of the department of corrections who receives an  
8 order changing his or her name shall submit a copy of the order to  
9 the department of corrections within five days of the entry of the  
10 order. Violation of this subsection is a misdemeanor.

11 (3) A sex offender subject to registration under RCW 9A.44.130  
12 who applies to change his or her name under subsection (1) of this  
13 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)  
14 (7).

15 (4) The district court shall collect the fees authorized by RCW  
16 36.18.010 for filing and recording a name change order, and transmit  
17 the fee and the order to the county auditor. The court may collect a  
18 reasonable fee to cover the cost of transmitting the order to the  
19 county auditor.

20 (5) Name change petitions may be filed and shall be heard in  
21 superior court when the person desiring a change of his or her name  
22 or that of his or her child or ward is a victim of domestic violence  
23 as defined in (~~(RCW 26.50.010(1))~~) section 2 of this act and the  
24 person seeks to have the name change file sealed due to reasonable  
25 fear for his or her safety or that of his or her child or ward. Upon  
26 granting the name change, the superior court shall seal the file if  
27 the court finds that the safety of the person seeking the name change  
28 or his or her child or ward warrants sealing the file. In all cases  
29 filed under this subsection, whether or not the name change petition  
30 is granted, there shall be no public access to any court record of  
31 the name change filing, proceeding, or order, unless the name change  
32 is granted but the file is not sealed.

33 **Sec. 94.** RCW 7.77.060 and 2020 c 29 s 1 are each amended to read  
34 as follows:

35 During a collaborative law process, a tribunal may issue  
36 emergency orders to protect the health, safety, welfare, or interest  
37 of a party or of a family or household member or intimate partner, as  
38 defined in (~~(RCW 26.50.010)~~) section 2 of this act.

1       **Sec. 95.** RCW 7.77.080 and 2020 c 29 s 2 are each amended to read  
2 as follows:

3       (1) Except as otherwise provided in subsection (3) of this  
4 section, a collaborative lawyer is disqualified from appearing before  
5 a tribunal to represent a party in a proceeding related to the  
6 collaborative matter.

7       (2) Except as otherwise provided in subsection (3) of this  
8 section and RCW 7.77.090, a lawyer in a law firm with which the  
9 collaborative lawyer is associated is disqualified from appearing  
10 before a tribunal to represent a party in a proceeding related to the  
11 collaborative matter if the collaborative lawyer is disqualified from  
12 doing so under subsection (1) of this section.

13       (3) A collaborative lawyer or a lawyer in a law firm with which  
14 the collaborative lawyer is associated may represent a party:

15       (a) To ask a tribunal to approve an agreement resulting from the  
16 collaborative law process; or

17       (b) To seek or defend an emergency order to protect the health,  
18 safety, welfare, or interest of a party, or family or household  
19 member or intimate partner, as defined in (~~RCW 26.50.010~~) section 2  
20 of this act, if a successor lawyer is not immediately available to  
21 represent that person.

22       (4) If subsection (3)(b) of this section applies, a collaborative  
23 lawyer, or lawyer in a law firm with which the collaborative lawyer  
24 is associated, may represent a party or family or household member or  
25 intimate partner only until the person is represented by a successor  
26 lawyer or reasonable measures are taken to protect the health,  
27 safety, welfare, or interest of the person.

28       **Sec. 96.** RCW 9.41.010 and 2020 c 29 s 3 are each amended to read  
29 as follows:

30       Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout this chapter.

32       (1) "Antique firearm" means a firearm or replica of a firearm not  
33 designed or redesigned for using rim fire or conventional center fire  
34 ignition with fixed ammunition and manufactured in or before 1898,  
35 including any matchlock, flintlock, percussion cap, or similar type  
36 of ignition system and also any firearm using fixed ammunition  
37 manufactured in or before 1898, for which ammunition is no longer  
38 manufactured in the United States and is not readily available in the  
39 ordinary channels of commercial trade.

1 (2) "Barrel length" means the distance from the bolt face of a  
2 closed action down the length of the axis of the bore to the crown of  
3 the muzzle, or in the case of a barrel with attachments to the end of  
4 any legal device permanently attached to the end of the muzzle.

5 (3) "Bump-fire stock" means a butt stock designed to be attached  
6 to a semiautomatic firearm with the effect of increasing the rate of  
7 fire achievable with the semiautomatic firearm to that of a fully  
8 automatic firearm by using the energy from the recoil of the firearm  
9 to generate reciprocating action that facilitates repeated activation  
10 of the trigger.

11 (4) "Crime of violence" means:

12 (a) Any of the following felonies, as now existing or hereafter  
13 amended: Any felony defined under any law as a class A felony or an  
14 attempt to commit a class A felony, criminal solicitation of or  
15 criminal conspiracy to commit a class A felony, manslaughter in the  
16 first degree, manslaughter in the second degree, indecent liberties  
17 if committed by forcible compulsion, kidnapping in the second degree,  
18 arson in the second degree, assault in the second degree, assault of  
19 a child in the second degree, extortion in the first degree, burglary  
20 in the second degree, residential burglary, and robbery in the second  
21 degree;

22 (b) Any conviction for a felony offense in effect at any time  
23 prior to June 6, 1996, which is comparable to a felony classified as  
24 a crime of violence in (a) of this subsection; and

25 (c) Any federal or out-of-state conviction for an offense  
26 comparable to a felony classified as a crime of violence under (a) or  
27 (b) of this subsection.

28 (5) "Curio or relic" has the same meaning as provided in 27  
29 C.F.R. Sec. 478.11.

30 (6) "Dealer" means a person engaged in the business of selling  
31 firearms at wholesale or retail who has, or is required to have, a  
32 federal firearms license under 18 U.S.C. Sec. 923(a). A person who  
33 does not have, and is not required to have, a federal firearms  
34 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person  
35 makes only occasional sales, exchanges, or purchases of firearms for  
36 the enhancement of a personal collection or for a hobby, or sells all  
37 or part of his or her personal collection of firearms.

38 (7) "Family or household member" has the same meaning as in ((RCW  
39 ~~26.50.010~~) section 2 of this act.



1 (8) "Felony" means any felony offense under the laws of this  
2 state or any federal or out-of-state offense comparable to a felony  
3 offense under the laws of this state.

4 (9) "Felony firearm offender" means a person who has previously  
5 been convicted or found not guilty by reason of insanity in this  
6 state of any felony firearm offense. A person is not a felony firearm  
7 offender under this chapter if any and all qualifying offenses have  
8 been the subject of an expungement, pardon, annulment, certificate,  
9 or rehabilitation, or other equivalent procedure based on a finding  
10 of the rehabilitation of the person convicted or a pardon, annulment,  
11 or other equivalent procedure based on a finding of innocence.

12 (10) "Felony firearm offense" means:

13 (a) Any felony offense that is a violation of this chapter;

14 (b) A violation of RCW 9A.36.045;

15 (c) A violation of RCW 9A.56.300;

16 (d) A violation of RCW 9A.56.310;

17 (e) Any felony offense if the offender was armed with a firearm  
18 in the commission of the offense.

19 (11) "Firearm" means a weapon or device from which a projectile  
20 or projectiles may be fired by an explosive such as gunpowder.  
21 "Firearm" does not include a flare gun or other pyrotechnic visual  
22 distress signaling device, or a powder-actuated tool or other device  
23 designed solely to be used for construction purposes.

24 (12) "Gun" has the same meaning as firearm.

25 (13) "Intimate partner" has the same meaning as provided in ((RCW  
26 ~~26.50.010~~) section 2 of this act).

27 (14) "Law enforcement officer" includes a general authority  
28 Washington peace officer as defined in RCW 10.93.020, or a specially  
29 commissioned Washington peace officer as defined in RCW 10.93.020.  
30 "Law enforcement officer" also includes a limited authority  
31 Washington peace officer as defined in RCW 10.93.020 if such officer  
32 is duly authorized by his or her employer to carry a concealed  
33 pistol.

34 (15) "Lawful permanent resident" has the same meaning afforded a  
35 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
36 1101(a)(20).

37 (16) "Licensed collector" means a person who is federally  
38 licensed under 18 U.S.C. Sec. 923(b).

39 (17) "Licensed dealer" means a person who is federally licensed  
40 under 18 U.S.C. Sec. 923(a).

1 (18) "Loaded" means:  
2 (a) There is a cartridge in the chamber of the firearm;  
3 (b) Cartridges are in a clip that is locked in place in the  
4 firearm;  
5 (c) There is a cartridge in the cylinder of the firearm, if the  
6 firearm is a revolver;  
7 (d) There is a cartridge in the tube or magazine that is inserted  
8 in the action; or  
9 (e) There is a ball in the barrel and the firearm is capped or  
10 primed if the firearm is a muzzle loader.  
11 (19) "Machine gun" means any firearm known as a machine gun,  
12 mechanical rifle, submachine gun, or any other mechanism or  
13 instrument not requiring that the trigger be pressed for each shot  
14 and having a reservoir clip, disc, drum, belt, or other separable  
15 mechanical device for storing, carrying, or supplying ammunition  
16 which can be loaded into the firearm, mechanism, or instrument, and  
17 fired therefrom at the rate of five or more shots per second.  
18 (20) "Manufacture" means, with respect to a firearm, the  
19 fabrication or construction of a firearm.  
20 (21) "Nonimmigrant alien" means a person defined as such in 8  
21 U.S.C. Sec. 1101(a) (15).  
22 (22) "Person" means any individual, corporation, company,  
23 association, firm, partnership, club, organization, society, joint  
24 stock company, or other legal entity.  
25 (23) "Pistol" means any firearm with a barrel less than sixteen  
26 inches in length, or is designed to be held and fired by the use of a  
27 single hand.  
28 (24) "Rifle" means a weapon designed or redesigned, made or  
29 remade, and intended to be fired from the shoulder and designed or  
30 redesigned, made or remade, and intended to use the energy of the  
31 explosive in a fixed metallic cartridge to fire only a single  
32 projectile through a rifled bore for each single pull of the trigger.  
33 (25) "Sale" and "sell" mean the actual approval of the delivery  
34 of a firearm in consideration of payment or promise of payment.  
35 (26) "Secure gun storage" means:  
36 (a) A locked box, gun safe, or other secure locked storage space  
37 that is designed to prevent unauthorized use or discharge of a  
38 firearm; and  
39 (b) The act of keeping an unloaded firearm stored by such means.

1 (27) "Semiautomatic assault rifle" means any rifle which utilizes  
2 a portion of the energy of a firing cartridge to extract the fired  
3 cartridge case and chamber the next round, and which requires a  
4 separate pull of the trigger to fire each cartridge.

5 "Semiautomatic assault rifle" does not include antique firearms,  
6 any firearm that has been made permanently inoperable, or any firearm  
7 that is manually operated by bolt, pump, lever, or slide action.

8 (28) "Serious offense" means any of the following felonies or a  
9 felony attempt to commit any of the following felonies, as now  
10 existing or hereafter amended:

11 (a) Any crime of violence;

12 (b) Any felony violation of the uniform controlled substances  
13 act, chapter 69.50 RCW, that is classified as a class B felony or  
14 that has a maximum term of imprisonment of at least ten years;

15 (c) Child molestation in the second degree;

16 (d) Incest when committed against a child under age fourteen;

17 (e) Indecent liberties;

18 (f) Leading organized crime;

19 (g) Promoting prostitution in the first degree;

20 (h) Rape in the third degree;

21 (i) Drive-by shooting;

22 (j) Sexual exploitation;

23 (k) Vehicular assault, when caused by the operation or driving of  
24 a vehicle by a person while under the influence of intoxicating  
25 liquor or any drug or by the operation or driving of a vehicle in a  
26 reckless manner;

27 (l) Vehicular homicide, when proximately caused by the driving of  
28 any vehicle by any person while under the influence of intoxicating  
29 liquor or any drug as defined by RCW 46.61.502, or by the operation  
30 of any vehicle in a reckless manner;

31 (m) Any other class B felony offense with a finding of sexual  
32 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

33 (n) Any other felony with a deadly weapon verdict under RCW  
34 9.94A.825;

35 (o) Any felony offense in effect at any time prior to June 6,  
36 1996, that is comparable to a serious offense, or any federal or out-  
37 of-state conviction for an offense that under the laws of this state  
38 would be a felony classified as a serious offense; or

39 (p) Any felony conviction under RCW 9.41.115.

1 (29) "Short-barreled rifle" means a rifle having one or more  
2 barrels less than sixteen inches in length and any weapon made from a  
3 rifle by any means of modification if such modified weapon has an  
4 overall length of less than twenty-six inches.

5 (30) "Short-barreled shotgun" means a shotgun having one or more  
6 barrels less than eighteen inches in length and any weapon made from  
7 a shotgun by any means of modification if such modified weapon has an  
8 overall length of less than twenty-six inches.

9 (31) "Shotgun" means a weapon with one or more barrels, designed  
10 or redesigned, made or remade, and intended to be fired from the  
11 shoulder and designed or redesigned, made or remade, and intended to  
12 use the energy of the explosive in a fixed shotgun shell to fire  
13 through a smooth bore either a number of ball shot or a single  
14 projectile for each single pull of the trigger.

15 (32) "Transfer" means the intended delivery of a firearm to  
16 another person without consideration of payment or promise of payment  
17 including, but not limited to, gifts and loans. "Transfer" does not  
18 include the delivery of a firearm owned or leased by an entity  
19 licensed or qualified to do business in the state of Washington to,  
20 or return of such a firearm by, any of that entity's employees or  
21 agents, defined to include volunteers participating in an honor  
22 guard, for lawful purposes in the ordinary course of business.

23 (33) "Undetectable firearm" means any firearm that is not as  
24 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through  
25 metal detectors or magnetometers commonly used at airports or any  
26 firearm where the barrel, the slide or cylinder, or the frame or  
27 receiver of the firearm would not generate an image that accurately  
28 depicts the shape of the part when examined by the types of X-ray  
29 machines commonly used at airports.

30 (34) "Unlicensed person" means any person who is not a licensed  
31 dealer under this chapter.

32 (35) "Untraceable firearm" means any firearm manufactured after  
33 July 1, 2019, that is not an antique firearm and that cannot be  
34 traced by law enforcement by means of a serial number affixed to the  
35 firearm by a federally licensed manufacturer or importer.

36 **Sec. 97.** RCW 9.41.042 and 2020 c 18 s 6 are each amended to read  
37 as follows:

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

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

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

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

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

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

18 (6) Traveling with any unloaded firearm in the person's  
19 possession to or from any activity described in subsection (1), (2),  
20 (3), (4), or (5) of this section;

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

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

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

29 **Sec. 98.** RCW 9.41.070 and 2020 c 148 s 2 are each amended to  
30 read as follows:

31 (1) The chief of police of a municipality or the sheriff of a  
32 county shall within thirty days after the filing of an application of  
33 any person, issue a license to such person to carry a pistol  
34 concealed on his or her person within this state for five years from  
35 date of issue, for the purposes of protection or while engaged in  
36 business, sport, or while traveling. However, if the applicant does  
37 not have a valid permanent Washington driver's license or Washington  
38 state identification card or has not been a resident of the state for  
39 the previous consecutive ninety days, the issuing authority shall

1 have up to sixty days after the filing of the application to issue a  
2 license. The issuing authority shall not refuse to accept completed  
3 applications for concealed pistol licenses during regular business  
4 hours.

5 The applicant's constitutional right to bear arms shall not be  
6 denied, unless:

7 (a) He or she is ineligible to possess a firearm under the  
8 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from  
9 possessing a firearm under federal law;

10 (b) The applicant's concealed pistol license is in a revoked  
11 status;

12 (c) He or she is under twenty-one years of age;

13 (d) He or she is subject to a court order or injunction regarding  
14 firearms pursuant to chapter (~~7.90, 7.92, or 7.94~~) 7.--- RCW (the  
15 new chapter created in section 81 of this act), or RCW 9A.46.080,  
16 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,  
17 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470;

18 (e) He or she is free on bond or personal recognizance pending  
19 trial, appeal, or sentencing for a felony offense;

20 (f) He or she has an outstanding warrant for his or her arrest  
21 from any court of competent jurisdiction for a felony or misdemeanor;  
22 or

23 (g) He or she has been ordered to forfeit a firearm under RCW  
24 9.41.098(1)(e) within one year before filing an application to carry  
25 a pistol concealed on his or her person.

26 No person convicted of a felony may have his or her right to  
27 possess firearms restored or his or her privilege to carry a  
28 concealed pistol restored, unless the person has been granted relief  
29 from disabilities by the attorney general under 18 U.S.C. Sec.  
30 925(c), or RCW 9.41.040 (3) or (4) applies.

31 (2)(a) The issuing authority shall conduct a check through the  
32 national instant criminal background check system, the Washington  
33 state patrol electronic database, the health care authority  
34 electronic database, and with other agencies or resources as  
35 appropriate, to determine whether the applicant is ineligible under  
36 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
37 possessing a firearm under federal law, and therefore ineligible for  
38 a concealed pistol license.

1 (b) The issuing authority shall deny a permit to anyone who is  
2 found to be prohibited from possessing a firearm under federal or  
3 state law.

4 (c) (a) and (b) of this subsection apply whether the applicant is  
5 applying for a new concealed pistol license or to renew a concealed  
6 pistol license.

7 (d) A background check for an original license must be conducted  
8 through the Washington state patrol criminal identification section  
9 and shall include a national check from the federal bureau of  
10 investigation through the submission of fingerprints. The results  
11 will be returned to the issuing authority. The applicant may request  
12 and receive a copy of the results of the background check from the  
13 issuing authority. If the applicant seeks to amend or correct their  
14 record, the applicant must contact the Washington state patrol for a  
15 Washington state record or the federal bureau of investigation for  
16 records from other jurisdictions.

17 (3) Any person whose firearms rights have been restricted and who  
18 has been granted relief from disabilities by the attorney general  
19 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
20 921(a)(20)(A) shall have his or her right to acquire, receive,  
21 transfer, ship, transport, carry, and possess firearms in accordance  
22 with Washington state law restored except as otherwise prohibited by  
23 this chapter.

24 (4) The license application shall bear the full name, residential  
25 address, telephone number at the option of the applicant, email  
26 address at the option of the applicant, date and place of birth,  
27 race, gender, description, a complete set of fingerprints, and  
28 signature of the licensee, and the licensee's driver's license number  
29 or state identification card number if used for identification in  
30 applying for the license. A signed application for a concealed pistol  
31 license shall constitute a waiver of confidentiality and written  
32 request that the health care authority, mental health institutions,  
33 and other health care facilities release information relevant to the  
34 applicant's eligibility for a concealed pistol license to an  
35 inquiring court or law enforcement agency.

36 The application for an original license shall include a complete  
37 set of fingerprints to be forwarded to the Washington state patrol.

38 The license and application shall contain a warning substantially  
39 as follows:

1 CAUTION: Although state and local laws do not differ, federal  
2 law and state law on the possession of firearms differ. If  
3 you are prohibited by federal law from possessing a firearm,  
4 you may be prosecuted in federal court. A state license is  
5 not a defense to a federal prosecution.

6 The license shall contain a description of the major differences  
7 between state and federal law and an explanation of the fact that  
8 local laws and ordinances on firearms are preempted by state law and  
9 must be consistent with state law.

10 The application shall contain questions about the applicant's  
11 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
12 the applicant's place of birth, and whether the applicant is a United  
13 States citizen. If the applicant is not a United States citizen, the  
14 applicant must provide the applicant's country of citizenship, United  
15 States issued alien number or admission number, and the basis on  
16 which the applicant claims to be exempt from federal prohibitions on  
17 firearm possession by aliens. The applicant shall not be required to  
18 produce a birth certificate or other evidence of citizenship. A  
19 person who is not a citizen of the United States shall, if  
20 applicable, meet the additional requirements of RCW 9.41.173 and  
21 produce proof of compliance with RCW 9.41.173 upon application. The  
22 license may be in triplicate or in a form to be prescribed by the  
23 department of licensing.

24 A photograph of the applicant may be required as part of the  
25 application and printed on the face of the license.

26 The original thereof shall be delivered to the licensee, the  
27 duplicate shall within seven days be sent to the director of  
28 licensing and the triplicate shall be preserved for six years, by the  
29 authority issuing the license.

30 The department of licensing shall make available to law  
31 enforcement and corrections agencies, in an online format, all  
32 information received under this subsection.

33 (5) The nonrefundable fee, paid upon application, for the  
34 original five-year license shall be thirty-six dollars plus  
35 additional charges imposed by the federal bureau of investigation  
36 that are passed on to the applicant. No other state or local branch  
37 or unit of government may impose any additional charges on the  
38 applicant for the issuance of the license.

39 The fee shall be distributed as follows:



1 (a) Fifteen dollars shall be paid to the state general fund;  
2 (b) Four dollars shall be paid to the agency taking the  
3 fingerprints of the person licensed;  
4 (c) Fourteen dollars shall be paid to the issuing authority for  
5 the purpose of enforcing this chapter;  
6 (d) Two dollars and sixteen cents to the firearms range account  
7 in the general fund; and  
8 (e) Eighty-four cents to the concealed pistol license renewal  
9 notification account created in RCW 43.79.540.  
10 (6) The nonrefundable fee for the renewal of such license shall  
11 be thirty-two dollars. No other branch or unit of government may  
12 impose any additional charges on the applicant for the renewal of the  
13 license.  
14 The renewal fee shall be distributed as follows:  
15 (a) Fifteen dollars shall be paid to the state general fund;  
16 (b) Fourteen dollars shall be paid to the issuing authority for  
17 the purpose of enforcing this chapter;  
18 (c) Two dollars and sixteen cents to the firearms range account  
19 in the general fund; and  
20 (d) Eighty-four cents to the concealed pistol license renewal  
21 notification account created in RCW 43.79.540.  
22 (7) The nonrefundable fee for replacement of lost or damaged  
23 licenses is ten dollars to be paid to the issuing authority.  
24 (8) Payment shall be by cash, check, or money order at the option  
25 of the applicant. Additional methods of payment may be allowed at the  
26 option of the issuing authority.  
27 (9)(a) A licensee may renew a license if the licensee applies for  
28 renewal within ninety days before or after the expiration date of the  
29 license. A license so renewed shall take effect on the expiration  
30 date of the prior license. A licensee renewing after the expiration  
31 date of the license must pay a late renewal penalty of ten dollars in  
32 addition to the renewal fee specified in subsection (6) of this  
33 section. The fee shall be distributed as follows:  
34 (i) Three dollars shall be deposited in the limited fish and  
35 wildlife account and used exclusively first for the printing and  
36 distribution of a pamphlet on the legal limits of the use of  
37 firearms, firearms safety, and the preemptive nature of state law,  
38 and subsequently the support of volunteer instructors in the basic  
39 firearms safety training program conducted by the department of fish

1 and wildlife. The pamphlet shall be given to each applicant for a  
2 license; and

3 (ii) Seven dollars shall be paid to the issuing authority for the  
4 purpose of enforcing this chapter.

5 (b) Beginning with concealed pistol licenses that expire on or  
6 after August 1, 2018, the department of licensing shall mail a  
7 renewal notice approximately ninety days before the license  
8 expiration date to the licensee at the address listed on the  
9 concealed pistol license application, or to the licensee's new  
10 address if the licensee has notified the department of licensing of a  
11 change of address. Alternatively, if the licensee provides an email  
12 address at the time of license application, the department of  
13 licensing may send the renewal notice to the licensee's email  
14 address. The notice must contain the date the concealed pistol  
15 license will expire, the amount of renewal fee, the penalty for late  
16 renewal, and instructions on how to renew the license.

17 (10) Notwithstanding the requirements of subsections (1) through  
18 (9) of this section, the chief of police of the municipality or the  
19 sheriff of the county of the applicant's residence may issue a  
20 temporary emergency license for good cause pending review under  
21 subsection (1) of this section. However, a temporary emergency  
22 license issued under this subsection shall not exempt the holder of  
23 the license from any records check requirement. Temporary emergency  
24 licenses shall be easily distinguishable from regular licenses.

25 (11) A political subdivision of the state shall not modify the  
26 requirements of this section or chapter, nor may a political  
27 subdivision ask the applicant to voluntarily submit any information  
28 not required by this section.

29 (12) A person who knowingly makes a false statement regarding  
30 citizenship or identity on an application for a concealed pistol  
31 license is guilty of false swearing under RCW 9A.72.040. In addition  
32 to any other penalty provided for by law, the concealed pistol  
33 license of a person who knowingly makes a false statement shall be  
34 revoked, and the person shall be permanently ineligible for a  
35 concealed pistol license.

36 (13) A person may apply for a concealed pistol license:

37 (a) To the municipality or to the county in which the applicant  
38 resides if the applicant resides in a municipality;

39 (b) To the county in which the applicant resides if the applicant  
40 resides in an unincorporated area; or

1 (c) Anywhere in the state if the applicant is a nonresident.

2 (14) Any person who, as a member of the armed forces, including  
3 the national guard and armed forces reserves, is unable to renew his  
4 or her license under subsections (6) and (9) of this section because  
5 of the person's assignment, reassignment, or deployment for out-of-  
6 state military service may renew his or her license within ninety  
7 days after the person returns to this state from out-of-state  
8 military service, if the person provides the following to the issuing  
9 authority no later than ninety days after the person's date of  
10 discharge or assignment, reassignment, or deployment back to this  
11 state: (a) A copy of the person's original order designating the  
12 specific period of assignment, reassignment, or deployment for out-  
13 of-state military service, and (b) if appropriate, a copy of the  
14 person's discharge or amended or subsequent assignment, reassignment,  
15 or deployment order back to this state. A license so renewed under  
16 this subsection (14) shall take effect on the expiration date of the  
17 prior license. A licensee renewing after the expiration date of the  
18 license under this subsection (14) shall pay only the renewal fee  
19 specified in subsection (6) of this section and shall not be required  
20 to pay a late renewal penalty in addition to the renewal fee.

21 (15)(a) By October 1, 2019, law enforcement agencies that issue  
22 concealed pistol licenses shall develop and implement a procedure for  
23 the renewal of concealed pistol licenses through a mail application  
24 process, and may develop an online renewal application process, for  
25 any person who, as a member of the armed forces, including the  
26 national guard and armed forces reserves, is unable to renew his or  
27 her license under subsections (6) and (9) of this section because of  
28 the person's assignment, reassignment, or deployment for out-of-state  
29 military service.

30 (b) A person applying for a license renewal under this subsection  
31 shall:

32 (i) Provide a copy of the person's original order designating the  
33 specific period of assignment, reassignment, or deployment for out-  
34 of-state military service;

35 (ii) Apply for renewal within ninety days before or after the  
36 expiration date of the license; and

37 (iii) Pay the renewal licensing fee under subsection (6) of this  
38 section, and, if applicable, the late renewal penalty under  
39 subsection (9) of this section.

1 (c) A license renewed under this subsection takes effect on the  
2 expiration date of the prior license and is valid for a period of one  
3 year.

4 **Sec. 99.** RCW 9.41.173 and 2019 c 46 s 5005 are each amended to  
5 read as follows:

6 (1) In order to obtain an alien firearm license, a nonimmigrant  
7 alien residing in Washington must apply to the sheriff of the county  
8 in which he or she resides.

9 (2) The sheriff of the county shall within sixty days after the  
10 filing of an application of a nonimmigrant alien residing in the  
11 state of Washington, issue an alien firearm license to such person to  
12 carry or possess a firearm for the purposes of hunting and sport  
13 shooting. The license shall be good for two years. The issuing  
14 authority shall not refuse to accept completed applications for alien  
15 firearm licenses during regular business hours. An application for a  
16 license may not be denied, unless the applicant's alien firearm  
17 license is in a revoked status, or the applicant:

18 (a) Is ineligible to possess a firearm under the provisions of  
19 RCW 9.41.040 or 9.41.045;

20 (b) Is subject to a court order or injunction regarding firearms  
21 pursuant to chapter 7.--- RCW (the new chapter created in section 81  
22 of this act) or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
23 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,  
24 26.50.070, or 26.26A.470;

25 (c) Is free on bond or personal recognizance pending trial,  
26 appeal, or sentencing for a felony offense; or

27 (d) Has an outstanding warrant for his or her arrest from any  
28 court of competent jurisdiction for a felony or misdemeanor.

29 No license application shall be granted to a nonimmigrant alien  
30 convicted of a felony unless the person has been granted relief from  
31 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or  
32 unless RCW 9.41.040 (3) or (4) applies.

33 (3) The sheriff shall check with the national crime information  
34 center, the Washington state patrol electronic database, the health  
35 care authority electronic database, and with other agencies or  
36 resources as appropriate, to determine whether the applicant is  
37 ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

38 (4) The license application shall bear the full name, residential  
39 address, telephone number at the option of the applicant, date and

1 place of birth, race, gender, description, a complete set of  
2 fingerprints, and signature of the applicant, a copy of the  
3 applicant's passport and visa showing the applicant is in the country  
4 legally, and a valid Washington hunting license or documentation that  
5 the applicant is a member of a sport shooting club.

6 A signed application for an alien firearm license shall  
7 constitute a waiver of confidentiality and written request that the  
8 health care authority, mental health institutions, and other health  
9 care facilities release information relevant to the applicant's  
10 eligibility for an alien firearm license to an inquiring court or law  
11 enforcement agency.

12 The application for an original license shall include a complete  
13 set of fingerprints to be forwarded to the Washington state patrol.

14 The license and application shall contain a warning substantially  
15 as follows:

16 CAUTION: Although state and local laws do not differ, federal  
17 law and state law on the possession of firearms differ. If  
18 you are prohibited by federal law from possessing a firearm,  
19 you may be prosecuted in federal court. A state license is  
20 not a defense to a federal prosecution.

21 The license shall contain a description of the major differences  
22 between state and federal law and an explanation of the fact that  
23 local laws and ordinances on firearms are preempted by state law and  
24 must be consistent with state law. The application shall contain  
25 questions about the applicant's eligibility under RCW 9.41.040 to  
26 possess a firearm. The nonimmigrant alien applicant shall be required  
27 to produce a passport and visa as evidence of being in the country  
28 legally.

29 The license may be in triplicate or in a form to be prescribed by  
30 the department of licensing. The original thereof shall be delivered  
31 to the licensee, the duplicate shall within seven days be sent to the  
32 director of licensing and the triplicate shall be preserved for six  
33 years, by the authority issuing the license.

34 The department of licensing shall make available to law  
35 enforcement and corrections agencies, in an online format, all  
36 information received under this section.

37 (5) The sheriff has the authority to collect a nonrefundable fee,  
38 paid upon application, for the two-year license. The fee shall be  
39 fifty dollars plus additional charges imposed by the Washington state

1 patrol and the federal bureau of investigation that are passed on to  
2 the applicant. No other state or local branch or unit of government  
3 may impose any additional charges on the applicant for the issuance  
4 of the license. The fee shall be retained by the sheriff.

5 (6) Payment shall be by cash, check, or money order at the option  
6 of the applicant. Additional methods of payment may be allowed at the  
7 option of the sheriff.

8 (7) A political subdivision of the state shall not modify the  
9 requirements of this section, nor may a political subdivision ask the  
10 applicant to voluntarily submit any information not required by this  
11 section.

12 (8) A person who knowingly makes a false statement regarding  
13 citizenship or identity on an application for an alien firearm  
14 license is guilty of false swearing under RCW 9A.72.040. In addition  
15 to any other penalty provided for by law, the alien firearm license  
16 of a person who knowingly makes a false statement shall be revoked,  
17 and the person shall be permanently ineligible for an alien firearm  
18 license.

19 **Sec. 100.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s  
20 6007 are each reenacted and amended to read as follows:

21 (1) It is unlawful for any person to enter the following places  
22 when he or she knowingly possesses or knowingly has under his or her  
23 control a weapon:

24 (a) The restricted access areas of a jail, or of a law  
25 enforcement facility, or any place used for the confinement of a  
26 person (i) arrested for, charged with, or convicted of an offense,  
27 (ii) held for extradition or as a material witness, or (iii)  
28 otherwise confined pursuant to an order of a court, except an order  
29 under chapter 13.32A or 13.34 RCW. Restricted access areas do not  
30 include common areas of egress or ingress open to the general public;

31 (b) Those areas in any building which are used in connection with  
32 court proceedings, including courtrooms, jury rooms, judge's  
33 chambers, offices and areas used to conduct court business, waiting  
34 areas, and corridors adjacent to areas used in connection with court  
35 proceedings. The restricted areas do not include common areas of  
36 ingress and egress to the building that is used in connection with  
37 court proceedings, when it is possible to protect court areas without  
38 restricting ingress and egress to the building. The restricted areas

1 shall be the minimum necessary to fulfill the objective of this  
2 subsection (1)(b).

3 For purposes of this subsection (1)(b), "weapon" means any  
4 firearm, explosive as defined in RCW 70.74.010, or any weapon of the  
5 kind usually known as slungshot, sand club, or metal knuckles, or any  
6 knife, dagger, dirk, or other similar weapon that is capable of  
7 causing death or bodily injury and is commonly used with the intent  
8 to cause death or bodily injury.

9 In addition, the local legislative authority shall provide either  
10 a stationary locked box sufficient in size for pistols and key to a  
11 weapon owner for weapon storage, or shall designate an official to  
12 receive weapons for safekeeping, during the owner's visit to  
13 restricted areas of the building. The locked box or designated  
14 official shall be located within the same building used in connection  
15 with court proceedings. The local legislative authority shall be  
16 liable for any negligence causing damage to or loss of a weapon  
17 either placed in a locked box or left with an official during the  
18 owner's visit to restricted areas of the building.

19 The local judicial authority shall designate and clearly mark  
20 those areas where weapons are prohibited, and shall post notices at  
21 each entrance to the building of the prohibition against weapons in  
22 the restricted areas;

23 (c) The restricted access areas of a public mental health  
24 facility licensed or certified by the department of health for  
25 inpatient hospital care and state institutions for the care of the  
26 mentally ill, excluding those facilities solely for evaluation and  
27 treatment. Restricted access areas do not include common areas of  
28 egress and ingress open to the general public;

29 (d) That portion of an establishment classified by the state  
30 liquor and cannabis board as off-limits to persons under twenty-one  
31 years of age; or

32 (e) The restricted access areas of a commercial service airport  
33 designated in the airport security plan approved by the federal  
34 transportation security administration, including passenger screening  
35 checkpoints at or beyond the point at which a passenger initiates the  
36 screening process. These areas do not include airport drives, general  
37 parking areas and walkways, and shops and areas of the terminal that  
38 are outside the screening checkpoints and that are normally open to  
39 unscreened passengers or visitors to the airport. Any restricted

1 access area shall be clearly indicated by prominent signs indicating  
2 that firearms and other weapons are prohibited in the area.

3 (2) Cities, towns, counties, and other municipalities may enact  
4 laws and ordinances:

5 (a) Restricting the discharge of firearms in any portion of their  
6 respective jurisdictions where there is a reasonable likelihood that  
7 humans, domestic animals, or property will be jeopardized. Such laws  
8 and ordinances shall not abridge the right of the individual  
9 guaranteed by Article I, section 24 of the state Constitution to bear  
10 arms in defense of self or others; and

11 (b) Restricting the possession of firearms in any stadium or  
12 convention center, operated by a city, town, county, or other  
13 municipality, except that such restrictions shall not apply to:

14 (i) Any pistol in the possession of a person licensed under RCW  
15 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

16 (ii) Any showing, demonstration, or lecture involving the  
17 exhibition of firearms.

18 (3)(a) Cities, towns, and counties may enact ordinances  
19 restricting the areas in their respective jurisdictions in which  
20 firearms may be sold, but, except as provided in (b) of this  
21 subsection, a business selling firearms may not be treated more  
22 restrictively than other businesses located within the same zone. An  
23 ordinance requiring the cessation of business within a zone shall not  
24 have a shorter grandfather period for businesses selling firearms  
25 than for any other businesses within the zone.

26 (b) Cities, towns, and counties may restrict the location of a  
27 business selling firearms to not less than five hundred feet from  
28 primary or secondary school grounds, if the business has a  
29 storefront, has hours during which it is open for business, and posts  
30 advertisements or signs observable to passersby that firearms are  
31 available for sale. A business selling firearms that exists as of the  
32 date a restriction is enacted under this subsection (3)(b) shall be  
33 grandfathered according to existing law.

34 (4) Violations of local ordinances adopted under subsection (2)  
35 of this section must have the same penalty as provided for by state  
36 law.

37 (5) The perimeter of the premises of any specific location  
38 covered by subsection (1) of this section shall be posted at  
39 reasonable intervals to alert the public as to the existence of any  
40 law restricting the possession of firearms on the premises.



1 (6) Subsection (1) of this section does not apply to:

2 (a) A person engaged in military activities sponsored by the  
3 federal or state governments, while engaged in official duties;

4 (b) Law enforcement personnel, except that subsection (1)(b) of  
5 this section does apply to a law enforcement officer who is present  
6 at a courthouse building as a party to an antiharassment protection  
7 order action or a domestic violence protection order action under  
8 chapter ((10.14,)) 7.--- (the new chapter created in section 81 of  
9 this act) or 10.99((, or 26.50)) RCW, or an action under Title 26 RCW  
10 where any party has alleged the existence of domestic violence as  
11 defined in ((RCW 26.50.010)) section 2 of this act; or

12 (c) Security personnel while engaged in official duties.

13 (7) Subsection (1)(a), (b), (c), and (e) of this section does not  
14 apply to correctional personnel or community corrections officers, as  
15 long as they are employed as such, who have completed government-  
16 sponsored law enforcement firearms training, except that subsection  
17 (1)(b) of this section does apply to a correctional employee or  
18 community corrections officer who is present at a courthouse building  
19 as a party to an antiharassment protection order action or a domestic  
20 violence protection order action under chapter ((10.14,)) 7.--- (the  
21 new chapter created in section 81 of this act) or 10.99((, or 26.50))  
22 RCW, or an action under Title 26 RCW where any party has alleged the  
23 existence of domestic violence as defined in ((RCW 26.50.010))  
24 section 2 of this act.

25 (8) Subsection (1)(a) of this section does not apply to a person  
26 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
27 facility, directly and promptly proceeds to the administrator of the  
28 facility or the administrator's designee and obtains written  
29 permission to possess the firearm while on the premises or checks his  
30 or her firearm. The person may reclaim the firearms upon leaving but  
31 must immediately and directly depart from the place or facility.

32 (9) Subsection (1)(c) of this section does not apply to any  
33 administrator or employee of the facility or to any person who, upon  
34 entering the place or facility, directly and promptly proceeds to the  
35 administrator of the facility or the administrator's designee and  
36 obtains written permission to possess the firearm while on the  
37 premises.

38 (10) Subsection (1)(d) of this section does not apply to the  
39 proprietor of the premises or his or her employees while engaged in  
40 their employment.

1 (11) Government-sponsored law enforcement firearms training must  
2 be training that correctional personnel and community corrections  
3 officers receive as part of their job requirement and reference to  
4 such training does not constitute a mandate that it be provided by  
5 the correctional facility.

6 (12) Any person violating subsection (1) of this section is  
7 guilty of a gross misdemeanor.

8 (13) "Weapon" as used in this section means any firearm,  
9 explosive as defined in RCW 70.74.010, or instrument or weapon listed  
10 in RCW 9.41.250.

11 **Sec. 101.** RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and  
12 2020 c 137 s 1 are each reenacted and amended to read as follows:

13 Unless the context clearly requires otherwise, the definitions in  
14 this section apply throughout this chapter.

15 (1) "Board" means the indeterminate sentence review board created  
16 under chapter 9.95 RCW.

17 (2) "Collect," or any derivative thereof, "collect and remit," or  
18 "collect and deliver," when used with reference to the department,  
19 means that the department, either directly or through a collection  
20 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
21 and enforcing the offender's sentence with regard to the legal  
22 financial obligation, receiving payment thereof from the offender,  
23 and, consistent with current law, delivering daily the entire payment  
24 to the superior court clerk without depositing it in a departmental  
25 account.

26 (3) "Commission" means the sentencing guidelines commission.

27 (4) "Community corrections officer" means an employee of the  
28 department who is responsible for carrying out specific duties in  
29 supervision of sentenced offenders and monitoring of sentence  
30 conditions.

31 (5) "Community custody" means that portion of an offender's  
32 sentence of confinement in lieu of earned release time or imposed as  
33 part of a sentence under this chapter and served in the community  
34 subject to controls placed on the offender's movement and activities  
35 by the department.

36 (6) "Community protection zone" means the area within eight  
37 hundred eighty feet of the facilities and grounds of a public or  
38 private school.

1 (7) "Community restitution" means compulsory service, without  
2 compensation, performed for the benefit of the community by the  
3 offender.

4 (8) "Confinement" means total or partial confinement.

5 (9) "Conviction" means an adjudication of guilt pursuant to Title  
6 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
7 and acceptance of a plea of guilty.

8 (10) "Crime-related prohibition" means an order of a court  
9 prohibiting conduct that directly relates to the circumstances of the  
10 crime for which the offender has been convicted, and shall not be  
11 construed to mean orders directing an offender affirmatively to  
12 participate in rehabilitative programs or to otherwise perform  
13 affirmative conduct. However, affirmative acts necessary to monitor  
14 compliance with the order of a court may be required by the  
15 department.

16 (11) "Criminal history" means the list of a defendant's prior  
17 convictions and juvenile adjudications, whether in this state, in  
18 federal court, or elsewhere, and any issued certificates of  
19 restoration of opportunity pursuant to RCW 9.97.020.

20 (a) The history shall include, where known, for each conviction  
21 (i) whether the defendant has been placed on probation and the length  
22 and terms thereof; and (ii) whether the defendant has been  
23 incarcerated and the length of incarceration.

24 (b) A conviction may be removed from a defendant's criminal  
25 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
26 9.95.240, or a similar out-of-state statute, or if the conviction has  
27 been vacated pursuant to a governor's pardon. However, when a  
28 defendant is charged with a recidivist offense, "criminal history"  
29 includes a vacated prior conviction for the sole purpose of  
30 establishing that such vacated prior conviction constitutes an  
31 element of the present recidivist offense as provided in RCW  
32 9.94A.640(3)(b) and 9.96.060(6)(c).

33 (c) The determination of a defendant's criminal history is  
34 distinct from the determination of an offender score. A prior  
35 conviction that was not included in an offender score calculated  
36 pursuant to a former version of the sentencing reform act remains  
37 part of the defendant's criminal history.

38 (12) "Criminal street gang" means any ongoing organization,  
39 association, or group of three or more persons, whether formal or  
40 informal, having a common name or common identifying sign or symbol,

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

8 (13) "Criminal street gang associate or member" means any person  
9 who actively participates in any criminal street gang and who  
10 intentionally promotes, furthers, or assists in any criminal act by  
11 the criminal street gang.

12 (14) "Criminal street gang-related offense" means any felony or  
13 misdemeanor offense, whether in this state or elsewhere, that is  
14 committed for the benefit of, at the direction of, or in association  
15 with any criminal street gang, or is committed with the intent to  
16 promote, further, or assist in any criminal conduct by the gang, or  
17 is committed for one or more of the following reasons:

- 18 (a) To gain admission, prestige, or promotion within the gang;
- 19 (b) To increase or maintain the gang's size, membership,  
20 prestige, dominance, or control in any geographical area;
- 21 (c) To exact revenge or retribution for the gang or any member of  
22 the gang;
- 23 (d) To obstruct justice, or intimidate or eliminate any witness  
24 against the gang or any member of the gang;
- 25 (e) To directly or indirectly cause any benefit, aggrandizement,  
26 gain, profit, or other advantage for the gang, its reputation,  
27 influence, or membership; or
- 28 (f) To provide the gang with any advantage in, or any control or  
29 dominance over any criminal market sector, including, but not limited  
30 to, manufacturing, delivering, or selling any controlled substance  
31 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
32 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
33 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
34 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
35 9.68 RCW).

36 (15) "Day fine" means a fine imposed by the sentencing court that  
37 equals the difference between the offender's net daily income and the  
38 reasonable obligations that the offender has for the support of the  
39 offender and any dependents.

1 (16) "Day reporting" means a program of enhanced supervision  
2 designed to monitor the offender's daily activities and compliance  
3 with sentence conditions, and in which the offender is required to  
4 report daily to a specific location designated by the department or  
5 the sentencing court.

6 (17) "Department" means the department of corrections.

7 (18) "Determinate sentence" means a sentence that states with  
8 exactitude the number of actual years, months, or days of total  
9 confinement, of partial confinement, of community custody, the number  
10 of actual hours or days of community restitution work, or dollars or  
11 terms of a legal financial obligation. The fact that an offender  
12 through earned release can reduce the actual period of confinement  
13 shall not affect the classification of the sentence as a determinate  
14 sentence.

15 (19) "Disposable earnings" means that part of the earnings of an  
16 offender remaining after the deduction from those earnings of any  
17 amount required by law to be withheld. For the purposes of this  
18 definition, "earnings" means compensation paid or payable for  
19 personal services, whether denominated as wages, salary, commission,  
20 bonuses, or otherwise, and, notwithstanding any other provision of  
21 law making the payments exempt from garnishment, attachment, or other  
22 process to satisfy a court-ordered legal financial obligation,  
23 specifically includes periodic payments pursuant to pension or  
24 retirement programs, or insurance policies of any type, but does not  
25 include payments made under Title 50 RCW, except as provided in RCW  
26 50.40.020 and 50.40.050, or Title 74 RCW.

27 (20) (a) "Domestic violence" has the same meaning as defined in  
28 RCW 10.99.020 ((and ~~26.50.010~~)).

29 (b) "Domestic violence" also means: (i) Physical harm, bodily  
30 injury, assault, or the infliction of fear of imminent physical harm,  
31 bodily injury, or assault, sexual assault, or stalking, as defined in  
32 RCW 9A.46.110, of one intimate partner by another intimate partner as  
33 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,  
34 assault, or the infliction of fear of imminent physical harm, bodily  
35 injury, or assault, sexual assault, or stalking, as defined in RCW  
36 9A.46.110, of one family or household member by another family or  
37 household member as defined in RCW 10.99.020.

38 (21) "Drug offender sentencing alternative" is a sentencing  
39 option available to persons convicted of a felony offense who are  
40 eligible for the option under RCW 9.94A.660.

1 (22) "Drug offense" means:

2 (a) Any felony violation of chapter 69.50 RCW except possession  
3 of a controlled substance (RCW 69.50.4013) or forged prescription for  
4 a controlled substance (RCW 69.50.403);

5 (b) Any offense defined as a felony under federal law that  
6 relates to the possession, manufacture, distribution, or  
7 transportation of a controlled substance; or

8 (c) Any out-of-state conviction for an offense that under the  
9 laws of this state would be a felony classified as a drug offense  
10 under (a) of this subsection.

11 (23) "Earned release" means earned release from confinement as  
12 provided in RCW 9.94A.728.

13 (24) "Electronic monitoring" means tracking the location of an  
14 individual through the use of technology that is capable of  
15 determining or identifying the monitored individual's presence or  
16 absence at a particular location including, but not limited to:

17 (a) Radio frequency signaling technology, which detects if the  
18 monitored individual is or is not at an approved location and  
19 notifies the monitoring agency of the time that the monitored  
20 individual either leaves the approved location or tampers with or  
21 removes the monitoring device; or

22 (b) Active or passive global positioning system technology, which  
23 detects the location of the monitored individual and notifies the  
24 monitoring agency of the monitored individual's location and which  
25 may also include electronic monitoring with victim notification  
26 technology that is capable of notifying a victim or protected party,  
27 either directly or through a monitoring agency, if the monitored  
28 individual enters within the restricted distance of a victim or  
29 protected party, or within the restricted distance of a designated  
30 location.

31 (25) "Escape" means:

32 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
33 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
34 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
35 willful failure to return from work release (RCW 72.65.070), or  
36 willful failure to be available for supervision by the department  
37 while in community custody (RCW 72.09.310); or

38 (b) Any federal or out-of-state conviction for an offense that  
39 under the laws of this state would be a felony classified as an  
40 escape under (a) of this subsection.

1 (26) "Felony traffic offense" means:

2 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
3 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
4 run injury-accident (RCW 46.52.020(4)), felony driving while under  
5 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
6 or felony physical control of a vehicle while under the influence of  
7 intoxicating liquor or any drug (RCW 46.61.504(6)); or

8 (b) Any federal or out-of-state conviction for an offense that  
9 under the laws of this state would be a felony classified as a felony  
10 traffic offense under (a) of this subsection.

11 (27) "Fine" means a specific sum of money ordered by the  
12 sentencing court to be paid by the offender to the court over a  
13 specific period of time.

14 (28) "First-time offender" means any person who has no prior  
15 convictions for a felony and is eligible for the first-time offender  
16 waiver under RCW 9.94A.650.

17 (29) "Home detention" is a subset of electronic monitoring and  
18 means a program of partial confinement available to offenders wherein  
19 the offender is confined in a private residence twenty-four hours a  
20 day, unless an absence from the residence is approved, authorized, or  
21 otherwise permitted in the order by the court or other supervising  
22 agency that ordered home detention, and the offender is subject to  
23 electronic monitoring.

24 (30) "Homelessness" or "homeless" means a condition where an  
25 individual lacks a fixed, regular, and adequate nighttime residence  
26 and who has a primary nighttime residence that is:

27 (a) A supervised, publicly or privately operated shelter designed  
28 to provide temporary living accommodations;

29 (b) A public or private place not designed for, or ordinarily  
30 used as, a regular sleeping accommodation for human beings; or

31 (c) A private residence where the individual stays as a transient  
32 invitee.

33 (31) "Legal financial obligation" means a sum of money that is  
34 ordered by a superior court of the state of Washington for legal  
35 financial obligations which may include restitution to the victim,  
36 statutorily imposed crime victims' compensation fees as assessed  
37 pursuant to RCW 7.68.035, court costs, county or interlocal drug  
38 funds, court-appointed attorneys' fees, and costs of defense, fines,  
39 and any other financial obligation that is assessed to the offender  
40 as a result of a felony conviction. Upon conviction for vehicular

1 assault while under the influence of intoxicating liquor or any drug,  
2 RCW 46.61.522(1)(b), or vehicular homicide while under the influence  
3 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal  
4 financial obligations may also include payment to a public agency of  
5 the expense of an emergency response to the incident resulting in the  
6 conviction, subject to RCW 38.52.430.

7 (32) "Most serious offense" means any of the following felonies  
8 or a felony attempt to commit any of the following felonies:

9 (a) Any felony defined under any law as a class A felony or  
10 criminal solicitation of or criminal conspiracy to commit a class A  
11 felony;

12 (b) Assault in the second degree;

13 (c) Assault of a child in the second degree;

14 (d) Child molestation in the second degree;

15 (e) Controlled substance homicide;

16 (f) Extortion in the first degree;

17 (g) Incest when committed against a child under age fourteen;

18 (h) Indecent liberties;

19 (i) Kidnapping in the second degree;

20 (j) Leading organized crime;

21 (k) Manslaughter in the first degree;

22 (l) Manslaughter in the second degree;

23 (m) Promoting prostitution in the first degree;

24 (n) Rape in the third degree;

25 (o) Sexual exploitation;

26 (p) Vehicular assault, when caused by the operation or driving of  
27 a vehicle by a person while under the influence of intoxicating  
28 liquor or any drug or by the operation or driving of a vehicle in a  
29 reckless manner;

30 (q) Vehicular homicide, when proximately caused by the driving of  
31 any vehicle by any person while under the influence of intoxicating  
32 liquor or any drug as defined by RCW 46.61.502, or by the operation  
33 of any vehicle in a reckless manner;

34 (r) Any other class B felony offense with a finding of sexual  
35 motivation;

36 (s) Any other felony with a deadly weapon verdict under RCW  
37 9.94A.825;

38 (t) Any felony offense in effect at any time prior to December 2,  
39 1993, that is comparable to a most serious offense under this  
40 subsection, or any federal or out-of-state conviction for an offense



1 that under the laws of this state would be a felony classified as a  
2 most serious offense under this subsection;

3 (u) (i) A prior conviction for indecent liberties under RCW  
4 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
5 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
6 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
7 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
8 until July 1, 1988;

9 (ii) A prior conviction for indecent liberties under RCW  
10 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
11 if: (A) The crime was committed against a child under the age of  
12 fourteen; or (B) the relationship between the victim and perpetrator  
13 is included in the definition of indecent liberties under RCW  
14 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
15 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
16 1993, through July 27, 1997;

17 (v) Any out-of-state conviction for a felony offense with a  
18 finding of sexual motivation if the minimum sentence imposed was ten  
19 years or more; provided that the out-of-state felony offense must be  
20 comparable to a felony offense under this title and Title 9A RCW and  
21 the out-of-state definition of sexual motivation must be comparable  
22 to the definition of sexual motivation contained in this section.

23 (33) "Nonviolent offense" means an offense which is not a violent  
24 offense.

25 (34) "Offender" means a person who has committed a felony  
26 established by state law and is eighteen years of age or older or is  
27 less than eighteen years of age but whose case is under superior  
28 court jurisdiction under RCW 13.04.030 or has been transferred by the  
29 appropriate juvenile court to a criminal court pursuant to RCW  
30 13.40.110. In addition, for the purpose of community custody  
31 requirements under this chapter, "offender" also means a misdemeanor  
32 or gross misdemeanor probationer ordered by a superior court to  
33 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
34 supervised by the department pursuant to RCW 9.94A.501 and  
35 9.94A.5011. Throughout this chapter, the terms "offender" and  
36 "defendant" are used interchangeably.

37 (35) "Partial confinement" means confinement for no more than one  
38 year in a facility or institution operated or utilized under contract  
39 by the state or any other unit of government, or, if home detention,  
40 electronic monitoring, or work crew has been ordered by the court or

1 home detention has been ordered by the department as part of the  
2 parenting program or the graduated reentry program, in an approved  
3 residence, for a substantial portion of each day with the balance of  
4 the day spent in the community. Partial confinement includes work  
5 release, home detention, work crew, electronic monitoring, and a  
6 combination of work crew, electronic monitoring, and home detention.

7 (36) "Pattern of criminal street gang activity" means:

8 (a) The commission, attempt, conspiracy, or solicitation of, or  
9 any prior juvenile adjudication of or adult conviction of, two or  
10 more of the following criminal street gang-related offenses:

11 (i) Any "serious violent" felony offense as defined in this  
12 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
13 Child 1 (RCW 9A.36.120);

14 (ii) Any "violent" offense as defined by this section, excluding  
15 Assault of a Child 2 (RCW 9A.36.130);

16 (iii) Deliver or Possession with Intent to Deliver a Controlled  
17 Substance (chapter 69.50 RCW);

18 (iv) Any violation of the firearms and dangerous weapon act  
19 (chapter 9.41 RCW);

20 (v) Theft of a Firearm (RCW 9A.56.300);

21 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

22 (vii) Hate Crime (RCW 9A.36.080);

23 (viii) Harassment where a subsequent violation or deadly threat  
24 is made (RCW 9A.46.020(2)(b));

25 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

26 (x) Any felony conviction by a person eighteen years of age or  
27 older with a special finding of involving a juvenile in a felony  
28 offense under RCW 9.94A.833;

29 (xi) Residential Burglary (RCW 9A.52.025);

30 (xii) Burglary 2 (RCW 9A.52.030);

31 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

32 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

33 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

34 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

35 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
36 9A.56.070);

37 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
38 9A.56.075);

39 (xix) Extortion 1 (RCW 9A.56.120);

40 (xx) Extortion 2 (RCW 9A.56.130);

1 (xxi) Intimidating a Witness (RCW 9A.72.110);  
2 (xxii) Tampering with a Witness (RCW 9A.72.120);  
3 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
4 (xxiv) Coercion (RCW 9A.36.070);  
5 (xxv) Harassment (RCW 9A.46.020); or  
6 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

7 (b) That at least one of the offenses listed in (a) of this  
8 subsection shall have occurred after July 1, 2008;

9 (c) That the most recent committed offense listed in (a) of this  
10 subsection occurred within three years of a prior offense listed in  
11 (a) of this subsection; and

12 (d) Of the offenses that were committed in (a) of this  
13 subsection, the offenses occurred on separate occasions or were  
14 committed by two or more persons.

15 (37) "Persistent offender" is an offender who:

16 (a) (i) Has been convicted in this state of any felony considered  
17 a most serious offense; and

18 (ii) Has, before the commission of the offense under (a) of this  
19 subsection, been convicted as an offender on at least two separate  
20 occasions, whether in this state or elsewhere, of felonies that under  
21 the laws of this state would be considered most serious offenses and  
22 would be included in the offender score under RCW 9.94A.525; provided  
23 that of the two or more previous convictions, at least one conviction  
24 must have occurred before the commission of any of the other most  
25 serious offenses for which the offender was previously convicted; or

26 (b) (i) Has been convicted of: (A) Rape in the first degree, rape  
27 of a child in the first degree, child molestation in the first  
28 degree, rape in the second degree, rape of a child in the second  
29 degree, or indecent liberties by forcible compulsion; (B) any of the  
30 following offenses with a finding of sexual motivation: Murder in the  
31 first degree, murder in the second degree, homicide by abuse,  
32 kidnapping in the first degree, kidnapping in the second degree,  
33 assault in the first degree, assault in the second degree, assault of  
34 a child in the first degree, assault of a child in the second degree,  
35 or burglary in the first degree; or (C) an attempt to commit any  
36 crime listed in this subsection (37) (b) (i); and

37 (ii) Has, before the commission of the offense under (b) (i) of  
38 this subsection, been convicted as an offender on at least one  
39 occasion, whether in this state or elsewhere, of an offense listed in  
40 (b) (i) of this subsection or any federal or out-of-state offense or

1 offense under prior Washington law that is comparable to the offenses  
2 listed in (b)(i) of this subsection. A conviction for rape of a child  
3 in the first degree constitutes a conviction under (b)(i) of this  
4 subsection only when the offender was sixteen years of age or older  
5 when the offender committed the offense. A conviction for rape of a  
6 child in the second degree constitutes a conviction under (b)(i) of  
7 this subsection only when the offender was eighteen years of age or  
8 older when the offender committed the offense.

9 (38) "Predatory" means: (a) The perpetrator of the crime was a  
10 stranger to the victim, as defined in this section; (b) the  
11 perpetrator established or promoted a relationship with the victim  
12 prior to the offense and the victimization of the victim was a  
13 significant reason the perpetrator established or promoted the  
14 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
15 volunteer, or other person in authority in any public or private  
16 school and the victim was a student of the school under his or her  
17 authority or supervision. For purposes of this subsection, "school"  
18 does not include home-based instruction as defined in RCW  
19 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
20 authority in any recreational activity and the victim was a  
21 participant in the activity under his or her authority or  
22 supervision; (iii) a pastor, elder, volunteer, or other person in  
23 authority in any church or religious organization, and the victim was  
24 a member or participant of the organization under his or her  
25 authority; or (iv) a teacher, counselor, volunteer, or other person  
26 in authority providing home-based instruction and the victim was a  
27 student receiving home-based instruction while under his or her  
28 authority or supervision. For purposes of this subsection: (A) "Home-  
29 based instruction" has the same meaning as defined in RCW  
30 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
31 in authority" does not include the parent or legal guardian of the  
32 victim.

33 (39) "Private school" means a school regulated under chapter  
34 28A.195 or 28A.205 RCW.

35 (40) "Public school" has the same meaning as in RCW 28A.150.010.

36 (41) "Recidivist offense" means a felony offense where a prior  
37 conviction of the same offense or other specified offense is an  
38 element of the crime including, but not limited to:

39 (a) Assault in the fourth degree where domestic violence is  
40 pleaded and proven, RCW 9A.36.041(3);

1 (b) Cyberstalking, RCW 9.61.260(3)(a);  
2 (c) Harassment, RCW 9A.46.020(2)(b)(i);  
3 (d) Indecent exposure, RCW 9A.88.010(2)(c);  
4 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);  
5 (f) Telephone harassment, RCW 9.61.230(2)(a); and  
6 (g) Violation of a no-contact or protection order, section 56 of  
7 this act or RCW 26.50.110(5).

8 (42) "Repetitive domestic violence offense" means any:

9 (a)(i) Domestic violence assault that is not a felony offense  
10 under RCW 9A.36.041;

11 (ii) Domestic violence violation of a no-contact order under  
12 chapter 10.99 RCW that is not a felony offense;

13 (iii) Domestic violence violation of a protection order under  
14 chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW, or violation of a  
15 domestic violence protection order under chapter 7.--- RCW (the new  
16 chapter created in section 81 of this act), that is not a felony  
17 offense;

18 (iv) Domestic violence harassment offense under RCW 9A.46.020  
19 that is not a felony offense; or

20 (v) Domestic violence stalking offense under RCW 9A.46.110 that  
21 is not a felony offense; or

22 (b) Any federal, out-of-state, tribal court, military, county, or  
23 municipal conviction for an offense that under the laws of this state  
24 would be classified as a repetitive domestic violence offense under  
25 (a) of this subsection.

26 (43) "Restitution" means a specific sum of money ordered by the  
27 sentencing court to be paid by the offender to the court over a  
28 specified period of time as payment of damages. The sum may include  
29 both public and private costs.

30 (44) "Risk assessment" means the application of the risk  
31 instrument recommended to the department by the Washington state  
32 institute for public policy as having the highest degree of  
33 predictive accuracy for assessing an offender's risk of reoffense.

34 (45) "Serious traffic offense" means:

35 (a) Nonfelony driving while under the influence of intoxicating  
36 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
37 while under the influence of intoxicating liquor or any drug (RCW  
38 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
39 attended vehicle (RCW 46.52.020(5)); or

1 (b) Any federal, out-of-state, county, or municipal conviction  
2 for an offense that under the laws of this state would be classified  
3 as a serious traffic offense under (a) of this subsection.

4 (46) "Serious violent offense" is a subcategory of violent  
5 offense and means:

6 (a) (i) Murder in the first degree;

7 (ii) Homicide by abuse;

8 (iii) Murder in the second degree;

9 (iv) Manslaughter in the first degree;

10 (v) Assault in the first degree;

11 (vi) Kidnapping in the first degree;

12 (vii) Rape in the first degree;

13 (viii) Assault of a child in the first degree; or

14 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
15 commit one of these felonies; or

16 (b) Any federal or out-of-state conviction for an offense that  
17 under the laws of this state would be a felony classified as a  
18 serious violent offense under (a) of this subsection.

19 (47) "Sex offense" means:

20 (a) (i) A felony that is a violation of chapter 9A.44 RCW other  
21 than RCW 9A.44.132;

22 (ii) A violation of RCW 9A.64.020;

23 (iii) A felony that is a violation of chapter 9.68A RCW other  
24 than RCW 9.68A.080;

25 (iv) A felony that is, under chapter 9A.28 RCW, a criminal  
26 attempt, criminal solicitation, or criminal conspiracy to commit such  
27 crimes; or

28 (v) A felony violation of RCW 9A.44.132(1) (failure to register  
29 as a sex offender) if the person has been convicted of violating RCW  
30 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130  
31 prior to June 10, 2010, on at least one prior occasion;

32 (b) Any conviction for a felony offense in effect at any time  
33 prior to July 1, 1976, that is comparable to a felony classified as a  
34 sex offense in (a) of this subsection;

35 (c) A felony with a finding of sexual motivation under RCW  
36 9.94A.835 or 13.40.135; or

37 (d) Any federal or out-of-state conviction for an offense that  
38 under the laws of this state would be a felony classified as a sex  
39 offense under (a) of this subsection.

1 (48) "Sexual motivation" means that one of the purposes for which  
2 the defendant committed the crime was for the purpose of his or her  
3 sexual gratification.

4 (49) "Standard sentence range" means the sentencing court's  
5 discretionary range in imposing a nonappealable sentence.

6 (50) "Statutory maximum sentence" means the maximum length of  
7 time for which an offender may be confined as punishment for a crime  
8 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute  
9 defining the crime, or other statute defining the maximum penalty for  
10 a crime.

11 (51) "Stranger" means that the victim did not know the offender  
12 twenty-four hours before the offense.

13 (52) "Total confinement" means confinement inside the physical  
14 boundaries of a facility or institution operated or utilized under  
15 contract by the state or any other unit of government for twenty-four  
16 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

17 (53) "Transition training" means written and verbal instructions  
18 and assistance provided by the department to the offender during the  
19 two weeks prior to the offender's successful completion of the work  
20 ethic camp program. The transition training shall include  
21 instructions in the offender's requirements and obligations during  
22 the offender's period of community custody.

23 (54) "Victim" means any person who has sustained emotional,  
24 psychological, physical, or financial injury to person or property as  
25 a direct result of the crime charged.

26 (55) "Violent offense" means:

27 (a) Any of the following felonies:

28 (i) Any felony defined under any law as a class A felony or an  
29 attempt to commit a class A felony;

30 (ii) Criminal solicitation of or criminal conspiracy to commit a  
31 class A felony;

32 (iii) Manslaughter in the first degree;

33 (iv) Manslaughter in the second degree;

34 (v) Indecent liberties if committed by forcible compulsion;

35 (vi) Kidnapping in the second degree;

36 (vii) Arson in the second degree;

37 (viii) Assault in the second degree;

38 (ix) Assault of a child in the second degree;

39 (x) Extortion in the first degree;

40 (xi) Robbery in the second degree;

1 (xii) Drive-by shooting;

2 (xiii) Vehicular assault, when caused by the operation or driving  
3 of a vehicle by a person while under the influence of intoxicating  
4 liquor or any drug or by the operation or driving of a vehicle in a  
5 reckless manner; and

6 (xiv) Vehicular homicide, when proximately caused by the driving  
7 of any vehicle by any person while under the influence of  
8 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
9 the operation of any vehicle in a reckless manner;

10 (b) Any conviction for a felony offense in effect at any time  
11 prior to July 1, 1976, that is comparable to a felony classified as a  
12 violent offense in (a) of this subsection; and

13 (c) Any federal or out-of-state conviction for an offense that  
14 under the laws of this state would be a felony classified as a  
15 violent offense under (a) or (b) of this subsection.

16 (56) "Work crew" means a program of partial confinement  
17 consisting of civic improvement tasks for the benefit of the  
18 community that complies with RCW 9.94A.725.

19 (57) "Work ethic camp" means an alternative incarceration program  
20 as provided in RCW 9.94A.690 designed to reduce recidivism and lower  
21 the cost of corrections by requiring offenders to complete a  
22 comprehensive array of real-world job and vocational experiences,  
23 character-building work ethics training, life management skills  
24 development, substance abuse rehabilitation, counseling, literacy  
25 training, and basic adult education.

26 (58) "Work release" means a program of partial confinement  
27 available to offenders who are employed or engaged as a student in a  
28 regular course of study at school.

29 **Sec. 102.** RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to  
30 read as follows:

31 (1) Decision not to prosecute.

32 STANDARD: A prosecuting attorney may decline to prosecute, even  
33 though technically sufficient evidence to prosecute exists, in  
34 situations where prosecution would serve no public purpose, would  
35 defeat the underlying purpose of the law in question or would result  
36 in decreased respect for the law.

37 GUIDELINE/COMMENTARY:

38 Examples



1       The following are examples of reasons not to prosecute which  
2 could satisfy the standard.

3       (a) Contrary to Legislative Intent - It may be proper to decline  
4 to charge where the application of criminal sanctions would be  
5 clearly contrary to the intent of the legislature in enacting the  
6 particular statute.

7       (b) Antiquated Statute - It may be proper to decline to charge  
8 where the statute in question is antiquated in that:

9       (i) It has not been enforced for many years; and

10       (ii) Most members of society act as if it were no longer in  
11 existence; and

12       (iii) It serves no deterrent or protective purpose in today's  
13 society; and

14       (iv) The statute has not been recently reconsidered by the  
15 legislature.

16       This reason is not to be construed as the basis for declining  
17 cases because the law in question is unpopular or because it is  
18 difficult to enforce.

19       (c) De Minimis Violation - It may be proper to decline to charge  
20 where the violation of law is only technical or insubstantial and  
21 where no public interest or deterrent purpose would be served by  
22 prosecution.

23       (d) Confinement on Other Charges - It may be proper to decline to  
24 charge because the accused has been sentenced on another charge to a  
25 lengthy period of confinement; and

26       (i) Conviction of the new offense would not merit any additional  
27 direct or collateral punishment;

28       (ii) The new offense is either a misdemeanor or a felony which is  
29 not particularly aggravated; and

30       (iii) Conviction of the new offense would not serve any  
31 significant deterrent purpose.

32       (e) Pending Conviction on Another Charge - It may be proper to  
33 decline to charge because the accused is facing a pending prosecution  
34 in the same or another county; and

35       (i) Conviction of the new offense would not merit any additional  
36 direct or collateral punishment;

37       (ii) Conviction in the pending prosecution is imminent;

38       (iii) The new offense is either a misdemeanor or a felony which  
39 is not particularly aggravated; and

1 (iv) Conviction of the new offense would not serve any  
2 significant deterrent purpose.

3 (f) High Disproportionate Cost of Prosecution - It may be proper  
4 to decline to charge where the cost of locating or transporting, or  
5 the burden on, prosecution witnesses is highly disproportionate to  
6 the importance of prosecuting the offense in question. This reason  
7 should be limited to minor cases and should not be relied upon in  
8 serious cases.

9 (g) Improper Motives of Complainant - It may be proper to decline  
10 charges because the motives of the complainant are improper and  
11 prosecution would serve no public purpose, would defeat the  
12 underlying purpose of the law in question or would result in  
13 decreased respect for the law.

14 (h) Immunity - It may be proper to decline to charge where  
15 immunity is to be given to an accused in order to prosecute another  
16 where the accused's information or testimony will reasonably lead to  
17 the conviction of others who are responsible for more serious  
18 criminal conduct or who represent a greater danger to the public  
19 interest.

20 (i) Victim Request - It may be proper to decline to charge  
21 because the victim requests that no criminal charges be filed and the  
22 case involves the following crimes or situations:

23 (i) Assault cases where the victim has suffered little or no  
24 injury;

25 (ii) Crimes against property, not involving violence, where no  
26 major loss was suffered;

27 (iii) Where doing so would not jeopardize the safety of society.

28 Care should be taken to insure that the victim's request is  
29 freely made and is not the product of threats or pressure by the  
30 accused.

31 The presence of these factors may also justify the decision to  
32 dismiss a prosecution which has been commenced.

### 33 Notification

34 The prosecutor is encouraged to notify the victim, when  
35 practical, and the law enforcement personnel, of the decision not to  
36 prosecute.

37 (2) Decision to prosecute.

38 (a) STANDARD:

39 Crimes against persons will be filed if sufficient admissible  
40 evidence exists, which, when considered with the most plausible,

1 reasonably foreseeable defense that could be raised under the  
2 evidence, would justify conviction by a reasonable and objective fact  
3 finder. With regard to offenses prohibited by RCW 9A.44.040,  
4 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,  
5 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling  
6 agreements or diversions intended to place the accused in a program  
7 of treatment or counseling, so that treatment, if determined to be  
8 beneficial, can be provided pursuant to RCW 9.94A.670.

9 Crimes against property/other crimes will be filed if the  
10 admissible evidence is of such convincing force as to make it  
11 probable that a reasonable and objective fact finder would convict  
12 after hearing all the admissible evidence and the most plausible  
13 defense that could be raised.

14 See table below for the crimes within these categories.

15 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

16 CRIMES AGAINST PERSONS

- 17 Aggravated Murder (RCW 10.95.020)
- 18 1st Degree Murder (RCW 9A.32.030)
- 19 2nd Degree Murder (RCW 9A.32.050)
- 20 1st Degree Manslaughter (RCW 9A.32.060)
- 21 2nd Degree Manslaughter (RCW 9A.32.070)
- 22 1st Degree Kidnapping (RCW 9A.40.020)
- 23 2nd Degree Kidnapping (RCW 9A.40.030)
- 24 1st Degree Assault (RCW 9A.36.011)
- 25 2nd Degree Assault (RCW 9A.36.021)
- 26 3rd Degree Assault (RCW 9A.36.031)
- 27 4th Degree Assault (if a violation of RCW 9A.36.041(3))
- 28 1st Degree Assault of a Child (RCW 9A.36.120)
- 29 2nd Degree Assault of a Child (RCW 9A.36.130)
- 30 3rd Degree Assault of a Child (RCW 9A.36.140)
- 31 1st Degree Rape (RCW 9A.44.040)
- 32 2nd Degree Rape (RCW 9A.44.050)
- 33 3rd Degree Rape (RCW 9A.44.060)
- 34 1st Degree Rape of a Child (RCW 9A.44.073)
- 35 2nd Degree Rape of a Child (RCW 9A.44.076)
- 36 3rd Degree Rape of a Child (RCW 9A.44.079)
- 37 1st Degree Robbery (RCW 9A.56.200)
- 38 2nd Degree Robbery (RCW 9A.56.210)
- 39 1st Degree Arson (RCW 9A.48.020)

1 1st Degree Burglary (RCW 9A.52.020)  
2 1st Degree Identity Theft (RCW 9.35.020(2))  
3 2nd Degree Identity Theft (RCW 9.35.020(3))  
4 1st Degree Extortion (RCW 9A.56.120)  
5 2nd Degree Extortion (RCW 9A.56.130)  
6 1st Degree Criminal Mistreatment (RCW 9A.42.020)  
7 2nd Degree Criminal Mistreatment (RCW 9A.42.030)  
8 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))  
9 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))  
10 Indecent Liberties (RCW 9A.44.100)  
11 Incest (RCW 9A.64.020)  
12 Vehicular Homicide (RCW 46.61.520)  
13 Vehicular Assault (RCW 46.61.522)  
14 1st Degree Child Molestation (RCW 9A.44.083)  
15 2nd Degree Child Molestation (RCW 9A.44.086)  
16 3rd Degree Child Molestation (RCW 9A.44.089)  
17 1st Degree Promoting Prostitution (RCW 9A.88.070)  
18 Intimidating a Juror (RCW 9A.72.130)  
19 Communication with a Minor (RCW 9.68A.090)  
20 Intimidating a Witness (RCW 9A.72.110)  
21 Intimidating a Public Servant (RCW 9A.76.180)  
22 Bomb Threat (if against person) (RCW 9.61.160)  
23 Unlawful Imprisonment (RCW 9A.40.040)  
24 Promoting a Suicide Attempt (RCW 9A.36.060)  
25 Criminal Mischief (if against person) (RCW 9A.84.010)  
26 Stalking (RCW 9A.46.110)  
27 Custodial Assault (RCW 9A.36.100)  
28 Domestic Violence Court Order Violation (section 56 of this act,  
29 RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050,  
30 26.50.110, 26.52.070, or 74.34.145)  
31 Counterfeiting (if a violation of RCW 9.16.035(4))  
32 Felony Driving a Motor Vehicle While Under the Influence of  
33 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))  
34 Felony Physical Control of a Motor Vehicle While Under the  
35 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))  
36 CRIMES AGAINST PROPERTY/OTHER CRIMES  
37 2nd Degree Arson (RCW 9A.48.030)  
38 1st Degree Escape (RCW 9A.76.110)  
39 2nd Degree Escape (RCW 9A.76.120)

1 2nd Degree Burglary (RCW 9A.52.030)  
2 1st Degree Theft (RCW 9A.56.030)  
3 2nd Degree Theft (RCW 9A.56.040)  
4 1st Degree Perjury (RCW 9A.72.020)  
5 2nd Degree Perjury (RCW 9A.72.030)  
6 1st Degree Introducing Contraband (RCW 9A.76.140)  
7 2nd Degree Introducing Contraband (RCW 9A.76.150)  
8 1st Degree Possession of Stolen Property (RCW 9A.56.150)  
9 2nd Degree Possession of Stolen Property (RCW 9A.56.160)  
10 Bribery (RCW 9A.68.010)  
11 Bribing a Witness (RCW 9A.72.090)  
12 Bribe received by a Witness (RCW 9A.72.100)  
13 Bomb Threat (if against property) (RCW 9.61.160)  
14 1st Degree Malicious Mischief (RCW 9A.48.070)  
15 2nd Degree Malicious Mischief (RCW 9A.48.080)  
16 1st Degree Reckless Burning (RCW 9A.48.040)  
17 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and  
18 9A.56.075)  
19 Forgery (RCW 9A.60.020)  
20 2nd Degree Promoting Prostitution (RCW 9A.88.080)  
21 Tampering with a Witness (RCW 9A.72.120)  
22 Trading in Public Office (RCW 9A.68.040)  
23 Trading in Special Influence (RCW 9A.68.050)  
24 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)  
25 Bigamy (RCW 9A.64.010)  
26 Eluding a Pursuing Police Vehicle (RCW 46.61.024)  
27 Willful Failure to Return from Furlough  
28 Escape from Community Custody  
29 Criminal Mischief (if against property) (RCW 9A.84.010)  
30 1st Degree Theft of Livestock (RCW 9A.56.080)  
31 2nd Degree Theft of Livestock (RCW 9A.56.083)  
32 ALL OTHER UNCLASSIFIED FELONIES  
33 Selection of Charges/Degree of Charge  
34 (i) The prosecutor should file charges which adequately describe  
35 the nature of defendant's conduct. Other offenses may be charged only  
36 if they are necessary to ensure that the charges:  
37 (A) Will significantly enhance the strength of the state's case  
38 at trial; or  
39 (B) Will result in restitution to all victims.

1 (ii) The prosecutor should not overcharge to obtain a guilty  
2 plea. Overcharging includes:

- 3 (A) Charging a higher degree;
- 4 (B) Charging additional counts.

5 This standard is intended to direct prosecutors to charge those  
6 crimes which demonstrate the nature and seriousness of a defendant's  
7 criminal conduct, but to decline to charge crimes which are not  
8 necessary to such an indication. Crimes which do not merge as a  
9 matter of law, but which arise from the same course of conduct, do  
10 not all have to be charged.

11 (b) GUIDELINES/COMMENTARY:

12 (i) Police Investigation

13 A prosecuting attorney is dependent upon law enforcement agencies  
14 to conduct the necessary factual investigation which must precede the  
15 decision to prosecute. The prosecuting attorney shall ensure that a  
16 thorough factual investigation has been conducted before a decision  
17 to prosecute is made. In ordinary circumstances the investigation  
18 should include the following:

- 19 (A) The interviewing of all material witnesses, together with the  
20 obtaining of written statements whenever possible;
- 21 (B) The completion of necessary laboratory tests; and
- 22 (C) The obtaining, in accordance with constitutional  
23 requirements, of the suspect's version of the events.

24 If the initial investigation is incomplete, a prosecuting  
25 attorney should insist upon further investigation before a decision  
26 to prosecute is made, and specify what the investigation needs to  
27 include.

28 (ii) Exceptions

29 In certain situations, a prosecuting attorney may authorize  
30 filing of a criminal complaint before the investigation is complete  
31 if:

- 32 (A) Probable cause exists to believe the suspect is guilty; and
- 33 (B) The suspect presents a danger to the community or is likely  
34 to flee if not apprehended; or
- 35 (C) The arrest of the suspect is necessary to complete the  
36 investigation of the crime.

37 In the event that the exception to the standard is applied, the  
38 prosecuting attorney shall obtain a commitment from the law  
39 enforcement agency involved to complete the investigation in a timely

1 manner. If the subsequent investigation does not produce sufficient  
2 evidence to meet the normal charging standard, the complaint should  
3 be dismissed.

4 (iii) Investigation Techniques

5 The prosecutor should be fully advised of the investigatory  
6 techniques that were used in the case investigation including:

- 7 (A) Polygraph testing;
- 8 (B) Hypnosis;
- 9 (C) Electronic surveillance;
- 10 (D) Use of informants.

11 (iv) Prefiling Discussions with Defendant

12 Discussions with the defendant or his/her representative  
13 regarding the selection or disposition of charges may occur prior to  
14 the filing of charges, and potential agreements can be reached.

15 (v) Prefiling Discussions with Victim(s)

16 Discussions with the victim(s) or victims' representatives  
17 regarding the selection or disposition of charges may occur before  
18 the filing of charges. The discussions may be considered by the  
19 prosecutor in charging and disposition decisions, and should be  
20 considered before reaching any agreement with the defendant regarding  
21 these decisions.

22 **Sec. 103.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
23 read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH  
26 SERIOUSNESS LEVEL

- 27 XVI Aggravated Murder 1 (RCW 10.95.020)
- 28 XV Homicide by abuse (RCW 9A.32.055)
- 29 Malicious explosion 1 (RCW  
30 70.74.280(1))
- 31 Murder 1 (RCW 9A.32.030)
- 32 XIV Murder 2 (RCW 9A.32.050)
- 33 Trafficking 1 (RCW 9A.40.100(1))
- 34 XIII Malicious explosion 2 (RCW  
35 70.74.280(2))

1 Malicious placement of an explosive 1  
2 (RCW 70.74.270(1))  
3 XII Assault 1 (RCW 9A.36.011)  
4 Assault of a Child 1 (RCW 9A.36.120)  
5 Malicious placement of an imitation  
6 device 1 (RCW 70.74.272(1)(a))  
7 Promoting Commercial Sexual Abuse of  
8 a Minor (RCW 9.68A.101)  
9 Rape 1 (RCW 9A.44.040)  
10 Rape of a Child 1 (RCW 9A.44.073)  
11 Trafficking 2 (RCW 9A.40.100(3))  
12 XI Manslaughter 1 (RCW 9A.32.060)  
13 Rape 2 (RCW 9A.44.050)  
14 Rape of a Child 2 (RCW 9A.44.076)  
15 Vehicular Homicide, by being under the  
16 influence of intoxicating liquor or  
17 any drug (RCW 46.61.520)  
18 Vehicular Homicide, by the operation of  
19 any vehicle in a reckless manner  
20 (RCW 46.61.520)  
21 X Child Molestation 1 (RCW 9A.44.083)  
22 Criminal Mistreatment 1 (RCW  
23 9A.42.020)  
24 Indecent Liberties (with forcible  
25 compulsion) (RCW  
26 9A.44.100(1)(a))  
27 Kidnapping 1 (RCW 9A.40.020)  
28 Leading Organized Crime (RCW  
29 9A.82.060(1)(a))  
30 Malicious explosion 3 (RCW  
31 70.74.280(3))  
32 Sexually Violent Predator Escape (RCW  
33 9A.76.115)  
34 IX Abandonment of Dependent Person 1  
35 (RCW 9A.42.060)



1 Assault of a Child 2 (RCW 9A.36.130)  
2 Explosive devices prohibited (RCW  
3 70.74.180)  
4 Hit and Run—Death (RCW  
5 46.52.020(4)(a))  
6 Homicide by Watercraft, by being under  
7 the influence of intoxicating liquor  
8 or any drug (RCW 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2  
12 (RCW 70.74.270(2))  
13 Robbery 1 (RCW 9A.56.200)  
14 Sexual Exploitation (RCW 9.68A.040)  
15 VIII Arson 1 (RCW 9A.48.020)  
16 Commercial Sexual Abuse of a Minor  
17 (RCW 9.68A.100)  
18 Homicide by Watercraft, by the  
19 operation of any vessel in a reckless  
20 manner (RCW 79A.60.050)  
21 Manslaughter 2 (RCW 9A.32.070)  
22 Promoting Prostitution 1 (RCW  
23 9A.88.070)  
24 Theft of Ammonia (RCW 69.55.010)  
25 VII Air bag diagnostic systems (causing  
26 bodily injury or death) (RCW  
27 46.37.660(2)(b))  
28 Air bag replacement requirements  
29 (causing bodily injury or death)  
30 (RCW 46.37.660(1)(b))  
31 Burglary 1 (RCW 9A.52.020)  
32 Child Molestation 2 (RCW 9A.44.086)  
33 Civil Disorder Training (RCW  
34 9A.48.120)

1 Dealing in depictions of minor engaged  
2 in sexually explicit conduct 1  
3 (RCW 9.68A.050(1))  
4 Drive-by Shooting (RCW 9A.36.045)  
5 False Reporting 1 (RCW  
6 9A.84.040(2)(a))  
7 Homicide by Watercraft, by disregard  
8 for the safety of others (RCW  
9 79A.60.050)  
10 Indecent Liberties (without forcible  
11 compulsion) (RCW 9A.44.100(1)  
12 (b) and (c))  
13 Introducing Contraband 1 (RCW  
14 9A.76.140)  
15 Malicious placement of an explosive 3  
16 (RCW 70.74.270(3))  
17 Manufacture or import counterfeit,  
18 nonfunctional, damaged, or  
19 previously deployed air bag  
20 (causing bodily injury or death)  
21 (RCW 46.37.650(1)(b))  
22 Negligently Causing Death By Use of a  
23 Signal Preemption Device (RCW  
24 46.37.675)  
25 Sell, install, or reinstall counterfeit,  
26 nonfunctional, damaged, or  
27 previously deployed airbag (RCW  
28 46.37.650(2)(b))  
29 Sending, bringing into state depictions  
30 of minor engaged in sexually  
31 explicit conduct 1 (RCW  
32 9.68A.060(1))  
33 Unlawful Possession of a Firearm in the  
34 first degree (RCW 9.41.040(1))  
35 Use of a Machine Gun or Bump-fire  
36 Stock in Commission of a Felony  
37 (RCW 9.41.225)

1 Vehicular Homicide, by disregard for  
2 the safety of others (RCW  
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW  
5 9A.76.170(3)(a))  
6 Bribery (RCW 9A.68.010)  
7 Incest 1 (RCW 9A.64.020(1))  
8 Intimidating a Judge (RCW 9A.72.160)  
9 Intimidating a Juror/Witness (RCW  
10 9A.72.110, 9A.72.130)  
11 Malicious placement of an imitation  
12 device 2 (RCW 70.74.272(1)(b))  
13 Possession of Depictions of a Minor  
14 Engaged in Sexually Explicit  
15 Conduct 1 (RCW 9.68A.070(1))  
16 Rape of a Child 3 (RCW 9A.44.079)  
17 Theft of a Firearm (RCW 9A.56.300)  
18 Theft from a Vulnerable Adult 1 (RCW  
19 9A.56.400(1))  
20 Unlawful Storage of Ammonia (RCW  
21 69.55.020)

22 V Abandonment of Dependent Person 2  
23 (RCW 9A.42.070)  
24 Advancing money or property for  
25 extortionate extension of credit  
26 (RCW 9A.82.030)  
27 Air bag diagnostic systems (RCW  
28 46.37.660(2)(c))  
29 Air bag replacement requirements  
30 (RCW 46.37.660(1)(c))  
31 Bail Jumping with class A Felony  
32 (RCW 9A.76.170(3)(b))  
33 Child Molestation 3 (RCW 9A.44.089)  
34 Criminal Mistreatment 2 (RCW  
35 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Dealing in Depictions of Minor  
4 Engaged in Sexually Explicit  
5 Conduct 2 (RCW 9.68A.050(2))  
6 Domestic Violence Court Order  
7 Violation (section 56 of this act,  
8 RCW 10.99.040, 10.99.050,  
9 26.09.300, 26.10.220, 26.26B.050,  
10 26.50.110, 26.52.070, or 74.34.145)  
11 Extortion 1 (RCW 9A.56.120)  
12 Extortionate Extension of Credit (RCW  
13 9A.82.020)  
14 Extortionate Means to Collect  
15 Extensions of Credit (RCW  
16 9A.82.040)  
17 Incest 2 (RCW 9A.64.020(2))  
18 Kidnapping 2 (RCW 9A.40.030)  
19 Manufacture or import counterfeit,  
20 nonfunctional, damaged, or  
21 previously deployed air bag (RCW  
22 46.37.650(1)(c))  
23 Perjury 1 (RCW 9A.72.020)  
24 Persistent prison misbehavior (RCW  
25 9.94.070)  
26 Possession of a Stolen Firearm (RCW  
27 9A.56.310)  
28 Rape 3 (RCW 9A.44.060)  
29 Rendering Criminal Assistance 1 (RCW  
30 9A.76.070)  
31 Sell, install, or reinstall counterfeit,  
32 nonfunctional, damaged, or  
33 previously deployed airbag (RCW  
34 46.37.650(2)(c))

1 Sending, Bringing into State Depictions  
2 of Minor Engaged in Sexually  
3 Explicit Conduct 2 (RCW  
4 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault 4 (third domestic violence  
18 offense) (RCW 9A.36.041(3))  
19 Assault by Watercraft (RCW  
20 79A.60.060)  
21 Bribing a Witness/Bribe Received by  
22 Witness (RCW 9A.72.090,  
23 9A.72.100)  
24 Cheating 1 (RCW 9.46.1961)  
25 Commercial Bribery (RCW 9A.68.060)  
26 Counterfeiting (RCW 9.16.035(4))  
27 Driving While Under the Influence  
28 (RCW 46.61.502(6))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Hate Crime (RCW 9A.36.080)  
33 Hit and Run—Injury (RCW  
34 46.52.020(4)(b))

1 Hit and Run with Vessel—Injury  
2 Accident (RCW 79A.60.200(3))  
3 Identity Theft 1 (RCW 9.35.020(2))  
4 Indecent Exposure to Person Under Age  
5 Fourteen (subsequent sex offense)  
6 (RCW 9A.88.010)  
7 Influencing Outcome of Sporting Event  
8 (RCW 9A.82.070)  
9 Physical Control of a Vehicle While  
10 Under the Influence (RCW  
11 46.61.504(6))  
12 Possession of Depictions of a Minor  
13 Engaged in Sexually Explicit  
14 Conduct 2 (RCW 9.68A.070(2))  
15 Residential Burglary (RCW 9A.52.025)  
16 Robbery 2 (RCW 9A.56.210)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Threats to Bomb (RCW 9.61.160)  
19 Trafficking in Stolen Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(b))  
24 Unlawful transaction of health coverage  
25 as a health care service contractor  
26 (RCW 48.44.016(3))  
27 Unlawful transaction of health coverage  
28 as a health maintenance  
29 organization (RCW 48.46.033(3))  
30 Unlawful transaction of insurance  
31 business (RCW 48.15.023(3))  
32 Unlicensed practice as an insurance  
33 professional (RCW 48.17.063(2))  
34 Use of Proceeds of Criminal  
35 Profiteering (RCW 9A.82.080 (1)  
36 and (2))

1 Vehicle Prowling 2 (third or subsequent  
2 offense) (RCW 9A.52.100(3))  
3 Vehicular Assault, by being under the  
4 influence of intoxicating liquor or  
5 any drug, or by the operation or  
6 driving of a vehicle in a reckless  
7 manner (RCW 46.61.522)  
8 Viewing of Depictions of a Minor  
9 Engaged in Sexually Explicit  
10 Conduct 1 (RCW 9.68A.075(1))  
11 Willful Failure to Return from Furlough  
12 (RCW 72.66.060)  
13 III Animal Cruelty 1 (Sexual Conduct or  
14 Contact) (RCW 16.52.205(3))  
15 Assault 3 (Except Assault 3 of a Peace  
16 Officer With a Projectile Stun Gun)  
17 (RCW 9A.36.031 except subsection  
18 (1)(h))  
19 Assault of a Child 3 (RCW 9A.36.140)  
20 Bail Jumping with class B or C Felony  
21 (RCW 9A.76.170(3)(c))  
22 Burglary 2 (RCW 9A.52.030)  
23 Communication with a Minor for  
24 Immoral Purposes (RCW  
25 9.68A.090)  
26 Criminal Gang Intimidation (RCW  
27 9A.46.120)  
28 Custodial Assault (RCW 9A.36.100)  
29 Cyberstalking (subsequent conviction or  
30 threat of death) (RCW 9.61.260(3))  
31 Escape 2 (RCW 9A.76.120)  
32 Extortion 2 (RCW 9A.56.130)  
33 False Reporting 2 (RCW  
34 9A.84.040(2)(b))  
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Introducing Contraband 2 (RCW  
4 9A.76.150)  
5 Malicious Injury to Railroad Property  
6 (RCW 81.60.070)  
7 Manufacture of Untraceable Firearm  
8 with Intent to Sell (RCW 9.41.190)  
9 Manufacture or Assembly of an  
10 Undetectable Firearm or  
11 Untraceable Firearm (RCW  
12 9.41.325)  
13 Mortgage Fraud (RCW 19.144.080)  
14 Negligently Causing Substantial Bodily  
15 Harm By Use of a Signal  
16 Preemption Device (RCW  
17 46.37.674)  
18 Organized Retail Theft 1 (RCW  
19 9A.56.350(2))  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun, Bump-Fire  
24 Stock, Undetectable Firearm, or  
25 Short-Barreled Shotgun or Rifle  
26 (RCW 9.41.190)  
27 Promoting Prostitution 2 (RCW  
28 9A.88.080)  
29 Retail Theft with Special Circumstances  
30 1 (RCW 9A.56.360(2))  
31 Securities Act violation (RCW  
32 21.20.400)  
33 Tampering with a Witness (RCW  
34 9A.72.120)



1 Telephone Harassment (subsequent  
2 conviction or threat of death) (RCW  
3 9.61.230(2))  
4 Theft of Livestock 2 (RCW 9A.56.083)  
5 Theft with the Intent to Resell 1 (RCW  
6 9A.56.340(2))  
7 Trafficking in Stolen Property 2 (RCW  
8 9A.82.055)  
9 Unlawful Hunting of Big Game 1 (RCW  
10 77.15.410(3)(b))  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful Misbranding of Fish or  
14 Shellfish 1 (RCW 77.140.060(3))  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(2))  
17 Unlawful Taking of Endangered Fish or  
18 Wildlife 1 (RCW 77.15.120(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 1 (RCW  
21 77.15.260(3)(b))  
22 Unlawful Use of a Nondesignated  
23 Vessel (RCW 77.15.530(4))  
24 Vehicular Assault, by the operation or  
25 driving of a vehicle with disregard  
26 for the safety of others (RCW  
27 46.61.522)  
28 Willful Failure to Return from Work  
29 Release (RCW 72.65.070)  
30 II Commercial Fishing Without a License  
31 1 (RCW 77.15.500(3)(b))  
32 Computer Trespass 1 (RCW 9A.90.040)  
33 Counterfeiting (RCW 9.16.035(3))  
34 Electronic Data Service Interference  
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW  
2 9A.90.080)  
3 Electronic Data Theft (RCW 9A.90.100)  
4 Engaging in Fish Dealing Activity  
5 Unlicensed 1 (RCW 77.15.620(3))  
6 Escape from Community Custody  
7 (RCW 72.09.310)  
8 Failure to Register as a Sex Offender  
9 (second or subsequent offense)  
10 (RCW 9A.44.130 prior to June 10,  
11 2010, and RCW 9A.44.132)  
12 Health Care False Claims (RCW  
13 48.80.030)  
14 Identity Theft 2 (RCW 9.35.020(3))  
15 Improperly Obtaining Financial  
16 Information (RCW 9.35.010)  
17 Malicious Mischief 1 (RCW 9A.48.070)  
18 Organized Retail Theft 2 (RCW  
19 9A.56.350(3))  
20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)  
22 Possession of a Stolen Vehicle (RCW  
23 9A.56.068)  
24 Retail Theft with Special Circumstances  
25 2 (RCW 9A.56.360(3))  
26 Scrap Processing, Recycling, or  
27 Supplying Without a License  
28 (second or subsequent offense)  
29 (RCW 19.290.100)  
30 Theft 1 (RCW 9A.56.030)  
31 Theft of a Motor Vehicle (RCW  
32 9A.56.065)  
33 Theft of Rental, Leased, Lease-  
34 purchased, or Loaned Property  
35 (valued at five thousand dollars or  
36 more) (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW  
2 9A.56.340(3))  
3 Trafficking in Insurance Claims (RCW  
4 48.30A.015)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(a))  
8 Unlawful Participation of Non-Indians  
9 in Indian Fishery (RCW  
10 77.15.570(2))  
11 Unlawful Practice of Law (RCW  
12 2.48.180)  
13 Unlawful Purchase or Use of a License  
14 (RCW 77.15.650(3)(b))  
15 Unlawful Trafficking in Fish, Shellfish,  
16 or Wildlife 2 (RCW  
17 77.15.260(3)(a))  
18 Unlicensed Practice of a Profession or  
19 Business (RCW 18.130.190(7))  
20 Voyeurism 1 (RCW 9A.44.115)  
21 I Attempting to Elude a Pursuing Police  
22 Vehicle (RCW 46.61.024)  
23 False Verification for Welfare (RCW  
24 74.08.055)  
25 Forgery (RCW 9A.60.020)  
26 Fraudulent Creation or Revocation of a  
27 Mental Health Advance Directive  
28 (RCW 9A.60.060)  
29 Malicious Mischief 2 (RCW 9A.48.080)  
30 Mineral Trespass (RCW 78.44.330)  
31 Possession of Stolen Property 2 (RCW  
32 9A.56.160)  
33 Reckless Burning 1 (RCW 9A.48.040)  
34 Spotlighting Big Game 1 (RCW  
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1  
2 (RCW 77.15.670(3)(b))  
3 Taking Motor Vehicle Without  
4 Permission 2 (RCW 9A.56.075)  
5 Theft 2 (RCW 9A.56.040)  
6 Theft from a Vulnerable Adult 2 (RCW  
7 9A.56.400(2))  
8 Theft of Rental, Leased, Lease-  
9 purchased, or Loaned Property  
10 (valued at seven hundred fifty  
11 dollars or more but less than five  
12 thousand dollars) (RCW  
13 9A.56.096(5)(b))  
14 Transaction of insurance business  
15 beyond the scope of licensure  
16 (RCW 48.17.063)  
17 Unlawful Fish and Shellfish Catch  
18 Accounting (RCW 77.15.630(3)(b))  
19 Unlawful Issuance of Checks or Drafts  
20 (RCW 9A.56.060)  
21 Unlawful Possession of Fictitious  
22 Identification (RCW 9A.56.320)  
23 Unlawful Possession of Instruments of  
24 Financial Fraud (RCW 9A.56.320)  
25 Unlawful Possession of Payment  
26 Instruments (RCW 9A.56.320)  
27 Unlawful Possession of a Personal  
28 Identification Device (RCW  
29 9A.56.320)  
30 Unlawful Production of Payment  
31 Instruments (RCW 9A.56.320)  
32 Unlawful Releasing, Planting,  
33 Possessing, or Placing Deleterious  
34 Exotic Wildlife (RCW  
35 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps  
2 (RCW 9.91.142)  
3 Unlawful Use of Food Stamps (RCW  
4 9.91.144)  
5 Unlawful Use of Net to Take Fish 1  
6 (RCW 77.15.580(3)(b))  
7 Unlawful Use of Prohibited Aquatic  
8 Animal Species (RCW  
9 77.15.253(3))  
10 Vehicle Prowl 1 (RCW 9A.52.095)  
11 Violating Commercial Fishing Area or  
12 Time 1 (RCW 77.15.550(3)(b))

13 **Sec. 104.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to  
14 read as follows:

15 The offender score is measured on the horizontal axis of the  
16 sentencing grid. The offender score rules are as follows:

17 The offender score is the sum of points accrued under this  
18 section rounded down to the nearest whole number.

19 (1) A prior conviction is a conviction which exists before the  
20 date of sentencing for the offense for which the offender score is  
21 being computed. Convictions entered or sentenced on the same date as  
22 the conviction for which the offender score is being computed shall  
23 be deemed "other current offenses" within the meaning of RCW  
24 9.94A.589.

25 (2) (a) Class A and sex prior felony convictions shall always be  
26 included in the offender score.

27 (b) Class B prior felony convictions other than sex offenses  
28 shall not be included in the offender score, if since the last date  
29 of release from confinement (including full-time residential  
30 treatment) pursuant to a felony conviction, if any, or entry of  
31 judgment and sentence, the offender had spent ten consecutive years  
32 in the community without committing any crime that subsequently  
33 results in a conviction.

34 (c) Except as provided in (e) of this subsection, class C prior  
35 felony convictions other than sex offenses shall not be included in  
36 the offender score if, since the last date of release from  
37 confinement (including full-time residential treatment) pursuant to a

1 felony conviction, if any, or entry of judgment and sentence, the  
2 offender had spent five consecutive years in the community without  
3 committing any crime that subsequently results in a conviction.

4 (d) Except as provided in (e) of this subsection, serious traffic  
5 convictions shall not be included in the offender score if, since the  
6 last date of release from confinement (including full-time  
7 residential treatment) pursuant to a conviction, if any, or entry of  
8 judgment and sentence, the offender spent five years in the community  
9 without committing any crime that subsequently results in a  
10 conviction.

11 (e) If the present conviction is felony driving while under the  
12 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or  
13 felony physical control of a vehicle while under the influence of  
14 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate  
15 crimes for the offense as defined by RCW 46.61.5055(14) shall be  
16 included in the offender score, and prior convictions for felony  
17 driving while under the influence of intoxicating liquor or any drug  
18 (RCW 46.61.502(6)) or felony physical control of a vehicle while  
19 under the influence of intoxicating liquor or any drug (RCW  
20 46.61.504(6)) shall always be included in the offender score. All  
21 other convictions of the defendant shall be scored according to this  
22 section.

23 (f) Prior convictions for a repetitive domestic violence offense,  
24 as defined in RCW 9.94A.030, shall not be included in the offender  
25 score if, since the last date of release from confinement or entry of  
26 judgment and sentence, the offender had spent ten consecutive years  
27 in the community without committing any crime that subsequently  
28 results in a conviction.

29 (g) This subsection applies to both adult and juvenile prior  
30 convictions.

31 (3) Out-of-state convictions for offenses shall be classified  
32 according to the comparable offense definitions and sentences  
33 provided by Washington law. Federal convictions for offenses shall be  
34 classified according to the comparable offense definitions and  
35 sentences provided by Washington law. If there is no clearly  
36 comparable offense under Washington law or the offense is one that is  
37 usually considered subject to exclusive federal jurisdiction, the  
38 offense shall be scored as a class C felony equivalent if it was a  
39 felony under the relevant federal statute.

1 (4) Score prior convictions for felony anticipatory offenses  
2 (attempts, criminal solicitations, and criminal conspiracies) the  
3 same as if they were convictions for completed offenses.

4 (5) (a) In the case of multiple prior convictions, for the purpose  
5 of computing the offender score, count all convictions separately,  
6 except:

7 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),  
8 to encompass the same criminal conduct, shall be counted as one  
9 offense, the offense that yields the highest offender score. The  
10 current sentencing court shall determine with respect to other prior  
11 adult offenses for which sentences were served concurrently or prior  
12 juvenile offenses for which sentences were served consecutively,  
13 whether those offenses shall be counted as one offense or as separate  
14 offenses using the "same criminal conduct" analysis found in RCW  
15 9.94A.589(1) (a), and if the court finds that they shall be counted as  
16 one offense, then the offense that yields the highest offender score  
17 shall be used. The current sentencing court may presume that such  
18 other prior offenses were not the same criminal conduct from  
19 sentences imposed on separate dates, or in separate counties or  
20 jurisdictions, or in separate complaints, indictments, or  
21 informations;

22 (ii) In the case of multiple prior convictions for offenses  
23 committed before July 1, 1986, for the purpose of computing the  
24 offender score, count all adult convictions served concurrently as  
25 one offense, and count all juvenile convictions entered on the same  
26 date as one offense. Use the conviction for the offense that yields  
27 the highest offender score.

28 (b) As used in this subsection (5), "served concurrently" means  
29 that: (i) The latter sentence was imposed with specific reference to  
30 the former; (ii) the concurrent relationship of the sentences was  
31 judicially imposed; and (iii) the concurrent timing of the sentences  
32 was not the result of a probation or parole revocation on the former  
33 offense.

34 (6) If the present conviction is one of the anticipatory offenses  
35 of criminal attempt, solicitation, or conspiracy, count each prior  
36 conviction as if the present conviction were for a completed offense.  
37 When these convictions are used as criminal history, score them the  
38 same as a completed crime.

39 (7) If the present conviction is for a nonviolent offense and not  
40 covered by subsection (11), (12), or (13) of this section, count one

1 point for each adult prior felony conviction and one point for each  
2 juvenile prior violent felony conviction and 1/2 point for each  
3 juvenile prior nonviolent felony conviction.

4 (8) If the present conviction is for a violent offense and not  
5 covered in subsection (9), (10), (11), (12), or (13) of this section,  
6 count two points for each prior adult and juvenile violent felony  
7 conviction, one point for each prior adult nonviolent felony  
8 conviction, and 1/2 point for each prior juvenile nonviolent felony  
9 conviction.

10 (9) If the present conviction is for a serious violent offense,  
11 count three points for prior adult and juvenile convictions for  
12 crimes in this category, two points for each prior adult and juvenile  
13 violent conviction (not already counted), one point for each prior  
14 adult nonviolent felony conviction, and 1/2 point for each prior  
15 juvenile nonviolent felony conviction.

16 (10) If the present conviction is for Burglary 1, count prior  
17 convictions as in subsection (8) of this section; however count two  
18 points for each prior adult Burglary 2 or residential burglary  
19 conviction, and one point for each prior juvenile Burglary 2 or  
20 residential burglary conviction.

21 (11) If the present conviction is for a felony traffic offense  
22 count two points for each adult or juvenile prior conviction for  
23 Vehicular Homicide or Vehicular Assault; for each felony offense  
24 count one point for each adult and 1/2 point for each juvenile prior  
25 conviction; for each serious traffic offense, other than those used  
26 for an enhancement pursuant to RCW 46.61.520(2), count one point for  
27 each adult and 1/2 point for each juvenile prior conviction; count  
28 one point for each adult and 1/2 point for each juvenile prior  
29 conviction for operation of a vessel while under the influence of  
30 intoxicating liquor or any drug.

31 (12) If the present conviction is for homicide by watercraft or  
32 assault by watercraft count two points for each adult or juvenile  
33 prior conviction for homicide by watercraft or assault by watercraft;  
34 for each felony offense count one point for each adult and 1/2 point  
35 for each juvenile prior conviction; count one point for each adult  
36 and 1/2 point for each juvenile prior conviction for driving under  
37 the influence of intoxicating liquor or any drug, actual physical  
38 control of a motor vehicle while under the influence of intoxicating  
39 liquor or any drug, or operation of a vessel while under the  
40 influence of intoxicating liquor or any drug.



1 (13) If the present conviction is for manufacture of  
2 methamphetamine count three points for each adult prior manufacture  
3 of methamphetamine conviction and two points for each juvenile  
4 manufacture of methamphetamine offense. If the present conviction is  
5 for a drug offense and the offender has a criminal history that  
6 includes a sex offense or serious violent offense, count three points  
7 for each adult prior felony drug offense conviction and two points  
8 for each juvenile drug offense. All other adult and juvenile felonies  
9 are scored as in subsection (8) of this section if the current drug  
10 offense is violent, or as in subsection (7) of this section if the  
11 current drug offense is nonviolent.

12 (14) If the present conviction is for Escape from Community  
13 Custody, RCW 72.09.310, count only prior escape convictions in the  
14 offender score. Count adult prior escape convictions as one point and  
15 juvenile prior escape convictions as 1/2 point.

16 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or  
17 Escape 2, RCW 9A.76.120, count adult prior convictions as one point  
18 and juvenile prior convictions as 1/2 point.

19 (16) If the present conviction is for Burglary 2 or residential  
20 burglary, count priors as in subsection (7) of this section; however,  
21 count two points for each adult and juvenile prior Burglary 1  
22 conviction, two points for each adult prior Burglary 2 or residential  
23 burglary conviction, and one point for each juvenile prior Burglary 2  
24 or residential burglary conviction.

25 (17) If the present conviction is for a sex offense, count priors  
26 as in subsections (7) through (11) and (13) through (16) of this  
27 section; however count three points for each adult and juvenile prior  
28 sex offense conviction.

29 (18) If the present conviction is for failure to register as a  
30 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in  
31 subsections (7) through (11) and (13) through (16) of this section;  
32 however count three points for each adult and juvenile prior sex  
33 offense conviction, excluding prior convictions for failure to  
34 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which  
35 shall count as one point.

36 (19) If the present conviction is for an offense committed while  
37 the offender was under community custody, add one point. For purposes  
38 of this subsection, community custody includes community placement or  
39 postrelease supervision, as defined in chapter 9.94B RCW.

1 (20) If the present conviction is for Theft of a Motor Vehicle,  
2 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without  
3 Permission 1, or Taking a Motor Vehicle Without Permission 2, count  
4 priors as in subsections (7) through (18) of this section; however  
5 count one point for prior convictions of Vehicle Prowling 2, and  
6 three points for each adult and juvenile prior Theft 1 (of a motor  
7 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property  
8 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor  
9 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,  
10 Taking a Motor Vehicle Without Permission 1, or Taking a Motor  
11 Vehicle Without Permission 2 conviction.

12 (21) If the present conviction is for a felony domestic violence  
13 offense where domestic violence as defined in RCW 9.94A.030 was  
14 pleaded and proven, count priors as in subsections (7) through (20)  
15 of this section; however, count points as follows:

16 (a) Count two points for each adult prior conviction where  
17 domestic violence as defined in RCW 9.94A.030 was pleaded and proven  
18 after August 1, 2011, for any of the following offenses: A felony  
19 violation of a no-contact or protection order (section 56 of this act  
20 or RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony  
21 Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),  
22 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful  
23 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2  
24 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW  
25 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or  
26 Arson 2 (RCW 9A.48.030);

27 (b) Count two points for each adult prior conviction where  
28 domestic violence as defined in RCW 9.94A.030 was pleaded and proven  
29 after July 23, 2017, for any of the following offenses: Assault of a  
30 child in the first degree, RCW 9A.36.120; Assault of a child in the  
31 second degree, RCW 9A.36.130; Assault of a child in the third degree,  
32 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW  
33 9A.42.020; or Criminal Mistreatment in the second degree, RCW  
34 9A.42.030;

35 (c) Count one point for each second and subsequent juvenile  
36 conviction where domestic violence as defined in RCW 9.94A.030 was  
37 pleaded and proven after August 1, 2011, for the offenses listed in  
38 (a) of this subsection; and

39 (d) Count one point for each adult prior conviction for a  
40 repetitive domestic violence offense as defined in RCW 9.94A.030,

1 where domestic violence as defined in RCW 9.94A.030, was pleaded and  
2 proven after August 1, 2011.

3 (22) The fact that a prior conviction was not included in an  
4 offender's offender score or criminal history at a previous  
5 sentencing shall have no bearing on whether it is included in the  
6 criminal history or offender score for the current offense. Prior  
7 convictions that were not counted in the offender score or included  
8 in criminal history under repealed or previous versions of the  
9 sentencing reform act shall be included in criminal history and shall  
10 count in the offender score if the current version of the sentencing  
11 reform act requires including or counting those convictions. Prior  
12 convictions that were not included in criminal history or in the  
13 offender score shall be included upon any resentencing to ensure  
14 imposition of an accurate sentence.

15 **Sec. 105.** RCW 9.94A.637 and 2019 c 331 s 2 are each amended to  
16 read as follows:

17 (1) When an offender has completed all requirements of the  
18 sentence, including any and all legal financial obligations, and  
19 while under the custody or supervision of the department, the  
20 secretary or the secretary's designee shall notify the sentencing  
21 court, which shall discharge the offender and provide the offender  
22 with a certificate of discharge by issuing the certificate to the  
23 offender in person or by mailing the certificate to the offender's  
24 last known address. A certificate of discharge issued under this  
25 subsection (1) is effective on the date the offender completed all  
26 conditions of his or her sentence.

27 (2)(a) When an offender has reached the end of his or her  
28 supervision with the department and has completed all the  
29 requirements of the sentence except his or her legal financial  
30 obligations, the secretary's designee shall provide the county clerk  
31 with a notice that the offender has completed all nonfinancial  
32 requirements of the sentence. The notice must list the specific  
33 sentence requirements that have been completed, so that it is clear  
34 to the sentencing court that the offender is entitled to discharge  
35 upon completion of the legal financial obligations of the sentence.

36 (b) When the department has provided the county clerk with notice  
37 under (a) of this subsection showing that an offender has completed  
38 all the requirements of the sentence and the offender subsequently  
39 satisfies all legal financial obligations under the sentence, the

1 county clerk shall promptly notify the sentencing court. Upon receipt  
2 of the notice under this subsection (2)(b), the court shall discharge  
3 the offender and provide the offender with a certificate of  
4 discharge. A certificate of discharge issued under this subsection  
5 (2) is effective on the date the offender completed all conditions of  
6 his or her sentence.

7 (3) In the absence of a certificate of discharge issued under  
8 subsection (1) or (2) of this section, the offender may file a motion  
9 with the sentencing court for a certificate of discharge. The  
10 sentencing court shall issue a certificate of discharge upon  
11 verification of completion of all sentencing conditions, including  
12 any and all legal financial obligations. A certificate of discharge  
13 issued under this subsection (3) is effective on the date the  
14 offender completed all conditions of his or her sentence.

15 (4) In the absence of a certificate of discharge issued under  
16 subsection (1), (2), or (3) of this section, the offender may file a  
17 motion with the sentencing court for a certificate of discharge and  
18 shall provide verification of completion of all nonfinancial  
19 conditions of his or her sentence, unless the court finds good cause  
20 to waive this requirement. A certificate of discharge issued under  
21 this subsection (4) is effective on the later of: (a) Five years  
22 after completion of community custody, or if the offender was not  
23 required to serve community custody, after the completion of full and  
24 partial confinement; or (b) the date any and all legal financial  
25 obligations were satisfied.

26 (5) The court shall issue a certificate of discharge by issuing  
27 the certificate to the offender in person or by mailing the  
28 certificate to the offender's last known address.

29 (6)(a) A no-contact order is not a requirement of the offender's  
30 sentence. An offender who has completed all requirements of the  
31 sentence, including any and all legal financial obligations, is  
32 eligible for a certificate of discharge even if the offender has an  
33 existing no-contact order that excludes or prohibits the offender  
34 from having contact with a specified person or entity or coming  
35 within a set distance of any specified location.

36 In the case of an eligible offender who has a no-contact order as  
37 part of the judgment and sentence, the offender may petition the  
38 sentencing court to issue a certificate of discharge and a separate  
39 no-contact order, which must include paying the appropriate filing  
40 fee for the separate no-contact order. This filing fee does not apply

1 to an offender seeking a certificate of discharge when the offender  
2 has a no-contact order separate from the judgment and sentence.

3 The court shall reissue the no-contact order separately under a  
4 new civil cause number for the remaining term and under the same  
5 conditions as contained in the judgment and sentence.

6 (b) The clerk of the court shall send a copy of the new no-  
7 contact order to the individuals or entities protected by the no-  
8 contact order, along with an explanation of the reason for the  
9 change, if there is an address available in the court file. If no  
10 address is available, the clerk of the court shall forward a copy of  
11 the order to the prosecutor, who shall send a copy of the no-contact  
12 order with an explanation of the reason for the change to the last  
13 known address of the protected individuals or entities.

14 (c) The clerk of the court shall forward a copy of the order to  
15 the appropriate law enforcement agency specified in the order on or  
16 before the next judicial day. The clerk shall also include a cover  
17 sheet that indicates the case number of the judgment and sentence  
18 that has been discharged. Upon receipt of the copy of the order and  
19 cover sheet, the law enforcement agency shall enter the order into  
20 any computer-based criminal intelligence information system available  
21 in this state used by law enforcement agencies to list outstanding  
22 warrants. The order shall remain in this system until it expires. The  
23 new order, and case number of the discharged judgment and sentence,  
24 shall be linked in the criminal intelligence information system for  
25 purposes of enforcing the no-contact order.

26 (d) A separately issued no-contact order may be enforced under  
27 chapter ((26.50)) 7.--- RCW (the new chapter created in section 81 of  
28 this act).

29 (e) A separate no-contact order issued under this subsection (6)  
30 is not a modification of the offender's sentence.

31 (7) Every signed certificate and order of discharge shall be  
32 filed with the county clerk of the sentencing county. In addition,  
33 the court shall send to the department a copy of every signed  
34 certificate and order of discharge for offender sentences under the  
35 authority of the department. The county clerk shall enter into a  
36 database maintained by the administrator for the courts the names of  
37 all felons who have been issued certificates of discharge, the date  
38 of discharge, and the date of conviction and offense.

39 (8) An offender who is not convicted of a violent offense or a  
40 sex offense and is sentenced to a term involving community

1 supervision may be considered for a discharge of sentence by the  
2 sentencing court prior to the completion of community supervision,  
3 provided that the offender has completed at least one-half of the  
4 term of community supervision and has met all other sentence  
5 requirements.

6 (9) The discharge shall have the effect of restoring all civil  
7 rights not already restored by RCW 29A.08.520, and the certificate of  
8 discharge shall so state. Nothing in this section prohibits the use  
9 of an offender's prior record for purposes of determining sentences  
10 for later offenses as provided in this chapter. Nothing in this  
11 section affects or prevents use of the offender's prior conviction in  
12 a later criminal prosecution either as an element of an offense or  
13 for impeachment purposes. A certificate of discharge is not based on  
14 a finding of rehabilitation.

15 (10) Unless otherwise ordered by the sentencing court, a  
16 certificate of discharge shall not terminate the offender's  
17 obligation to comply with an order that excludes or prohibits the  
18 offender from having contact with a specified person or coming within  
19 a set distance of any specified location that was contained in the  
20 judgment and sentence. An offender who violates such an order after a  
21 certificate of discharge has been issued shall be subject to  
22 prosecution according to the chapter under which the order was  
23 originally issued.

24 (11) Upon release from custody, the offender may apply to the  
25 department for counseling and help in adjusting to the community.  
26 This voluntary help may be provided for up to one year following the  
27 release from custody.

28 **Sec. 106.** RCW 9.94A.660 and 2020 c 252 s 1 are each amended to  
29 read as follows:

30 (1) An offender is eligible for the special drug offender  
31 sentencing alternative if:

32 (a) The offender is convicted of a felony that is not a violent  
33 offense and the violation does not involve a sentence enhancement  
34 under RCW 9.94A.533 (3) or (4);

35 (b) The offender is convicted of a felony that is not a felony  
36 driving while under the influence of intoxicating liquor or any drug  
37 under RCW 46.61.502(6) or felony physical control of a vehicle while  
38 under the influence of intoxicating liquor or any drug under RCW  
39 46.61.504(6);

1 (c) The offender has no current or prior convictions for a sex  
2 offense for which the offender is currently or may be required to  
3 register pursuant to RCW 9A.44.130;

4 (d) The offender has no prior convictions in this state, and no  
5 prior convictions for an equivalent out-of-state or federal offense,  
6 for the following offenses during the following time frames:

7 (i) Robbery in the second degree that did not involve the use of  
8 a firearm and was not reduced from robbery in the first degree within  
9 seven years before conviction of the current offense; or

10 (ii) Any other violent offense within ten years before conviction  
11 of the current offense;

12 (e) For a violation of the uniform controlled substances act  
13 under chapter 69.50 RCW or a criminal solicitation to commit such a  
14 violation under chapter 9A.28 RCW, the offense involved only a small  
15 quantity of the particular controlled substance as determined by the  
16 judge upon consideration of such factors as the weight, purity,  
17 packaging, sale price, and street value of the controlled substance;

18 (f) The offender has not been found by the United States attorney  
19 general to be subject to a deportation detainer or order and does not  
20 become subject to a deportation order during the period of the  
21 sentence; and

22 (g) The offender has not received a drug offender sentencing  
23 alternative more than once in the prior ten years before the current  
24 offense.

25 (2) A motion for a special drug offender sentencing alternative  
26 may be made by the court, the offender, or the state.

27 (3) If the sentencing court determines that the offender is  
28 eligible for an alternative sentence under this section and that the  
29 alternative sentence is appropriate, the court shall waive imposition  
30 of a sentence within the standard sentence range and impose a  
31 sentence consisting of either a prison-based alternative under RCW  
32 9.94A.662 or a residential substance use disorder treatment-based  
33 alternative under RCW 9.94A.664. The residential substance use  
34 disorder treatment-based alternative is only available if the  
35 midpoint of the standard range is twenty-six months or less.

36 (4) (a) To assist the court in making its determination, the court  
37 may order the department to complete either or both a risk assessment  
38 report and a substance use disorder screening report as provided in  
39 RCW 9.94A.500.

1 (b) To assist the court in making its determination in domestic  
2 violence cases, the court shall order the department to complete a  
3 presentence investigation and a chemical dependency screening report  
4 as provided in RCW 9.94A.500, unless otherwise specifically waived by  
5 the court.

6 (5) If the court is considering imposing a sentence under the  
7 residential substance use disorder treatment-based alternative, the  
8 court may order an examination of the offender by the department. The  
9 examination must be performed by an agency certified by the  
10 department of health to provide substance use disorder services. The  
11 examination shall, at a minimum, address the following issues:

12 (a) Whether the offender suffers from a substance use disorder;

13 (b) Whether the substance use disorder is such that there is a  
14 probability that criminal behavior will occur in the future;

15 (c) Whether effective treatment for the offender's substance use  
16 disorder is available from a provider that has been licensed or  
17 certified by the department of health, and where applicable, whether  
18 effective domestic violence perpetrator treatment is available from a  
19 state-certified domestic violence treatment provider pursuant to  
20 (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this act); and

21 (d) Whether the offender and the community will benefit from the  
22 use of the alternative.

23 (6) When a court imposes a sentence of community custody under  
24 this section:

25 (a) The court may impose conditions as provided in RCW 9.94A.703  
26 and may impose other affirmative conditions as the court considers  
27 appropriate. In addition, an offender may be required to pay thirty  
28 dollars per month while on community custody to offset the cost of  
29 monitoring for alcohol or controlled substances, or in cases of  
30 domestic violence for monitoring with global positioning system  
31 technology for compliance with a no-contact order.

32 (b) The department may impose conditions and sanctions as  
33 authorized in RCW 9.94A.704 and 9.94A.737.

34 (7)(a) The court may bring any offender sentenced under this  
35 section back into court at any time on its own initiative to evaluate  
36 the offender's progress in treatment or to determine if any  
37 violations of the conditions of the sentence have occurred.

38 (b) If the offender is brought back to court, the court may  
39 modify the conditions of the community custody or impose sanctions  
40 under (c) of this subsection.



1 (c) The court may order the offender to serve a term of total  
2 confinement within the standard range of the offender's current  
3 offense at any time during the period of community custody if the  
4 offender violates the conditions or requirements of the sentence or  
5 if the offender is failing to make satisfactory progress in  
6 treatment.

7 (d) An offender ordered to serve a term of total confinement  
8 under (c) of this subsection shall receive credit for time previously  
9 served in total or partial confinement and inpatient treatment under  
10 this section, and shall receive fifty percent credit for time  
11 previously served in community custody under this section.

12 (8) In serving a term of community custody imposed upon failure  
13 to complete, or administrative termination from, the special drug  
14 offender sentencing alternative program, the offender shall receive  
15 no credit for time served in community custody prior to termination  
16 of the offender's participation in the program.

17 (9) An offender sentenced under this section shall be subject to  
18 all rules relating to earned release time with respect to any period  
19 served in total confinement.

20 (10) The Washington state institute for public policy shall  
21 submit a report to the governor and the appropriate committees of the  
22 legislature by November 1, 2022, analyzing the effectiveness of the  
23 drug offender sentencing alternative in reducing recidivism among  
24 various offender populations. An additional report is due November 1,  
25 2028, and every five years thereafter. The Washington state institute  
26 for public policy may coordinate with the department and the caseload  
27 forecast council in tracking data and preparing the report.

28 **Sec. 107.** RCW 9.94A.662 and 2020 c 252 s 2 are each amended to  
29 read as follows:

30 (1) The court may only order a prison-based special drug offender  
31 sentencing alternative if the high end of the standard sentence range  
32 for the current offense is greater than one year.

33 (2) A sentence for a prison-based special drug offender  
34 sentencing alternative shall include:

35 (a) A period of total confinement in a state facility for one-  
36 half the midpoint of the standard sentence range or twelve months,  
37 whichever is greater;

38 (b) One-half the midpoint of the standard sentence range as a  
39 term of community custody, which must include appropriate substance

1 use disorder treatment in a program that has been approved by the  
2 department of health, and for co-occurring drug and domestic violence  
3 cases, must also include an appropriate domestic violence treatment  
4 program by a state-certified domestic violence treatment provider  
5 pursuant to ((chapter 26.50)) RCW 26.50.150 (as recodified by this  
6 act);

7 (c) Crime-related prohibitions, including a condition not to use  
8 illegal controlled substances;

9 (d) A requirement to submit to urinalysis or other testing to  
10 monitor that status; and

11 (e) A term of community custody pursuant to RCW 9.94A.701 to be  
12 imposed upon the failure to complete or administrative termination  
13 from the special drug offender sentencing alternative program.

14 (3)(a) During incarceration in the state facility, offenders  
15 sentenced under this section shall undergo a comprehensive substance  
16 use disorder assessment and receive, within available resources,  
17 treatment services appropriate for the offender. The substance use  
18 disorder treatment services shall be licensed by the department of  
19 health.

20 (b) When applicable for cases involving domestic violence,  
21 domestic violence treatment must be provided by a state-certified  
22 domestic violence treatment provider pursuant to ((chapter 26.50))  
23 RCW 26.50.150 (as recodified by this act) during the term of  
24 community custody.

25 (4) If the department finds that conditions of community custody  
26 have been willfully violated, the offender may be reclassified to  
27 serve the remaining balance of the original sentence. An offender who  
28 fails to complete the program or who is administratively terminated  
29 from the program shall be reclassified to serve the unexpired term of  
30 his or her sentence as ordered by the sentencing court.

31 (5) If an offender sentenced to the prison-based alternative  
32 under this section is found by the United States attorney general to  
33 be subject to a deportation order, a hearing shall be held by the  
34 department unless waived by the offender, and, if the department  
35 finds that the offender is subject to a valid deportation order, the  
36 department may administratively terminate the offender from the  
37 program and reclassify the offender to serve the remaining balance of  
38 the original sentence.

1       **Sec. 108.** RCW 9.94A.703 and 2018 c 201 s 9004 are each amended  
2 to read as follows:

3       When a court sentences a person to a term of community custody,  
4 the court shall impose conditions of community custody as provided in  
5 this section.

6       (1) **Mandatory conditions.** As part of any term of community  
7 custody, the court shall:

8       (a) Require the offender to inform the department of court-  
9 ordered treatment upon request by the department;

10       (b) Require the offender to comply with any conditions imposed by  
11 the department under RCW 9.94A.704;

12       (c) If the offender was sentenced under RCW 9.94A.507 for an  
13 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense  
14 was under eighteen years of age at the time of the offense, prohibit  
15 the offender from residing in a community protection zone;

16       (d) If the offender was sentenced under RCW 9A.36.120, prohibit  
17 the offender from serving in any paid or volunteer capacity where he  
18 or she has control or supervision of minors under the age of  
19 thirteen.

20       (2) **Waivable conditions.** Unless waived by the court, as part of  
21 any term of community custody, the court shall order an offender to:

22       (a) Report to and be available for contact with the assigned  
23 community corrections officer as directed;

24       (b) Work at department-approved education, employment, or  
25 community restitution, or any combination thereof;

26       (c) Refrain from possessing or consuming controlled substances  
27 except pursuant to lawfully issued prescriptions;

28       (d) Pay supervision fees as determined by the department; and

29       (e) Obtain prior approval of the department for the offender's  
30 residence location and living arrangements.

31       (3) **Discretionary conditions.** As part of any term of community  
32 custody, the court may order an offender to:

33       (a) Remain within, or outside of, a specified geographical  
34 boundary;

35       (b) Refrain from direct or indirect contact with the victim of  
36 the crime or a specified class of individuals;

37       (c) Participate in crime-related treatment or counseling  
38 services;

39       (d) Participate in rehabilitative programs or otherwise perform  
40 affirmative conduct reasonably related to the circumstances of the

1 offense, the offender's risk of reoffending, or the safety of the  
2 community;

3 (e) Refrain from possessing or consuming alcohol; or

4 (f) Comply with any crime-related prohibitions.

5 (4) **Special conditions.**

6 (a) In sentencing an offender convicted of a crime of domestic  
7 violence, as defined in RCW 10.99.020, if the offender has a minor  
8 child, or if the victim of the offense for which the offender was  
9 convicted has a minor child, the court may order the offender to  
10 participate in a domestic violence perpetrator program approved under  
11 RCW 26.50.150 (as recodified by this act).

12 (b) (i) In sentencing an offender convicted of an alcohol or drug-  
13 related traffic offense, the court shall require the offender to  
14 complete a diagnostic evaluation by a substance use disorder  
15 treatment program approved by the department of social and health  
16 services or a qualified probation department, defined under RCW  
17 46.61.516, that has been approved by the department of social and  
18 health services. If the offense was pursuant to chapter 46.61 RCW,  
19 the report shall be forwarded to the department of licensing. If the  
20 offender is found to have an alcohol or drug problem that requires  
21 treatment, the offender shall complete treatment in an approved  
22 substance use disorder treatment program as defined in chapter 71.24  
23 RCW. If the offender is found not to have an alcohol or drug problem  
24 that requires treatment, the offender shall complete a course in an  
25 alcohol and drug information school licensed or certified by the  
26 department of health under chapter 70.96A RCW. The offender shall pay  
27 all costs for any evaluation, education, or treatment required by  
28 this section, unless the offender is eligible for an existing program  
29 offered or approved by the department of social and health services.

30 (ii) For purposes of this section, "alcohol or drug-related  
31 traffic offense" means the following: Driving while under the  
32 influence as defined by RCW 46.61.502, actual physical control while  
33 under the influence as defined by RCW 46.61.504, vehicular homicide  
34 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by  
35 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW  
36 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

37 (iii) This subsection (4)(b) does not require the department of  
38 social and health services to add new treatment or assessment  
39 facilities nor affect its use of existing programs and facilities  
40 authorized by law.

1       **Sec. 109.** RCW 9.96.060 and 2020 c 29 s 18 are each amended to  
2 read as follows:

3       (1) When vacating a conviction under this section, the court  
4 effectuates the vacation by: (a)(i) Permitting the applicant to  
5 withdraw the applicant's plea of guilty and to enter a plea of not  
6 guilty; or (ii) if the applicant has been convicted after a plea of  
7 not guilty, the court setting aside the verdict of guilty; and (b)  
8 the court dismissing the information, indictment, complaint, or  
9 citation against the applicant and vacating the judgment and  
10 sentence.

11       (2) Every person convicted of a misdemeanor or gross misdemeanor  
12 offense may apply to the sentencing court for a vacation of the  
13 applicant's record of conviction for the offense. If the court finds  
14 the applicant meets the requirements of this subsection, the court  
15 may in its discretion vacate the record of conviction. Except as  
16 provided in subsections (3), (4), and (5) of this section, an  
17 applicant may not have the record of conviction for a misdemeanor or  
18 gross misdemeanor offense vacated if any one of the following is  
19 present:

20       (a) The applicant has not completed all of the terms of the  
21 sentence for the offense;

22       (b) There are any criminal charges against the applicant pending  
23 in any court of this state or another state, or in any federal or  
24 tribal court, at the time of application;

25       (c) The offense was a violent offense as defined in RCW 9.94A.030  
26 or an attempt to commit a violent offense;

27       (d) The offense was a violation of RCW 46.61.502 (driving while  
28 under the influence), 46.61.504 (actual physical control while under  
29 the influence), 9.91.020 (operating a railroad, etc. while  
30 intoxicated), or the offense is considered a "prior offense" under  
31 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug  
32 violation within ten years of the date of arrest for the prior  
33 offense or less than ten years has elapsed since the date of the  
34 arrest for the prior offense;

35       (e) The offense was any misdemeanor or gross misdemeanor  
36 violation, including attempt, of chapter 9.68 RCW (obscenity and  
37 pornography), chapter 9.68A RCW (sexual exploitation of children), or  
38 chapter 9A.44 RCW (sex offenses), except for failure to register as a  
39 sex offender under RCW 9A.44.132;

1 (f) The applicant was convicted of a misdemeanor or gross  
2 misdemeanor offense as defined in RCW 10.99.020, or the court  
3 determines after a review of the court file that the offense was  
4 committed by one family or household member against another or by one  
5 intimate partner against another, or the court, after considering the  
6 damage to person or property that resulted in the conviction, any  
7 prior convictions for crimes defined in RCW 10.99.020, or for  
8 comparable offenses in another state or in federal court, and the  
9 totality of the records under review by the court regarding the  
10 conviction being considered for vacation, determines that the offense  
11 involved domestic violence, and any one of the following factors  
12 exist:

13 (i) The applicant has not provided written notification of the  
14 vacation petition to the prosecuting attorney's office that  
15 prosecuted the offense for which vacation is sought, or has not  
16 provided that notification to the court;

17 (ii) The applicant has two or more domestic violence convictions  
18 stemming from different incidents. For purposes of this subsection,  
19 however, if the current application is for more than one conviction  
20 that arose out of a single incident, none of those convictions counts  
21 as a previous conviction;

22 (iii) The applicant has signed an affidavit under penalty of  
23 perjury affirming that the applicant has not previously had a  
24 conviction for a domestic violence offense, and a criminal history  
25 check reveals that the applicant has had such a conviction; or

26 (iv) Less than five years have elapsed since the person completed  
27 the terms of the original conditions of the sentence, including any  
28 financial obligations and successful completion of any treatment  
29 ordered as a condition of sentencing;

30 (g) For any offense other than those described in (f) of this  
31 subsection, less than three years have passed since the person  
32 completed the terms of the sentence, including any financial  
33 obligations;

34 (h) The offender has been convicted of a new crime in this state,  
35 another state, or federal or tribal court in the three years prior to  
36 the vacation application; or

37 (i) The applicant is currently restrained by a domestic violence  
38 protection order, a no-contact order, an antiharassment order, or a  
39 civil restraining order which restrains one party from contacting the  
40 other party or was previously restrained by such an order and was

1 found to have committed one or more violations of the order in the  
2 five years prior to the vacation application.

3 (3) Subject to RCW 9.96.070, every person convicted of  
4 prostitution under RCW 9A.88.030 who committed the offense as a  
5 result of being a victim of trafficking, RCW 9A.40.100, promoting  
6 prostitution in the first degree, RCW 9A.88.070, promoting commercial  
7 sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons  
8 under the trafficking victims protection act of 2000, 22 U.S.C. Sec.  
9 7101 et seq. may apply to the sentencing court for vacation of the  
10 applicant's record of conviction for the prostitution offense. An  
11 applicant may not have the record of conviction for prostitution  
12 vacated if any one of the following is present:

13 (a) There are any criminal charges against the applicant pending  
14 in any court of this state or another state, or in any federal court,  
15 for any crime other than prostitution; or

16 (b) The offender has been convicted of another crime, except  
17 prostitution, in this state, another state, or federal court since  
18 the date of conviction. The limitation in this subsection (3)(b) does  
19 not apply to convictions where the offender proves by a preponderance  
20 of the evidence that he or she committed the crime as a result of  
21 being a victim of trafficking, RCW 9A.40.100, promoting prostitution  
22 in the first degree, RCW 9A.88.070, promoting commercial sexual abuse  
23 of a minor, RCW 9.68A.101, or trafficking in persons under the  
24 trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et  
25 seq., according to the requirements provided in RCW 9.96.070 for each  
26 respective conviction.

27 (4) Every person convicted prior to January 1, 1975, of violating  
28 any statute or rule regarding the regulation of fishing activities,  
29 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,  
30 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240  
31 who claimed to be exercising a treaty Indian fishing right, may apply  
32 to the sentencing court for vacation of the applicant's record of the  
33 misdemeanor, gross misdemeanor, or felony conviction for the offense.  
34 If the person is deceased, a member of the person's family or an  
35 official representative of the tribe of which the person was a member  
36 may apply to the court on behalf of the deceased person.  
37 Notwithstanding the requirements of RCW 9.94A.640, the court shall  
38 vacate the record of conviction if:

39 (a) The applicant is a member of a tribe that may exercise treaty  
40 Indian fishing rights at the location where the offense occurred; and

1 (b) The state has been enjoined from taking enforcement action of  
2 the statute or rule to the extent that it interferes with a treaty  
3 Indian fishing right as determined under *United States v. Washington*,  
4 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.  
5 899 (D. Oregon 1969), and any posttrial orders of those courts, or  
6 any other state supreme court or federal court decision.

7 (5) Every person convicted of a misdemeanor marijuana offense,  
8 who was twenty-one years of age or older at the time of the offense,  
9 may apply to the sentencing court for a vacation of the applicant's  
10 record of conviction for the offense. A misdemeanor marijuana offense  
11 includes, but is not limited to: Any offense under RCW 69.50.4014,  
12 from July 1, 2004, onward, and its predecessor statutes, including  
13 RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW  
14 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense  
15 under an equivalent municipal ordinance. If an applicant qualifies  
16 under this subsection, the court shall vacate the record of  
17 conviction.

18 (6)(a) Except as provided in (c) of this subsection, once the  
19 court vacates a record of conviction under this section, the person  
20 shall be released from all penalties and disabilities resulting from  
21 the offense and the fact that the person has been convicted of the  
22 offense shall not be included in the person's criminal history for  
23 purposes of determining a sentence in any subsequent conviction. For  
24 all purposes, including responding to questions on employment or  
25 housing applications, a person whose conviction has been vacated  
26 under this section may state that he or she has never been convicted  
27 of that crime. However, nothing in this section affects the  
28 requirements for restoring a right to possess a firearm under RCW  
29 9.41.040. Except as provided in (b) of this subsection, nothing in  
30 this section affects or prevents the use of an offender's prior  
31 conviction in a later criminal prosecution.

32 (b) When a court vacates a record of domestic violence as defined  
33 in RCW 10.99.020 under this section, the state may not use the  
34 vacated conviction in a later criminal prosecution unless the  
35 conviction was for: (i) Violating the provisions of a restraining  
36 order, no-contact order, or protection order restraining or enjoining  
37 the person or restraining the person from going on to the grounds of  
38 or entering a residence, workplace, school, or day care, or  
39 prohibiting the person from knowingly coming within, or knowingly  
40 remaining within, a specified distance of a location, a protected



1 party's person, or a protected party's vehicle (RCW 10.99.040,  
2 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,  
3 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); ~~((or))~~  
4 (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence  
5 protection order or vulnerable adult protection order entered under  
6 chapter 7.--- RCW (the new chapter created in section 81 of this  
7 act). A vacated conviction under this section is not considered a  
8 conviction of such an offense for the purposes of 27 C.F.R. 478.11.

9 (c) A conviction vacated on or after July 28, 2019, qualifies as  
10 a prior conviction for the purpose of charging a present recidivist  
11 offense as defined in RCW 9.94A.030 occurring on or after July 28,  
12 2019.

13 (7) The clerk of the court in which the vacation order is entered  
14 shall immediately transmit the order vacating the conviction to the  
15 Washington state patrol identification section and to the local  
16 police agency, if any, which holds criminal history information for  
17 the person who is the subject of the conviction. The Washington state  
18 patrol and any such local police agency shall immediately update  
19 their records to reflect the vacation of the conviction, and shall  
20 transmit the order vacating the conviction to the federal bureau of  
21 investigation. A conviction that has been vacated under this section  
22 may not be disseminated or disclosed by the state patrol or local law  
23 enforcement agency to any person, except other criminal justice  
24 enforcement agencies.

25 **Sec. 110.** RCW 9A.36.041 and 2020 c 29 s 7 are each amended to  
26 read as follows:

27 (1) A person is guilty of assault in the fourth degree if, under  
28 circumstances not amounting to assault in the first, second, or third  
29 degree, or custodial assault, he or she assaults another.

30 (2) Assault in the fourth degree is a gross misdemeanor, except  
31 as provided in subsection (3) of this section.

32 (3)(a) Assault in the fourth degree occurring after July 23,  
33 2017, and before March 18, 2020, where domestic violence is pleaded  
34 and proven, is a class C felony if the person has two or more prior  
35 adult convictions within ten years for any of the following offenses  
36 occurring after July 23, 2017, where domestic violence was pleaded  
37 and proven:

38 (i) Repetitive domestic violence offense as defined in RCW  
39 9.94A.030;

1 (ii) Crime of harassment as defined by RCW 9A.46.060;  
2 (iii) Assault in the third degree;  
3 (iv) Assault in the second degree;  
4 (v) Assault in the first degree; or  
5 (vi) A municipal, tribal, federal, or out-of-state offense  
6 comparable to any offense under (a)(i) through (v) of this  
7 subsection.

8 For purposes of this subsection (3)(a), "family or household  
9 members" for purposes of the definition of "domestic violence" means  
10 spouses, domestic partners, former spouses, former domestic partners,  
11 persons who have a child in common regardless of whether they have  
12 been married or have lived together at any time, persons sixteen  
13 years of age or older who are presently residing together or who have  
14 resided together in the past and who have or have had a dating  
15 relationship, and persons sixteen years of age or older with whom a  
16 person sixteen years of age or older has or has had a dating  
17 relationship. "Family or household member" also includes an "intimate  
18 partner" as defined in RCW (~~(26.50.010)~~) 10.99.020.

19 (b) Assault in the fourth degree occurring on or after March 18,  
20 2020, where domestic violence against an "intimate partner" as  
21 defined in RCW (~~(26.50.010)~~) 10.99.020 is pleaded and proven, is a  
22 class C felony if the person has two or more prior adult convictions  
23 within ten years for any of the following offenses occurring after  
24 July 23, 2017, where domestic violence against an "intimate partner"  
25 as defined in RCW (~~(26.50.010)~~) 10.99.020 or domestic violence  
26 against a "family or household member" as defined in (a) of this  
27 subsection was pleaded and proven:

28 (i) Repetitive domestic violence offense as defined in RCW  
29 9.94A.030;

30 (ii) Crime of harassment as defined by RCW 9A.46.060;  
31 (iii) Assault in the third degree;  
32 (iv) Assault in the second degree;  
33 (v) Assault in the first degree; or  
34 (vi) A municipal, tribal, federal, or out-of-state offense  
35 comparable to any offense under (b)(i) through (v) of this  
36 subsection.

37 **Sec. 111.** RCW 9A.40.104 and 2017 c 230 s 3 are each amended to  
38 read as follows:

1 (1) Because of the likelihood of repeated harassment and  
2 intimidation directed at those who have been victims of trafficking  
3 as described in RCW 9A.40.100, before any defendant charged with or  
4 arrested, for a crime involving trafficking, is released from  
5 custody, or at any time the case remains unresolved, the court may  
6 prohibit that person from having any contact with the victim whether  
7 directly or through third parties.

8 At the initial preliminary appearance, the court shall determine  
9 whether to extend any existing prohibition on the defendant's contact  
10 with the victim. If there is no outstanding restraining or protective  
11 order prohibiting that person from having contact with the victim,  
12 the court may issue, by telephone, a no-contact order prohibiting the  
13 person charged or arrested from having contact with the victim or  
14 from knowingly coming within, or knowingly remaining within, a  
15 specified distance of a location. The court may also consider the  
16 provisions of RCW 9.41.800 or other conditions of pretrial release  
17 according to the procedures established by court rule for preliminary  
18 appearance or an arraignment.

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

24 (3)(a) Willful violation of a court order issued under this  
25 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

26 (b) The written order shall contain the court's directives and  
27 shall bear the legend: Violation of this order is a criminal offense  
28 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section  
29 81 of this act) and the violator is subject to arrest; any assault,  
30 drive-by shooting, or reckless endangerment that is a violation of  
31 this order is a felony.

32 (4) Upon a motion with notice to all parties and after a hearing,  
33 the court may terminate or modify the terms of an existing no-contact  
34 order, including terms entered pursuant to RCW 9.41.800 related to  
35 firearms or other dangerous weapons or to concealed pistol licenses.

36 (5)(a) A defendant's motion to terminate or modify a no-contact  
37 order must include a declaration setting forth facts supporting the  
38 requested order for termination or modification. The court shall deny  
39 the motion unless it finds that adequate cause for hearing the motion  
40 is established by the declarations. If the court finds that the

1 defendant established adequate cause, the court shall set a date for  
2 hearing the defendant's motion.

3 (b) The court may terminate or modify the terms of a no-contact  
4 order, including terms entered pursuant to RCW 9.41.800 related to  
5 firearms or other dangerous weapons or to concealed pistol licenses,  
6 if the defendant proves by a preponderance of the evidence that there  
7 has been a material change in circumstances such that the defendant  
8 is not likely to engage in or attempt to engage in physical or  
9 nonphysical contact with the victim if the order is terminated or  
10 modified. The victim bears no burden of proving that he or she has a  
11 current reasonable fear of harm by the defendant.

12 (c) A defendant may file a motion to terminate or modify pursuant  
13 to this section no more than once in every twelve-month period that  
14 the order is in effect, starting from the date of the order and  
15 continuing through any renewal.

16 (6) Whenever a no-contact order is issued, modified, or  
17 terminated under this section, the clerk of the court shall forward a  
18 copy of the order on or before the next judicial day to the  
19 appropriate law enforcement agency specified in the order. Upon  
20 receipt of the copy of the order the law enforcement agency shall  
21 enter the order for one year or until the expiration date specified  
22 on the order into any computer-based criminal intelligence  
23 information system available in this state used by law enforcement  
24 agencies to list outstanding warrants. Entry into the computer-based  
25 criminal intelligence information system constitutes notice to all  
26 law enforcement agencies of the existence of the order. The order is  
27 fully enforceable in any jurisdiction in the state. Upon receipt of  
28 notice that an order has been terminated, the law enforcement agency  
29 shall remove the order from the computer-based criminal intelligence  
30 information system.

31 **Sec. 112.** RCW 9A.46.040 and 2013 c 84 s 27 are each amended to  
32 read as follows:

33 (1) Because of the likelihood of repeated harassment directed at  
34 those who have been victims of harassment in the past, when any  
35 defendant charged with a crime involving harassment is released from  
36 custody before trial on bail or personal recognizance, the court  
37 authorizing the release may issue an order pursuant to this chapter  
38 and require that the defendant:

1 (a) Stay away from the home, school, business, or place of  
2 employment of the victim or victims of the alleged offense or other  
3 location, as shall be specifically named by the court in the order;

4 (b) Refrain from contacting, intimidating, threatening, or  
5 otherwise interfering with the victim or victims of the alleged  
6 offense and such other persons, including but not limited to members  
7 of the family or household of the victim, as shall be specifically  
8 named by the court in the order.

9 (2) Willful violation of a court order issued under this section  
10 or an equivalent local ordinance is a gross misdemeanor. The written  
11 order releasing the defendant shall contain the court's directives  
12 and shall bear the legend: Violation of this order is a criminal  
13 offense under this chapter (~~9A.46—RCW~~). A certified copy of the  
14 order shall be provided to the victim by the clerk of the court.

15 (3) If the defendant is charged with the crime of stalking or any  
16 other stalking-related offense under RCW 9A.46.060, and the court  
17 issues an order protecting the victim, the court shall issue a  
18 stalking no-contact order pursuant to (~~chapter 7.92~~) RCW 7.92.160  
19 (as recodified by this act).

20 **Sec. 113.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to  
21 read as follows:

22 As used in this chapter, "harassment" may include but is not  
23 limited to any of the following crimes:

- 24 (1) Harassment (RCW 9A.46.020);
- 25 (2) Hate crime (RCW 9A.36.080);
- 26 (3) Telephone harassment (RCW 9.61.230);
- 27 (4) Assault in the first degree (RCW 9A.36.011);
- 28 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 29 (6) Assault in the second degree (RCW 9A.36.021);
- 30 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 31 (8) Assault in the fourth degree (RCW 9A.36.041);
- 32 (9) Reckless endangerment (RCW 9A.36.050);
- 33 (10) Extortion in the first degree (RCW 9A.56.120);
- 34 (11) Extortion in the second degree (RCW 9A.56.130);
- 35 (12) Coercion (RCW 9A.36.070);
- 36 (13) Burglary in the first degree (RCW 9A.52.020);
- 37 (14) Burglary in the second degree (RCW 9A.52.030);
- 38 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 39 (16) Criminal trespass in the second degree (RCW 9A.52.080);

- 1 (17) Malicious mischief in the first degree (RCW 9A.48.070);  
2 (18) Malicious mischief in the second degree (RCW 9A.48.080);  
3 (19) Malicious mischief in the third degree (RCW 9A.48.090);  
4 (20) Kidnapping in the first degree (RCW 9A.40.020);  
5 (21) Kidnapping in the second degree (RCW 9A.40.030);  
6 (22) Unlawful imprisonment (RCW 9A.40.040);  
7 (23) Rape in the first degree (RCW 9A.44.040);  
8 (24) Rape in the second degree (RCW 9A.44.050);  
9 (25) Rape in the third degree (RCW 9A.44.060);  
10 (26) Indecent liberties (RCW 9A.44.100);  
11 (27) Rape of a child in the first degree (RCW 9A.44.073);  
12 (28) Rape of a child in the second degree (RCW 9A.44.076);  
13 (29) Rape of a child in the third degree (RCW 9A.44.079);  
14 (30) Child molestation in the first degree (RCW 9A.44.083);  
15 (31) Child molestation in the second degree (RCW 9A.44.086);  
16 (32) Child molestation in the third degree (RCW 9A.44.089);  
17 (33) Stalking (RCW 9A.46.110);  
18 (34) Cyberstalking (RCW 9.61.260);  
19 (35) Residential burglary (RCW 9A.52.025);  
20 (36) Violation of a temporary, permanent, or final protective  
21 order issued pursuant to chapter 7.90, 9A.44, 9A.46, 10.14, 10.99,  
22 26.09, or 26.50 RCW, or violation of a domestic violence protection  
23 order, sexual assault protection order, or antiharassment protection  
24 order issued under chapter 7.--- RCW (the new chapter created in  
25 section 81 of this act);  
26 (37) Unlawful discharge of a laser in the first degree (RCW  
27 9A.49.020); and  
28 (38) Unlawful discharge of a laser in the second degree (RCW  
29 9A.49.030).

30 **Sec. 114.** RCW 9A.46.085 and 2013 c 84 s 28 are each amended to  
31 read as follows:

32 (1) A defendant arrested for stalking as defined by RCW 9A.46.110  
33 shall be required to appear in person before a magistrate within one  
34 judicial day after the arrest.

35 (2) At the time of appearance provided in subsection (1) of this  
36 section the court shall determine the necessity of imposing a  
37 stalking no-contact order under this chapter (~~(7.92-RCW)~~).

38 (3) Appearances required pursuant to this section are mandatory  
39 and cannot be waived.

1 (4) The stalking no-contact order shall be issued and entered  
2 with the appropriate law enforcement agency pursuant to the  
3 procedures outlined in this chapter ((~~7.92-RCW~~)).

4 **Sec. 115.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to  
5 read as follows:

6 (1) A person commits the crime of stalking if, without lawful  
7 authority and under circumstances not amounting to a felony attempt  
8 of another crime:

9 (a) He or she intentionally and repeatedly harasses or repeatedly  
10 follows another person; and

11 (b) The person being harassed or followed is placed in fear that  
12 the stalker intends to injure the person, another person, or property  
13 of the person or of another person. The feeling of fear must be one  
14 that a reasonable person in the same situation would experience under  
15 all the circumstances; and

16 (c) The stalker either:

17 (i) Intends to frighten, intimidate, or harass the person; or

18 (ii) Knows or reasonably should know that the person is afraid,  
19 intimidated, or harassed even if the stalker did not intend to place  
20 the person in fear or intimidate or harass the person.

21 (2)(a) It is not a defense to the crime of stalking under  
22 subsection (1)(c)(i) of this section that the stalker was not given  
23 actual notice that the person did not want the stalker to contact or  
24 follow the person; and

25 (b) It is not a defense to the crime of stalking under subsection  
26 (1)(c)(ii) of this section that the stalker did not intend to  
27 frighten, intimidate, or harass the person.

28 (3) It shall be a defense to the crime of stalking that the  
29 defendant is a licensed private investigator acting within the  
30 capacity of his or her license as provided by chapter 18.165 RCW.

31 (4) Attempts to contact or follow the person after being given  
32 actual notice that the person does not want to be contacted or  
33 followed constitutes prima facie evidence that the stalker intends to  
34 intimidate or harass the person. "Contact" includes, in addition to  
35 any other form of contact or communication, the sending of an  
36 electronic communication to the person.

37 (5)(a) Except as provided in (b) of this subsection, a person who  
38 stalks another person is guilty of a gross misdemeanor.

1 (b) A person who stalks another is guilty of a class B felony if  
2 any of the following applies: (i) The stalker has previously been  
3 convicted in this state or any other state of any crime of  
4 harassment, as defined in RCW 9A.46.060, of the same victim or  
5 members of the victim's family or household or any person  
6 specifically named in a protective order; (ii) the stalking violates  
7 any protective order protecting the person being stalked; (iii) the  
8 stalker has previously been convicted of a gross misdemeanor or  
9 felony stalking offense under this section for stalking another  
10 person; (iv) the stalker was armed with a deadly weapon, as defined  
11 in RCW 9.94A.825, while stalking the person; (v) (A) the stalker's  
12 victim is or was a law enforcement officer; judge; juror; attorney;  
13 victim advocate; legislator; community corrections' officer; an  
14 employee, contract staff person, or volunteer of a correctional  
15 agency; court employee, court clerk, or courthouse facilitator; or an  
16 employee of the child protective, child welfare, or adult protective  
17 services division within the department of social and health  
18 services; and (B) the stalker stalked the victim to retaliate against  
19 the victim for an act the victim performed during the course of  
20 official duties or to influence the victim's performance of official  
21 duties; or (vi) the stalker's victim is a current, former, or  
22 prospective witness in an adjudicative proceeding, and the stalker  
23 stalked the victim to retaliate against the victim as a result of the  
24 victim's testimony or potential testimony.

25 (6) As used in this section:

26 (a) "Correctional agency" means a person working for the  
27 department of natural resources in a correctional setting or any  
28 state, county, or municipally operated agency with the authority to  
29 direct the release of a person serving a sentence or term of  
30 confinement and includes but is not limited to the department of  
31 corrections, the indeterminate sentence review board, and the  
32 department of social and health services.

33 (b) "Course of conduct" means a pattern of conduct composed of a  
34 series of acts over a period of time, however short, evidencing a  
35 continuity of purpose. "Course of conduct" includes, in addition to  
36 any other form of communication, contact, or conduct, the sending of  
37 an electronic communication, but does not include constitutionally  
38 protected free speech. Constitutionally protected activity is not  
39 included within the meaning of "course of conduct."



1       (c) "Follows" means deliberately maintaining visual or physical  
2 proximity to a specific person over a period of time. A finding that  
3 the alleged stalker repeatedly and deliberately appears at the  
4 person's home, school, place of employment, business, or any other  
5 location to maintain visual or physical proximity to the person is  
6 sufficient to find that the alleged stalker follows the person. It is  
7 not necessary to establish that the alleged stalker follows the  
8 person while in transit from one location to another.

9       ~~((c))~~ (d) "Harasses" means ~~((unlawful harassment as defined in~~  
10 ~~RCW 10.14.020))~~ a knowing and willful course of conduct directed at a  
11 specific person which seriously alarms, annoys, harasses, or is  
12 detrimental to such person, and which serves no legitimate or lawful  
13 purpose. The course of conduct shall be such as would cause a  
14 reasonable person to suffer substantial emotional distress, and shall  
15 actually cause substantial emotional distress to the petitioner, or  
16 when the course of conduct would cause a reasonable parent to fear  
17 for the well-being of his or her child.

18       ~~((d))~~ (e) "Protective order" means any temporary or permanent  
19 court order prohibiting or limiting violence against, harassment of,  
20 contact or communication with, or physical proximity to another  
21 person.

22       ~~((e))~~ (f) "Repeatedly" means on two or more separate occasions.

23       **Sec. 116.** RCW 9A.88.170 and 2017 c 230 s 7 are each amended to  
24 read as follows:

25       (1) Because of the likelihood of repeated harassment and  
26 intimidation directed at those who have been victims of promoting  
27 prostitution in the first degree under RCW 9A.88.070 or promoting  
28 prostitution in the second degree under RCW 9A.88.080, before any  
29 defendant charged with or arrested, for a crime involving promoting  
30 prostitution is released from custody, or at any time the case  
31 remains unresolved, the court may prohibit that person from having  
32 any contact with the victim whether directly or through third  
33 parties. If there is no outstanding restraining or protective order  
34 prohibiting that person from having contact with the victim, the  
35 court may issue, by telephone, a no-contact order prohibiting the  
36 person charged or arrested from having contact with the victim or  
37 from knowingly coming within, or knowingly remaining within, a  
38 specified distance of a location. The court may also consider the  
39 provisions of RCW 9.41.800 or other conditions of pretrial release

1 according to the procedures established by court rule for preliminary  
2 appearance or an arraignment.

3 (2) At the time of arraignment, the court shall determine whether  
4 a no-contact order shall be issued or extended. So long as the court  
5 finds probable cause, the court may issue or extend a no-contact  
6 order. The no-contact order shall terminate if the defendant is  
7 acquitted or the charges are dismissed.

8 (3)(a) Willful violation of a court order issued under this  
9 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

10 (b) The written order shall contain the court's directives and  
11 shall bear the legend: Violation of this order is a criminal offense  
12 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section  
13 81 of this act) and the violator is subject to arrest; any assault,  
14 drive-by shooting, or reckless endangerment that is a violation of  
15 this order is a felony.

16 (4) Upon a motion with notice to all parties and after a hearing,  
17 the court may terminate or modify the terms of an existing no-contact  
18 order, including terms entered pursuant to RCW 9.41.800 related to  
19 firearms or other dangerous weapons or to concealed pistol licenses.

20 (5)(a) A defendant's motion to terminate or modify a no-contact  
21 order must include a declaration setting forth facts supporting the  
22 requested order for termination or modification. The court shall deny  
23 the motion unless it finds that adequate cause for hearing the motion  
24 is established by the declarations. If the court finds that the  
25 defendant established adequate cause, the court shall set a date for  
26 hearing the defendant's motion.

27 (b) The court may terminate or modify the terms of a no-contact  
28 order, including terms entered pursuant to RCW 9.41.800 related to  
29 firearms or other dangerous weapons or to concealed pistol licenses,  
30 if the defendant proves by a preponderance of the evidence that there  
31 has been a material change in circumstances such that the defendant  
32 is not likely to engage in or attempt to engage in physical or  
33 nonphysical contact with the victim if the order is terminated or  
34 modified. The victim bears no burden of proving that he or she has a  
35 current reasonable fear of harm by the defendant.

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

1 (6) Whenever a no-contact order is issued, modified, or  
2 terminated under this section, the clerk of the court shall forward a  
3 copy of the order on or before the next judicial day to the  
4 appropriate law enforcement agency specified in the order. Upon  
5 receipt of the copy of the order the law enforcement agency shall  
6 enter the order for one year or until the expiration date specified  
7 on the order into any computer-based criminal intelligence  
8 information system available in this state used by law enforcement  
9 agencies to list outstanding warrants. Entry into the computer-based  
10 criminal intelligence information system constitutes notice to all  
11 law enforcement agencies of the existence of the order. The order is  
12 fully enforceable in any jurisdiction in the state. Upon receipt of  
13 notice that an order has been terminated, the law enforcement agency  
14 shall remove the order from the computer-based criminal intelligence  
15 information system.

16 **Sec. 117.** RCW 9A.88.180 and 2017 c 230 s 8 are each amended to  
17 read as follows:

18 (1) If a defendant is found guilty of the crime of promoting  
19 prostitution in the first degree under RCW 9A.88.070 or promoting  
20 prostitution in the second degree under RCW 9A.88.080, and a  
21 condition of the sentence restricts the defendant's ability to have  
22 contact with the victim or witnesses, the condition must be recorded  
23 and a written certified copy of that order must be provided to the  
24 victim or witnesses by the clerk of the court. Willful violation of a  
25 court order issued under this section is punishable under ((RCW  
26 ~~26.50.110~~)) section 56 of this act. The written order must contain  
27 the court's directives and shall bear the legend: Violation of this  
28 order is a criminal offense under chapter ((26.50)) 7.--- RCW (the  
29 new chapter created in section 81 of this act) and the violator is  
30 subject to arrest; any assault, drive-by shooting, or reckless  
31 endangerment that is a violation of this order is a felony.

32 (2) Whenever a no-contact order is issued under this section, the  
33 clerk of the court shall forward a copy of the order on or before the  
34 next judicial day to the appropriate law enforcement agency specified  
35 in the order. Upon receipt of the copy of the order, the law  
36 enforcement agency shall enter the order for one year or until the  
37 expiration date specified on the order into any computer-based  
38 criminal intelligence information system available in this state used  
39 by law enforcement agencies to list outstanding warrants. Entry into

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

7 **Sec. 118.** RCW 10.01.240 and 2019 c 263 s 202 are each amended to  
8 read as follows:

9 Whenever a prosecutor, or the attorney general or assistants  
10 acting pursuant to RCW 10.01.190, institutes or conducts a criminal  
11 proceeding involving domestic violence as defined in RCW 10.99.020,  
12 the prosecutor, or attorney general or assistants, shall specify  
13 whether the victim and defendant are intimate partners or family or  
14 household members within the meaning of (~~RCW 26.50.010~~) section 2  
15 of this act.

16 **Sec. 119.** RCW 10.05.020 and 2019 c 263 s 703 are each amended to  
17 read as follows:

18 (1) Except as provided in subsection (2) of this section, the  
19 petitioner shall allege under oath in the petition that the wrongful  
20 conduct charged is the result of or caused by substance use disorders  
21 or mental problems or domestic violence behavior problems for which  
22 the person is in need of treatment and unless treated the probability  
23 of future recurrence is great, along with a statement that the person  
24 agrees to pay the cost of a diagnosis and treatment of the alleged  
25 problem or problems if financially able to do so. The petition shall  
26 also contain a case history and written assessment prepared by an  
27 approved substance use disorder treatment program as designated in  
28 chapter 71.24 RCW if the petition alleges a substance use disorder,  
29 by an approved mental health center if the petition alleges a mental  
30 problem, or by a state-certified domestic violence treatment provider  
31 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this  
32 act) if the petition alleges a domestic violence behavior problem.

33 (2) In the case of a petitioner charged with a misdemeanor or  
34 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall  
35 allege under oath in the petition that the petitioner is the natural  
36 or adoptive parent of the alleged victim; that the wrongful conduct  
37 charged is the result of parenting problems for which the petitioner  
38 is in need of services; that the petitioner is in need of child

1 welfare services under chapter 74.13 RCW to improve his or her  
2 parenting skills in order to better provide his or her child or  
3 children with the basic necessities of life; that the petitioner  
4 wants to correct his or her conduct to reduce the likelihood of harm  
5 to his or her minor children; that in the absence of child welfare  
6 services the petitioner may be unable to reduce the likelihood of  
7 harm to his or her minor children; and that the petitioner has  
8 cooperated with the department of social and health services to  
9 develop a plan to receive appropriate child welfare services; along  
10 with a statement that the person agrees to pay the cost of the  
11 services if he or she is financially able to do so. The petition  
12 shall also contain a case history and a written service plan from the  
13 department of social and health services.

14 (3) Before entry of an order deferring prosecution, a petitioner  
15 shall be advised of his or her rights as an accused and execute, as a  
16 condition of receiving treatment, a statement that contains: (a) An  
17 acknowledgment of his or her rights; (b) an acknowledgment and waiver  
18 of the right to testify, the right to a speedy trial, the right to  
19 call witnesses to testify, the right to present evidence in his or  
20 her defense, and the right to a jury trial; (c) a stipulation to the  
21 admissibility and sufficiency of the facts contained in the written  
22 police report; and (d) an acknowledgment that the statement will be  
23 entered and used to support a finding of guilty if the court finds  
24 cause to revoke the order granting deferred prosecution. The  
25 petitioner shall also be advised that he or she may, if he or she  
26 proceeds to trial and is found guilty, be allowed to seek suspension  
27 of some or all of the fines and incarceration that may be ordered  
28 upon the condition that he or she seek treatment and, further, that  
29 he or she may seek treatment from public and private agencies at any  
30 time without regard to whether or not he or she is found guilty of  
31 the offense charged. He or she shall also be advised that the court  
32 will not accept a petition for deferred prosecution from a person  
33 who: (i) Sincerely believes that he or she is innocent of the  
34 charges; (ii) sincerely believes that he or she does not, in fact,  
35 suffer from alcoholism, drug addiction, mental problems, or domestic  
36 violence behavior problems; or (iii) in the case of a petitioner  
37 charged under chapter 9A.42 RCW, sincerely believes that he or she  
38 does not need child welfare services.

39 (4) Before entering an order deferring prosecution, the court  
40 shall make specific findings that: (a) The petitioner has stipulated

1 to the admissibility and sufficiency of the facts as contained in the  
2 written police report; (b) the petitioner has acknowledged the  
3 admissibility of the stipulated facts in any criminal hearing on the  
4 underlying offense or offenses held subsequent to revocation of the  
5 order granting deferred prosecution; (c) the petitioner has  
6 acknowledged and waived the right to testify, the right to a speedy  
7 trial, the right to call witnesses to testify, the right to present  
8 evidence in his or her defense, and the right to a jury trial; and  
9 (d) the petitioner's statements were made knowingly and voluntarily.  
10 Such findings shall be included in the order granting deferred  
11 prosecution.

12 **Sec. 120.** RCW 10.05.030 and 2019 c 263 s 704 are each amended to  
13 read as follows:

14 The arraigning judge upon consideration of the petition and with  
15 the concurrence of the prosecuting attorney may continue the  
16 arraignment and refer such person for a diagnostic investigation and  
17 evaluation to:

18 (1) An approved substance use disorder treatment program as  
19 designated in chapter 71.24 RCW if the petition alleges a substance  
20 use disorder;

21 (2) An approved mental health center if the petition alleges a  
22 mental problem;

23 (3) The department of social and health services if the petition  
24 is brought under RCW 10.05.020(2); or

25 (4) An approved state-certified domestic violence treatment  
26 provider pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified  
27 by this act) if the petition alleges a domestic violence behavior  
28 problem.

29 **Sec. 121.** RCW 10.22.010 and 2020 c 29 s 9 are each amended to  
30 read as follows:

31 When a defendant is prosecuted in a criminal action for a  
32 misdemeanor, other than a violation of RCW 9A.48.105, for which the  
33 person injured by the act constituting the offense has a remedy by a  
34 civil action, the offense may be compromised as provided in RCW  
35 10.22.020, except when it was committed:

36 (1) By or upon an officer while in the execution of the duties of  
37 his or her office;

38 (2) Riotously;

1 (3) With an intent to commit a felony; or

2 (4) By one family or household member against another or by one  
3 intimate partner against another as defined in RCW ((~~26.50.010~~)  
4 10.99.020 and was a crime of domestic violence as defined in RCW  
5 10.99.020.

6 **Sec. 122.** RCW 10.31.100 and 2020 c 29 s 10 are each amended to  
7 read as follows:

8 A police officer having probable cause to believe that a person  
9 has committed or is committing a felony shall have the authority to  
10 arrest the person without a warrant. A police officer may arrest a  
11 person without a warrant for committing a misdemeanor or gross  
12 misdemeanor only when the offense is committed in the presence of an  
13 officer, except as provided in subsections (1) through (11) of this  
14 section.

15 (1) Any police officer having probable cause to believe that a  
16 person has committed or is committing a misdemeanor or gross  
17 misdemeanor, involving physical harm or threats of harm to any person  
18 or property or the unlawful taking of property or involving the use  
19 or possession of cannabis, or involving the acquisition, possession,  
20 or consumption of alcohol by a person under the age of twenty-one  
21 years under RCW 66.44.270, or involving criminal trespass under RCW  
22 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
23 person.

24 (2) A police officer shall arrest and take into custody, pending  
25 release on bail, personal recognizance, or court order, a person  
26 without a warrant when the officer has probable cause to believe  
27 that:

28 (a) ((~~An~~)) A domestic violence protection order, a sexual assault  
29 protection order, a stalking protection order, or a vulnerable adult  
30 protection order has been issued, of which the person has knowledge,  
31 under chapter 7.--- RCW (the new chapter created in section 81 of  
32 this act), or an order has been issued, of which the person has  
33 knowledge, under RCW 26.44.063, or chapter 7.92, 7.90, 9A.40, 9A.46,  
34 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, 26.50, or 74.34 RCW,  
35 restraining the person and the person has violated the terms of the  
36 order restraining the person from acts or threats of violence, or  
37 restraining the person from going onto the grounds of, or entering, a  
38 residence, workplace, school, or day care, or prohibiting the person  
39 from knowingly coming within, or knowingly remaining within, a

1 specified distance of a location, a protected party's person, or a  
2 protected party's vehicle, or, in the case of an order issued under  
3 RCW 26.44.063, imposing any other restrictions or conditions upon the  
4 person;

5 (b) An extreme risk protection order has been issued against the  
6 person under chapter 7.--- RCW (the new chapter created in section 81  
7 of this act) or RCW 7.94.040, the person has knowledge of the order,  
8 and the person has violated the terms of the order prohibiting the  
9 person from having in his or her custody or control, purchasing,  
10 possessing, accessing, or receiving a firearm or concealed pistol  
11 license;

12 (c) A foreign protection order, as defined in RCW 26.52.010, or a  
13 Canadian domestic violence protection order, as defined in RCW  
14 26.55.010, has been issued of which the person under restraint has  
15 knowledge and the person under restraint has violated a provision of  
16 the foreign protection order or the Canadian domestic violence  
17 protection order prohibiting the person under restraint from  
18 contacting or communicating with another person, or excluding the  
19 person under restraint from a residence, workplace, school, or day  
20 care, or prohibiting the person from knowingly coming within, or  
21 knowingly remaining within, a specified distance of a location, a  
22 protected party's person, or a protected party's vehicle, or a  
23 violation of any provision for which the foreign protection order or  
24 the Canadian domestic violence protection order specifically  
25 indicates that a violation will be a crime; or

26 (d) The person is eighteen years or older and within the  
27 preceding four hours has assaulted a family or household member or  
28 intimate partner as defined in RCW (~~26.50.010~~) 10.99.020 and the  
29 officer believes: (i) A felonious assault has occurred; (ii) an  
30 assault has occurred which has resulted in bodily injury to the  
31 victim, whether the injury is observable by the responding officer or  
32 not; or (iii) that any physical action has occurred which was  
33 intended to cause another person reasonably to fear imminent serious  
34 bodily injury or death. Bodily injury means physical pain, illness,  
35 or an impairment of physical condition. When the officer has probable  
36 cause to believe that family or household members or intimate  
37 partners have assaulted each other, the officer is not required to  
38 arrest both persons. The officer shall arrest the person whom the  
39 officer believes to be the primary physical aggressor. In making this  
40 determination, the officer shall make every reasonable effort to



1 consider: (A) The intent to protect victims of domestic violence  
2 under RCW 10.99.010; (B) the comparative extent of injuries inflicted  
3 or serious threats creating fear of physical injury; and (C) the  
4 history of domestic violence of each person involved, including  
5 whether the conduct was part of an ongoing pattern of abuse.

6 (3) Any police officer having probable cause to believe that a  
7 person has committed or is committing a violation of any of the  
8 following traffic laws shall have the authority to arrest the person:

9 (a) RCW 46.52.010, relating to duty on striking an unattended car  
10 or other property;

11 (b) RCW 46.52.020, relating to duty in case of injury to, or  
12 death of, a person or damage to an attended vehicle;

13 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
14 racing of vehicles;

15 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
16 influence of intoxicating liquor or drugs;

17 (e) RCW 46.61.503 or 46.25.110, relating to persons having  
18 alcohol or THC in their system;

19 (f) RCW 46.20.342, relating to driving a motor vehicle while  
20 operator's license is suspended or revoked;

21 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
22 negligent manner.

23 (4) A law enforcement officer investigating at the scene of a  
24 motor vehicle accident may arrest the driver of a motor vehicle  
25 involved in the accident if the officer has probable cause to believe  
26 that the driver has committed, in connection with the accident, a  
27 violation of any traffic law or regulation.

28 (5) (a) A law enforcement officer investigating at the scene of a  
29 motor vessel accident may arrest the operator of a motor vessel  
30 involved in the accident if the officer has probable cause to believe  
31 that the operator has committed, in connection with the accident, a  
32 criminal violation of chapter 79A.60 RCW.

33 (b) A law enforcement officer investigating at the scene of a  
34 motor vessel accident may issue a citation for an infraction to the  
35 operator of a motor vessel involved in the accident if the officer  
36 has probable cause to believe that the operator has committed, in  
37 connection with the accident, a violation of any boating safety law  
38 of chapter 79A.60 RCW.

1 (6) Any police officer having probable cause to believe that a  
2 person has committed or is committing a violation of RCW 79A.60.040  
3 shall have the authority to arrest the person.

4 (7) An officer may act upon the request of a law enforcement  
5 officer, in whose presence a traffic infraction was committed, to  
6 stop, detain, arrest, or issue a notice of traffic infraction to the  
7 driver who is believed to have committed the infraction. The request  
8 by the witnessing officer shall give an officer the authority to take  
9 appropriate action under the laws of the state of Washington.

10 (8) Any police officer having probable cause to believe that a  
11 person has committed or is committing any act of indecent exposure,  
12 as defined in RCW 9A.88.010, may arrest the person.

13 (9) A police officer may arrest and take into custody, pending  
14 release on bail, personal recognizance, or court order, a person  
15 without a warrant when the officer has probable cause to believe that  
16 an antiharassment protection order has been issued of which the  
17 person has knowledge under chapter 7.--- (the new chapter created in  
18 section 81 of this act) or 10.14 RCW and the person has violated the  
19 terms of that order.

20 (10) Any police officer having probable cause to believe that a  
21 person has, within twenty-four hours of the alleged violation,  
22 committed a violation of RCW 9A.50.020 may arrest such person.

23 (11) A police officer having probable cause to believe that a  
24 person illegally possesses or illegally has possessed a firearm or  
25 other dangerous weapon on private or public elementary or secondary  
26 school premises shall have the authority to arrest the person.

27 For purposes of this subsection, the term "firearm" has the  
28 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has  
29 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

30 (12) A law enforcement officer having probable cause to believe  
31 that a person has committed a violation under RCW 77.15.160(5) may  
32 issue a citation for an infraction to the person in connection with  
33 the violation.

34 (13) A law enforcement officer having probable cause to believe  
35 that a person has committed a criminal violation under RCW 77.15.809  
36 or 77.15.811 may arrest the person in connection with the violation.

37 (14) Except as specifically provided in subsections (2), (3),  
38 (4), and (7) of this section, nothing in this section extends or  
39 otherwise affects the powers of arrest prescribed in Title 46 RCW.

1 (15) No police officer may be held criminally or civilly liable  
2 for making an arrest pursuant to subsection (2) or (9) of this  
3 section if the police officer acts in good faith and without malice.

4 (16)(a) Except as provided in (b) of this subsection, a police  
5 officer shall arrest and keep in custody, until release by a judicial  
6 officer on bail, personal recognizance, or court order, a person  
7 without a warrant when the officer has probable cause to believe that  
8 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
9 local ordinance and the police officer: (i) Has knowledge that the  
10 person has a prior offense as defined in RCW 46.61.5055 within ten  
11 years; or (ii) has knowledge, based on a review of the information  
12 available to the officer at the time of arrest, that the person is  
13 charged with or is awaiting arraignment for an offense that would  
14 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
15 conviction.

16 (b) A police officer is not required to keep in custody a person  
17 under (a) of this subsection if the person requires immediate medical  
18 attention and is admitted to a hospital.

19 **Sec. 123.** RCW 10.66.010 and 2020 c 29 s 11 are each amended to  
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter:

23 (1) "Applicant" means any person who owns, occupies, or has a  
24 substantial interest in property, or who is a neighbor to property  
25 which is adversely affected by drug trafficking, including:

26 (a) A "family or household member" or "intimate partner" as  
27 defined (~~by RCW 26.50.010~~) in section 2 of this act, who has a  
28 possessory interest in a residence as an owner or tenant, at least as  
29 great as a known drug trafficker's interest;

30 (b) An owner or lessor;

31 (c) An owner, tenant, or resident who lives or works in a  
32 designated PADT area; or

33 (d) A city or prosecuting attorney for any jurisdiction in this  
34 state where drug trafficking is occurring.

35 (2) "Drug" or "drugs" means a controlled substance as defined in  
36 chapter 69.50 RCW or an "imitation controlled substance" as defined  
37 in RCW 69.52.020.

38 (3) "Known drug trafficker" means any person who has been  
39 convicted of a drug offense in this state, another state, or federal

1 court who subsequently has been arrested for a drug offense in this  
2 state. For purposes of this definition, "drug offense" means a felony  
3 violation of chapter 69.50 or 69.52 RCW or equivalent law in another  
4 jurisdiction that involves the manufacture, distribution, or  
5 possession with intent to manufacture or distribute of a controlled  
6 substance or imitation controlled substance.

7 (4) "Off-limits orders" means an order issued by a superior or  
8 district court in the state of Washington that enjoins known drug  
9 traffickers from entering or remaining in a designated PADT area.

10 (5) "Protected against drug trafficking area" or "PADT area"  
11 means any specifically described area, public or private, contained  
12 in an off-limits order. The perimeters of a PADT area shall be  
13 defined using street names and numbers and shall include all real  
14 property contained therein, where drug sales, possession of drugs,  
15 pedestrian or vehicular traffic attendant to drug activity, or other  
16 activity associated with drug offenses confirms a pattern associated  
17 with drug trafficking. The area may include the full width of  
18 streets, alleys and sidewalks on the perimeter, common areas,  
19 planting strips, or parks and parking areas within the area described  
20 using the streets as boundaries.

21 **Sec. 124.** RCW 10.95.020 and 2020 c 29 s 12 are each amended to  
22 read as follows:

23 A person is guilty of aggravated first degree murder, a class A  
24 felony, if he or she commits first degree murder as defined by RCW  
25 9A.32.030(1)(a), as now or hereafter amended, and one or more of the  
26 following aggravating circumstances exist:

27 (1) The victim was a law enforcement officer, corrections  
28 officer, or firefighter who was performing his or her official duties  
29 at the time of the act resulting in death and the victim was known or  
30 reasonably should have been known by the person to be such at the  
31 time of the killing;

32 (2) At the time of the act resulting in the death, the person was  
33 serving a term of imprisonment, had escaped, or was on authorized or  
34 unauthorized leave in or from a state facility or program for the  
35 incarceration or treatment of persons adjudicated guilty of crimes;

36 (3) At the time of the act resulting in death, the person was in  
37 custody in a county or county-city jail as a consequence of having  
38 been adjudicated guilty of a felony;

1 (4) The person committed the murder pursuant to an agreement that  
2 he or she would receive money or any other thing of value for  
3 committing the murder;

4 (5) The person solicited another person to commit the murder and  
5 had paid or had agreed to pay money or any other thing of value for  
6 committing the murder;

7 (6) The person committed the murder to obtain or maintain his or  
8 her membership or to advance his or her position in the hierarchy of  
9 an organization, association, or identifiable group;

10 (7) The murder was committed during the course of or as a result  
11 of a shooting where the discharge of the firearm, as defined in RCW  
12 9.41.010, is either from a motor vehicle or from the immediate area  
13 of a motor vehicle that was used to transport the shooter or the  
14 firearm, or both, to the scene of the discharge;

15 (8) The victim was:

16 (a) A judge; juror or former juror; prospective, current, or  
17 former witness in an adjudicative proceeding; prosecuting attorney;  
18 deputy prosecuting attorney; defense attorney; a member of the  
19 indeterminate sentence review board; or a probation or parole  
20 officer; and

21 (b) The murder was related to the exercise of official duties  
22 performed or to be performed by the victim;

23 (9) The person committed the murder to conceal the commission of  
24 a crime or to protect or conceal the identity of any person  
25 committing a crime, including, but specifically not limited to, any  
26 attempt to avoid prosecution as a persistent offender as defined in  
27 RCW 9.94A.030;

28 (10) There was more than one victim and the murders were part of  
29 a common scheme or plan or the result of a single act of the person;

30 (11) The murder was committed in the course of, in furtherance  
31 of, or in immediate flight from one of the following crimes:

32 (a) Robbery in the first or second degree;

33 (b) Rape in the first or second degree;

34 (c) Burglary in the first or second degree or residential  
35 burglary;

36 (d) Kidnapping in the first degree; or

37 (e) Arson in the first degree;

38 (12) The victim was regularly employed or self-employed as a  
39 newsreporter and the murder was committed to obstruct or hinder the  
40 investigative, research, or reporting activities of the victim;

1 (13) At the time the person committed the murder, there existed a  
2 court order, issued in this or any other state, which prohibited the  
3 person from either contacting the victim, molesting the victim, or  
4 disturbing the peace of the victim, and the person had knowledge of  
5 the existence of that order;

6 (14) At the time the person committed the murder, the person and  
7 the victim were "family or household members" or "intimate partners"  
8 as defined in RCW (~~26.50.010~~) 10.99.020, and the person had  
9 previously engaged in a pattern or practice of three or more of the  
10 following crimes committed upon the victim within a five-year period,  
11 regardless of whether a conviction resulted:

- 12 (a) Harassment as defined in RCW 9A.46.020; or  
13 (b) Any criminal assault.

14 **Sec. 125.** RCW 10.99.020 and 2020 c 296 s 5 are each reenacted  
15 and amended to read as follows:

16 Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

18 (1) "Agency" means a general authority Washington law enforcement  
19 agency as defined in RCW 10.93.020.

20 (2) "Association" means the Washington association of sheriffs  
21 and police chiefs.

22 (3) "Dating relationship" has the same meaning as in (~~RCW~~  
23 ~~26.50.010~~) section 2 of this act.

24 (4) "Domestic violence" includes but is not limited to any of the  
25 following crimes when committed either by (a) one family or household  
26 member against another family or household member, or (b) one  
27 intimate partner against another intimate partner:

- 28 (i) Assault in the first degree (RCW 9A.36.011);  
29 (ii) Assault in the second degree (RCW 9A.36.021);  
30 (iii) Assault in the third degree (RCW 9A.36.031);  
31 (iv) Assault in the fourth degree (RCW 9A.36.041);  
32 (v) Drive-by shooting (RCW 9A.36.045);  
33 (vi) Reckless endangerment (RCW 9A.36.050);  
34 (vii) Coercion (RCW 9A.36.070);  
35 (viii) Burglary in the first degree (RCW 9A.52.020);  
36 (ix) Burglary in the second degree (RCW 9A.52.030);  
37 (x) Criminal trespass in the first degree (RCW 9A.52.070);  
38 (xi) Criminal trespass in the second degree (RCW 9A.52.080);  
39 (xii) Malicious mischief in the first degree (RCW 9A.48.070);

- 1 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);  
2 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);  
3 (xv) Kidnapping in the first degree (RCW 9A.40.020);  
4 (xvi) Kidnapping in the second degree (RCW 9A.40.030);  
5 (xvii) Unlawful imprisonment (RCW 9A.40.040);  
6 (xviii) Violation of the provisions of a restraining order, no-  
7 contact order, or protection order restraining or enjoining the  
8 person or restraining the person from going onto the grounds of or  
9 entering a residence, workplace, school, or day care, or prohibiting  
10 the person from knowingly coming within, or knowingly remaining  
11 within, a specified distance of a location, a protected party's  
12 person, or a protected party's vehicle (chapter 7.--- RCW (the new  
13 chapter created in section 81 of this act) or RCW 10.99.040,  
14 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,  
15 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);  
16 (xix) Rape in the first degree (RCW 9A.44.040);  
17 (xx) Rape in the second degree (RCW 9A.44.050);  
18 (xxi) Residential burglary (RCW 9A.52.025);  
19 (xxii) Stalking (RCW 9A.46.110); and  
20 (xxiii) Interference with the reporting of domestic violence (RCW  
21 9A.36.150).

22 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.

23 (6) "Employee" means any person currently employed with an  
24 agency.

25 (7) "Family or household members" means (~~the same as in RCW~~  
26 ~~26.50.010~~): (a) Adult persons related by blood or marriage; (b)  
27 adult persons who are presently residing together or who have resided  
28 together in the past; and (c) persons who have a biological or legal  
29 parent-child relationship, including stepparents and stepchildren and  
30 grandparents and grandchildren.

31 (8) "Intimate partners" means (~~the same as in RCW 26.50.010~~):  
32 (a) Spouses or domestic partners; (b) former spouses or former  
33 domestic partners; (c) persons who have a child in common regardless  
34 of whether they have been married or have lived together at any time;  
35 (d) adult persons presently or previously residing together who have  
36 or have had a dating relationship; (e) persons 16 years of age or  
37 older who are presently residing together or who have resided  
38 together in the past and who have or have had a dating relationship;  
39 or (f) persons 16 years of age or older with whom a person 16 years  
40 of age or older has or has had a dating relationship.

1 (9) "Sworn employee" means a general authority Washington peace  
2 officer as defined in RCW 10.93.020, any person appointed under RCW  
3 35.21.333, and any person appointed or elected to carry out the  
4 duties of the sheriff under chapter 36.28 RCW.

5 (10) "Victim" means a family or household member or an intimate  
6 partner who has been subjected to domestic violence.

7 **Sec. 126.** RCW 10.99.040 and 2019 c 367 s 4 are each amended to  
8 read as follows:

9 (1) Because of the serious nature of domestic violence, the court  
10 in domestic violence actions:

11 (a) Shall not dismiss any charge or delay disposition because of  
12 concurrent dissolution or other civil proceedings;

13 (b) Shall not require proof that either party is seeking a  
14 dissolution of marriage prior to instigation of criminal proceedings;

15 (c) Shall waive any requirement that the victim's location be  
16 disclosed to any person, other than the attorney of a criminal  
17 defendant, upon a showing that there is a possibility of further  
18 violence: PROVIDED, That the court may order a criminal defense  
19 attorney not to disclose to his or her client the victim's location;  
20 and

21 (d) Shall identify by any reasonable means on docket sheets those  
22 criminal actions arising from acts of domestic violence.

23 (2) (a) Because of the likelihood of repeated violence directed at  
24 those who have been victims of domestic violence in the past, when  
25 any person charged with or arrested for a crime involving domestic  
26 violence is released from custody before arraignment or trial on bail  
27 or personal recognizance, the court authorizing the release may  
28 prohibit that person from having any contact with the victim. The  
29 jurisdiction authorizing the release shall determine whether that  
30 person should be prohibited from having any contact with the victim.  
31 If there is no outstanding restraining or protective order  
32 prohibiting that person from having contact with the victim, the  
33 court authorizing release may issue, by telephone, a no-contact order  
34 prohibiting the person charged or arrested from having contact with  
35 the victim or from knowingly coming within, or knowingly remaining  
36 within, a specified distance of a location.

37 (b) In issuing the order, the court shall consider the provisions  
38 of RCW 9.41.800, and shall order the defendant to surrender, and



1 prohibit the person from possessing, all firearms, dangerous weapons,  
2 and any concealed pistol license as required in RCW 9.41.800.

3 (c) The no-contact order shall also be issued in writing as soon  
4 as possible, and shall state that it may be extended as provided in  
5 subsection (3) of this section. By January 1, 2011, the  
6 administrative office of the courts shall develop a pattern form for  
7 all no-contact orders issued under this chapter. A no-contact order  
8 issued under this chapter must substantially comply with the pattern  
9 form developed by the administrative office of the courts.

10 (3)(a) At the time of arraignment the court shall determine  
11 whether a no-contact order shall be issued or extended. So long as  
12 the court finds probable cause, the court may issue or extend a no-  
13 contact order even if the defendant fails to appear at arraignment.  
14 The no-contact order shall terminate if the defendant is acquitted or  
15 the charges are dismissed.

16 (b) In issuing the order, the court shall consider all  
17 information documented in the incident report concerning the person's  
18 possession of and access to firearms and whether law enforcement took  
19 temporary custody of firearms at the time of the arrest. The court  
20 may as a condition of release prohibit the defendant from possessing  
21 or accessing firearms and order the defendant to immediately  
22 surrender all firearms and any concealed pistol license to a law  
23 enforcement agency upon release.

24 (c) If a no-contact order is issued or extended, the court may  
25 also include in the conditions of release a requirement that the  
26 defendant submit to electronic monitoring as defined in RCW  
27 9.94A.030. If electronic monitoring is ordered, the court shall  
28 specify who shall provide the monitoring services, and the terms  
29 under which the monitoring shall be performed. Upon conviction, the  
30 court may require as a condition of the sentence that the defendant  
31 reimburse the providing agency for the costs of the electronic  
32 monitoring.

33 (4)(a) Willful violation of a court order issued under subsection  
34 (2), (3), or (7) of this section is punishable under (~~RCW~~  
35 ~~26.50.110~~) section 56 of this act.

36 (b) The written order releasing the person charged or arrested  
37 shall contain the court's directives and shall bear the legend:  
38 "Violation of this order is a criminal offense under chapter  
39 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this  
40 act) and will subject a violator to arrest; any assault, drive-by

1 shooting, or reckless endangerment that is a violation of this order  
2 is a felony. You can be arrested even if any person protected by the  
3 order invites or allows you to violate the order's prohibitions. You  
4 have the sole responsibility to avoid or refrain from violating the  
5 order's provisions. Only the court can change the order."

6 (c) A certified copy of the order shall be provided to the  
7 victim.

8 (5) If a no-contact order has been issued prior to charging, that  
9 order shall expire at arraignment or within seventy-two hours if  
10 charges are not filed.

11 (6) Whenever a no-contact order is issued, modified, or  
12 terminated under subsection (2) or (3) of this section, the clerk of  
13 the court shall forward a copy of the order on or before the next  
14 judicial day to the appropriate law enforcement agency specified in  
15 the order. Upon receipt of the copy of the order the law enforcement  
16 agency shall enter the order for one year or until the expiration  
17 date specified on the order into any computer-based criminal  
18 intelligence information system available in this state used by law  
19 enforcement agencies to list outstanding warrants. Entry into the  
20 computer-based criminal intelligence information system constitutes  
21 notice to all law enforcement agencies of the existence of the order.  
22 The order is fully enforceable in any jurisdiction in the state. Upon  
23 receipt of notice that an order has been terminated under subsection  
24 (3) of this section, the law enforcement agency shall remove the  
25 order from the computer-based criminal intelligence information  
26 system.

27 (7) All courts shall develop policies and procedures by January  
28 1, 2011, to grant victims a process to modify or rescind a no-contact  
29 order issued under this chapter. The administrative office of the  
30 courts shall develop a model policy to assist the courts in  
31 implementing the requirements of this subsection.

32 **Sec. 127.** RCW 10.99.050 and 2019 c 263 s 303 are each amended to  
33 read as follows:

34 (1) When a defendant is found guilty of a crime and a condition  
35 of the sentence restricts the defendant's ability to have contact  
36 with the victim, such condition shall be recorded and a written  
37 certified copy of that order shall be provided to the victim.

38 (2)(a) Willful violation of a court order issued under this  
39 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

1 (b) The written order shall contain the court's directives and  
2 shall bear the legend: Violation of this order is a criminal offense  
3 under chapter ((26.50)) 7.--- RCW (the new chapter created in section  
4 81 of this act) and will subject a violator to arrest; any assault,  
5 drive-by shooting, or reckless endangerment that is a violation of  
6 this order is a felony.

7 (c) An order issued pursuant to this section in conjunction with  
8 a misdemeanor or gross misdemeanor sentence or juvenile disposition  
9 remains in effect for a fixed period of time determined by the court,  
10 which may not exceed five years from the date of sentencing or  
11 disposition.

12 (d) An order issued pursuant to this section in conjunction with  
13 a felony sentence or juvenile disposition remains in effect for a  
14 fixed period of time determined by the court, which may not exceed  
15 the adult maximum sentence established in RCW 9A.20.021.

16 (3) Whenever an order prohibiting contact is issued pursuant to  
17 this section, the clerk of the court shall forward a copy of the  
18 order on or before the next judicial day to the appropriate law  
19 enforcement agency specified in the order. Upon receipt of the copy  
20 of the order the law enforcement agency shall enter the order for one  
21 year or until the expiration date specified on the order into any  
22 computer-based criminal intelligence information system available in  
23 this state used by law enforcement agencies to list outstanding  
24 warrants. Entry into the computer-based criminal intelligence  
25 information system constitutes notice to all law enforcement agencies  
26 of the existence of the order. The order is fully enforceable in any  
27 jurisdiction in the state.

28 (4) If an order prohibiting contact issued pursuant to this  
29 section is modified or terminated, the clerk of the court shall  
30 notify the law enforcement agency specified in the order on or before  
31 the next judicial day. Upon receipt of notice that an order has been  
32 terminated, the law enforcement agency shall remove the order from  
33 any computer-based criminal intelligence system.

34 **Sec. 128.** RCW 10.99.090 and 2005 c 274 s 209 are each amended to  
35 read as follows:

36 (1) By December 1, 2004, the association shall develop a written  
37 model policy on domestic violence committed or allegedly committed by  
38 sworn employees of agencies. In developing the policy, the

1 association shall convene a work group consisting of representatives  
2 from the following entities and professions:

3 (a) Statewide organizations representing state and local  
4 enforcement officers;

5 (b) A statewide organization providing training and education for  
6 agencies having the primary responsibility of serving victims of  
7 domestic violence with emergency shelter and other services; and

8 (c) Any other organization or profession the association  
9 determines to be appropriate.

10 (2) Members of the work group shall serve without compensation.

11 (3) The model policy shall provide due process for employees and,  
12 at a minimum, meet the following standards:

13 (a) Provide prehire screening procedures reasonably calculated to  
14 disclose whether an applicant for a sworn employee position:

15 (i) Has committed or, based on credible sources, has been accused  
16 of committing an act of domestic violence;

17 (ii) Is currently being investigated for an allegation of child  
18 abuse or neglect or has previously been investigated for founded  
19 allegations of child abuse or neglect; or

20 (iii) Is currently or has previously been subject to any order  
21 under RCW 26.44.063, this chapter, chapter 10.14 or 26.50 RCW, or to  
22 a domestic violence protection order or antiharassment protection  
23 order under chapter 7.--- RCW (the new chapter created in section 81  
24 of this act), or any equivalent order issued by another state or  
25 tribal court;

26 (b) Provide for the mandatory, immediate response to acts or  
27 allegations of domestic violence committed or allegedly committed by  
28 a sworn employee of an agency;

29 (c) Provide to a sworn employee, upon the request of the sworn  
30 employee or when the sworn employee has been alleged to have  
31 committed an act of domestic violence, information on programs under  
32 RCW 26.50.150 (as recodified by this act);

33 (d) Provide for the mandatory, immediate reporting by employees  
34 when an employee becomes aware of an allegation of domestic violence  
35 committed or allegedly committed by a sworn employee of the agency  
36 employing the sworn employee;

37 (e) Provide procedures to address reporting by an employee who is  
38 the victim of domestic violence committed or allegedly committed by a  
39 sworn employee of an agency;

1 (f) Provide for the mandatory, immediate self-reporting by a  
2 sworn employee to his or her employing agency when an agency in any  
3 jurisdiction has responded to a domestic violence call in which the  
4 sworn employee committed or allegedly committed an act of domestic  
5 violence;

6 (g) Provide for the mandatory, immediate self-reporting by a  
7 sworn employee to his or her employing agency if the employee is  
8 currently being investigated for an allegation of child abuse or  
9 neglect or has previously been investigated for founded allegations  
10 of child abuse or neglect, or is currently or has previously been  
11 subject to any order under RCW 26.44.063, this chapter, chapter 10.14  
12 or 26.50 RCW, or to a domestic violence protection order or  
13 antiharassment protection order under chapter 7.--- RCW (the new  
14 chapter created in section 81 of this act), or any equivalent order  
15 issued by another state or tribal court;

16 (h) Provide for the performance of prompt separate and impartial  
17 administrative and criminal investigations of acts or allegations of  
18 domestic violence committed or allegedly committed by a sworn  
19 employee of an agency;

20 (i) Provide for appropriate action to be taken during an  
21 administrative or criminal investigation of acts or allegations of  
22 domestic violence committed or allegedly committed by a sworn  
23 employee of an agency. The policy shall provide procedures to  
24 address, in a manner consistent with applicable law and the agency's  
25 ability to maintain public safety within its jurisdiction, whether to  
26 relieve the sworn employee of agency-issued weapons and other agency-  
27 issued property and whether to suspend the sworn employee's power of  
28 arrest or other police powers pending resolution of any  
29 investigation;

30 (j) Provide for prompt and appropriate discipline or sanctions  
31 when, after an agency investigation, it is determined that a sworn  
32 employee has committed an act of domestic violence;

33 (k) Provide that, when there has been an allegation of domestic  
34 violence committed or allegedly committed by a sworn employee, the  
35 agency immediately make available to the alleged victim the following  
36 information:

37 (i) The agency's written policy on domestic violence committed or  
38 allegedly committed by sworn employees;

1 (ii) Information, including but not limited to contact  
2 information, about public and private nonprofit domestic violence  
3 advocates and services; and

4 (iii) Information regarding relevant confidentiality policies  
5 related to the victim's information;

6 (l) Provide procedures for the timely response, consistent with  
7 chapters 42.56 and 10.97 RCW, to an alleged victim's inquiries into  
8 the status of the administrative investigation and the procedures the  
9 agency will follow in an investigation of domestic violence committed  
10 or allegedly committed by a sworn employee;

11 (m) Provide procedures requiring an agency to immediately notify  
12 the employing agency of a sworn employee when the notifying agency  
13 becomes aware of acts or allegations of domestic violence committed  
14 or allegedly committed by the sworn employee within the jurisdiction  
15 of the notifying agency; and

16 (n) Provide procedures for agencies to access and share domestic  
17 violence training within their jurisdiction and with other  
18 jurisdictions.

19 (4) By June 1, 2005, every agency shall adopt and implement a  
20 written policy on domestic violence committed or allegedly committed  
21 by sworn employees of the agency that meet the minimum standards  
22 specified in this section. In lieu of developing its own policy, the  
23 agency may adopt the model policy developed by the association under  
24 this section. In developing its own policy, or before adopting the  
25 model policy, the agency shall consult public and private nonprofit  
26 domestic violence advocates and any other organizations and  
27 professions the agency finds appropriate.

28 (5)(a) Except as provided in this section, not later than June  
29 30, 2006, every sworn employee of an agency shall be trained by the  
30 agency on the agency's policy required under this section.

31 (b) Sworn employees hired by an agency on or after March 1, 2006,  
32 shall, within six months of beginning employment, be trained by the  
33 agency on the agency's policy required under this section.

34 (6)(a) By June 1, 2005, every agency shall provide a copy of its  
35 policy developed under this section to the association and shall  
36 provide a statement notifying the association of whether the agency  
37 has complied with the training required under this section. The copy  
38 and statement shall be provided in electronic format unless the  
39 agency is unable to do so. The agency shall provide the association  
40 with any revisions to the policy upon adoption.

1 (b) The association shall maintain a copy of each agency's policy  
2 and shall provide to the governor and legislature not later than  
3 January 1, 2006, a list of those agencies that have not developed and  
4 submitted policies and those agencies that have not stated their  
5 compliance with the training required under this section.

6 (c) The association shall, upon request and within its resources,  
7 provide technical assistance to agencies in developing their  
8 policies.

9 **Sec. 129.** RCW 11.92.195 and 2017 c 268 s 1 are each amended to  
10 read as follows:

11 (1) Except as otherwise provided in this section, an  
12 incapacitated person retains the right to associate with persons of  
13 the incapacitated person's choosing. This right includes, but is not  
14 limited to, the right to freely communicate and interact with other  
15 persons, whether through in-person visits, telephone calls,  
16 electronic communication, personal mail, or other means. If the  
17 incapacitated person is unable to express consent for communication,  
18 visitation, or interaction with another person, or is otherwise  
19 unable to make a decision regarding association with another person,  
20 a guardian of the incapacitated person, whether full or limited,  
21 must:

22 (a) Personally inform the incapacitated person of the decision  
23 under consideration, using plain language, in a manner calculated to  
24 maximize the understanding of the incapacitated person;

25 (b) Maximize the incapacitated person's participation in the  
26 decision-making process to the greatest extent possible, consistent  
27 with the incapacitated person's abilities; and

28 (c) Give substantial weight to the incapacitated person's  
29 preferences, both expressed and historical.

30 (2) A guardian or limited guardian may not restrict an  
31 incapacitated person's right to communicate, visit, interact, or  
32 otherwise associate with persons of the incapacitated person's  
33 choosing, unless:

34 (a) The restriction is specifically authorized by the  
35 guardianship court in the court order establishing or modifying the  
36 guardianship or limited guardianship under chapter 11.88 RCW;

37 (b) The restriction is pursuant to a protection order issued  
38 under chapter (~~(74.34 RCW, chapter 26.50)~~) 7.--- RCW (the new chapter

1 created in section 81 of this act), or other law, that limits contact  
2 between the incapacitated person and other persons; or

3 (c) (i) The guardian or limited guardian has good cause to believe  
4 that there is an immediate need to restrict an incapacitated person's  
5 right to communicate, visit, interact, or otherwise associate with  
6 persons of the incapacitated person's choosing in order to protect  
7 the incapacitated person from abuse, neglect, abandonment, or  
8 financial exploitation, as those terms are defined in RCW 74.34.020,  
9 or to protect the incapacitated person from activities that  
10 unnecessarily impose significant distress on the incapacitated  
11 person; and

12 (ii) Within fourteen calendar days of imposing the restriction  
13 under (c) (i) of this subsection, the guardian or limited guardian  
14 files a petition for a vulnerable adult protection order under  
15 chapter ((74.34)) 7.--- RCW (the new chapter created in section 81 of  
16 this act). The immediate need restriction may remain in place until  
17 the court has heard and issued an order or decision on the petition.

18 (3) A vulnerable adult protection order under chapter ((74.34))  
19 7.--- RCW (the new chapter created in section 81 of this act) issued  
20 to protect an incapacitated person as described in subsection  
21 (2) (c) (ii) of this section:

22 (a) Must include written findings of fact and conclusions of law;

23 (b) May not be more restrictive than necessary to protect the  
24 incapacitated person from abuse, neglect, abandonment, or financial  
25 exploitation as those terms are defined in ((RCW 74.34.020)) section  
26 2 of this act; and

27 (c) May not deny communication, visitation, interaction, or other  
28 association between the incapacitated person and another person  
29 unless the court finds that placing reasonable time, place, or manner  
30 restrictions is unlikely to sufficiently protect the incapacitated  
31 person from abuse, neglect, abandonment, or financial exploitation as  
32 those terms are defined in ((RCW 74.34.020)) section 2 of this act.

33 (4) This section expires January 1, 2022.

34 **Sec. 130.** RCW 11.130.257 and 2020 c 312 s 112 are each amended  
35 to read as follows:

36 (1) In a proceeding under this chapter either party may file a  
37 motion for temporary support of children entitled to support. The  
38 motion shall be accompanied by an affidavit setting forth the factual  
39 basis for the motion and the amount requested.



1 (2) In a proceeding under this chapter either party may file a  
2 motion for a temporary restraining order or preliminary injunction,  
3 providing relief proper in the circumstances, and restraining or  
4 enjoining another party from:

5 (a) Molesting or disturbing the peace of the other party or of  
6 any child;

7 (b) Entering the family home or the home of the other party upon  
8 a showing of the necessity therefor;

9 (c) Knowingly coming within, or knowingly remaining within, a  
10 specified distance from a specified location; and

11 (d) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order  
13 (~~under chapter 26.50 RCW~~) or an antiharassment protection order  
14 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section  
15 81 of this act) on a temporary basis by filing an appropriate  
16 separate civil cause of action. The petitioner shall inform the court  
17 of the existence of the action under this title. The court shall set  
18 all future protection hearings on the guardianship calendar to be  
19 heard concurrent with the action under this title and the clerk shall  
20 relate the cases in the case management system. The court may grant  
21 any of the relief provided in (~~RCW 26.50.060~~) section 39 of this  
22 act except relief pertaining to residential provisions for the  
23 children which provisions shall be provided for under this chapter(~~7~~  
24 ~~and any of the relief provided in RCW 10.14.080~~). Ex parte orders  
25 issued under this subsection shall be effective for a fixed period  
26 not to exceed fourteen days, or upon court order, not to exceed  
27 twenty-four days if necessary to ensure that all temporary motions in  
28 the case can be heard at the same time.

29 (4) In issuing the order, the court shall consider the provisions  
30 of RCW 9.41.800, and shall order the respondent to surrender, and  
31 prohibit the respondent from possessing, all firearms, dangerous  
32 weapons, and any concealed pistol license as required in RCW  
33 9.41.800. Such orders may only be made in the civil protection case  
34 related to the action under this title.

35 (5) The court may issue a temporary restraining order without  
36 requiring notice to the other party only if it finds on the basis of  
37 the moving affidavit or other evidence that irreparable injury could  
38 result if an order is not issued until the time for responding has  
39 elapsed.

1 (6) The court may issue a temporary restraining order or  
2 preliminary injunction and an order for temporary support in such  
3 amounts and on such terms as are just and proper in the  
4 circumstances.

5 (7) A temporary order, temporary restraining order, or  
6 preliminary injunction:

7 (a) Does not prejudice the rights of a party or any child which  
8 are to be adjudicated at subsequent hearings in the proceeding;

9 (b) May be revoked or modified;

10 (c) Terminates when the final order is entered or when the motion  
11 is dismissed;

12 (d) May be entered in a proceeding for the modification of an  
13 existing order.

14 (8) A support debt owed to the state for public assistance  
15 expenditures which has been charged against a party pursuant to RCW  
16 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
17 extinguished by, the final decree or order, unless the office of  
18 support enforcement has been given notice of the final proceeding and  
19 an opportunity to present its claim for the support debt to the court  
20 and has failed to file an affidavit as provided in this subsection.  
21 Notice of the proceeding shall be served upon the office of support  
22 enforcement personally, or by certified mail, and shall be given no  
23 fewer than thirty days prior to the date of the final proceeding. An  
24 original copy of the notice shall be filed with the court either  
25 before service or within a reasonable time thereafter. The office of  
26 support enforcement may present its claim, and thereby preserve the  
27 support debt, by filing an affidavit setting forth the amount of the  
28 debt with the court, and by mailing a copy of the affidavit to the  
29 parties or their attorney prior to the date of the final proceeding.

30 **Sec. 131.** RCW 11.130.335 and 2020 c 312 s 206 are each amended  
31 to read as follows:

32 (1) A guardian for an adult does not have the power to revoke or  
33 amend a power of attorney for health care or power of attorney for  
34 finances executed by the adult. If a power of attorney for health  
35 care is in effect, unless there is a court order to the contrary, a  
36 health care decision of an agent takes precedence over that of the  
37 guardian and the guardian shall cooperate with the agent to the  
38 extent feasible. If a power of attorney for finances is in effect,  
39 unless there is a court order to the contrary, a decision by the

1 agent which the agent is authorized to make under the power of  
2 attorney for finances takes precedence over that of the guardian and  
3 the guardian shall cooperate with the agent to the extent feasible.  
4 The court has authority to revoke or amend any power of attorney  
5 executed by the adult.

6 (2) A guardian for an adult shall not initiate the commitment of  
7 the adult to an evaluation and treatment facility except in  
8 accordance with the provisions of chapter 10.77, 71.05, or 72.23 RCW.

9 (3) Unless authorized by the court in accordance with subsection  
10 (4) of this section within the past thirty days, a guardian for an  
11 adult may not consent to any of the following procedures for the  
12 adult:

13 (a) Therapy or other procedure to induce convulsion;

14 (b) Surgery solely for the purpose of psychosurgery; or

15 (c) Other psychiatric or mental health procedures that restrict  
16 physical freedom of movement or the rights set forth in RCW  
17 71.05.217.

18 (4) The court may order a procedure listed in subsection (3) of  
19 this section only after giving notice to the adult's attorney and  
20 holding a hearing. If the adult does not have an attorney, the court  
21 must appoint an attorney for the adult prior to entering an order  
22 under this subsection.

23 (5) Persons under a guardianship, conservatorship, or other  
24 protective arrangements—Right to associate with persons of their  
25 choosing.

26 (a) Except as otherwise provided in this section, an adult  
27 subject to a guardianship, conservatorship, or other protective  
28 arrangement retains the right to associate with other persons of the  
29 adult's choosing. This right includes, but is not limited to, the  
30 right to freely communicate and interact with other persons, whether  
31 through in-person visits, telephone calls, electronic communication,  
32 personal mail, or other means. If the adult subject to a  
33 guardianship, conservatorship, or other protective arrangement is  
34 unable to express consent for communication, visitation, or  
35 interaction with another person, or is otherwise unable to make a  
36 decision regarding association with another person, the guardian,  
37 conservator, or person acting under a protective arrangement, whether  
38 full or limited, must:

39 (i) Personally inform the adult subject to a guardianship,  
40 conservatorship, or other protective arrangement of the decision

1 under consideration, using plain language, in a manner calculated to  
2 maximize the understanding of the adult;

3 (ii) Maximize the adult's participation in the decision-making  
4 process to the greatest extent possible, consistent with the adult's  
5 abilities; and

6 (iii) Give substantial weight to the adult's preferences, both  
7 expressed and historical.

8 (b) A guardian or limited guardian, a conservator or limited  
9 conservator, or a person acting under a protective arrangement may  
10 not restrict an adult's right to communicate, visit, interact, or  
11 otherwise associate with persons of the adult's choosing, unless:

12 (i) The restriction is specifically authorized by the court in  
13 the court order establishing or modifying the guardianship or limited  
14 guardianship, the conservatorship or limited conservatorship, or the  
15 protective arrangement under this chapter;

16 (ii) The restriction is pursuant to a protection order issued  
17 under chapter ((74.34 or 26.50)) 7.--- RCW (the new chapter created  
18 in section 81 of this act), or other law, that limits contact between  
19 the adult under a guardianship, conservatorship, or other protective  
20 arrangement and other persons;

21 (iii)(A) The guardian or limited guardian, the conservator or  
22 limited conservator, or the person acting under the protective  
23 arrangement has good cause to believe that there is an immediate need  
24 to restrict the adult's right to communicate, visit, interact, or  
25 otherwise associate with persons of the adult's choosing in order to  
26 protect the adult from abuse, neglect, abandonment, or financial  
27 exploitation, as those terms are defined in RCW 74.34.020, or to  
28 protect the adult from activities that unnecessarily impose  
29 significant distress on the adult; and

30 (B) Within fourteen calendar days of imposing the restriction  
31 under (b)(iii)(A) of this subsection, the guardian or limited  
32 guardian, the conservator or limited conservator, or ((~~the~~)) the  
33 person acting under the protective arrangement files a petition for a  
34 vulnerable adult protection order under chapter ((74.34)) 7.--- RCW  
35 (the new chapter created in section 81 of this act). The immediate  
36 need restriction may remain in place until the court has heard and  
37 issued an order or decision on the petition; or

38 (iv) The restriction is pursuant to participation in the  
39 community protection program under chapter 71A.12 RCW.

1 (6) A vulnerable adult protection order under chapter ((74.34))  
2 7.--- RCW (the new chapter created in section 81 of this act) issued  
3 to protect the adult under a guardianship, conservatorship, or other  
4 protective arrangement as described in subsection (5)(b)(iii)(B) of  
5 this section:

6 (a) Must include written findings of fact and conclusions of law;

7 (b) May not be more restrictive than necessary to protect the  
8 adult from abuse, neglect, abandonment, or financial exploitation as  
9 those terms are defined in ((RCW 74.34.020)) section 2 of this act;  
10 and

11 (c) May not deny communication, visitation, interaction, or other  
12 association between the adult and another person unless the court  
13 finds that placing reasonable time, place, or manner restrictions is  
14 unlikely to sufficiently protect the adult from abuse, neglect,  
15 abandonment, or financial exploitation as those terms are defined in  
16 ((RCW 74.34.020)) section 2 of this act.

17 **Sec. 132.** RCW 12.04.140 and 1992 c 111 s 10 are each amended to  
18 read as follows:

19 Except as provided under ((RCW 26.50.020)) section 14 of this  
20 act, no action shall be commenced by any person under the age of  
21 eighteen years, except by his guardian, or until a next friend for  
22 such a person shall have been appointed. Whenever requested, the  
23 justice shall appoint some suitable person, who shall consent thereto  
24 in writing, to be named by such plaintiff, to act as his or her next  
25 friend in such action, who shall be responsible for the costs  
26 therein.

27 **Sec. 133.** RCW 12.04.150 and 1992 c 111 s 11 are each amended to  
28 read as follows:

29 After service and return of process against a defendant under the  
30 age of eighteen years, the action shall not be further prosecuted,  
31 until a guardian for such defendant shall have been appointed, except  
32 as provided under ((RCW 26.50.020)) section 14 of this act. Upon the  
33 request of such defendant, the justice shall appoint some person who  
34 shall consent thereto in writing, to be guardian of the defendant in  
35 defense of the action; and if the defendant shall not appear on the  
36 return day of the process, or if he or she neglect or refuse to  
37 nominate such guardian, the justice may, at the request of the  
38 plaintiff, appoint any discreet person as such guardian. The consent

1 of the guardian or next friend shall be filed with the justice; and  
 2 such guardian for the defendant shall not be liable for any costs in  
 3 the action.

4 **Sec. 134.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to  
 5 read as follows:

6 **DESCRIPTION AND OFFENSE CATEGORY**

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

7  
8  
9  
10  
11 **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
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 **Assault and Other Crimes Involving**  
27 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E

1	C+	Promoting Suicide Attempt (9A.36.060)	D+
2	D+	Coercion (9A.36.070)	E
3	C+	Custodial Assault (9A.36.100)	D+
4		<b>Burglary and Trespass</b>	
5	B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
6			
7	A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
8			
9	B	Residential Burglary (9A.52.025)	C
10	B	Burglary 2 (9A.52.030)	C
11	D	Burglary Tools (Possession of)	E
12		(9A.52.060)	
13	D	Criminal Trespass 1 (9A.52.070)	E
14	E	Criminal Trespass 2 (9A.52.080)	E
15	C	Mineral Trespass (78.44.330)	C
16	C	Vehicle Prowling 1 (9A.52.095)	D
17	D	Vehicle Prowling 2 (9A.52.100)	E
18		<b>Drugs</b>	
19	E	Possession/Consumption of Alcohol (66.44.270)	E
20			
21	C	Illegally Obtaining Legend Drug (69.41.020)	D
22			
23	C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
24			
25	E	Possession of Legend Drug (69.41.030(2)(b))	E
26			
27	B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
28			
29			
30			
31	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
32			
33			
34	E	Possession of Marihuana <40 grams (69.50.4014)	E
35			
36	C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
37			

1	C+	Sale of Controlled Substance for Profit	C+
2		(69.50.410)	
3	E	Unlawful Inhalation (9.47A.020)	E
4	B	Violation of Uniform Controlled	B
5		Substances Act - Narcotic,	
6		Methamphetamine, or Flunitrazepam	
7		Counterfeit Substances (69.50.4011(2)	
8		(a) or (b))	
9	C	Violation of Uniform Controlled	C
10		Substances Act - Nonnarcotic Counterfeit	
11		Substances (69.50.4011(2) (c), (d), or (e))	
12	C	Violation of Uniform Controlled	C
13		Substances Act - Possession of a	
14		Controlled Substance (69.50.4013)	
15	C	Violation of Uniform Controlled	C
16		Substances Act - Possession of a	
17		Controlled Substance (69.50.4012)	
18		<b>Firearms and Weapons</b>	
19	B	Theft of Firearm (9A.56.300)	C
20	B	Possession of Stolen Firearm	C
21		(9A.56.310)	
22	E	Carrying Loaded Pistol Without Permit	E
23		(9.41.050)	
24	C	Possession of Firearms by Minor (<18)	C
25		(9.41.040(2)(a) ((vi)) (vii))	
26	D+	Possession of Dangerous Weapon	E
27		(9.41.250)	
28	D	Intimidating Another Person by use of	E
29		Weapon (9.41.270)	
30		<b>Homicide</b>	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+
36		<b>Kidnapping</b>	
37	A	Kidnap 1 (9A.40.020)	B+



1	B+	Kidnap 2 (9A.40.030)	C+
2	C+	Unlawful Imprisonment (9A.40.040)	D+
3		<b>Obstructing Governmental Operation</b>	
4	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
5			
6	E	Resisting Arrest (9A.76.040)	E
7	B	Introducing Contraband 1 (9A.76.140)	C
8	C	Introducing Contraband 2 (9A.76.150)	D
9	E	Introducing Contraband 3 (9A.76.160)	E
10	B+	Intimidating a Public Servant (9A.76.180)	C+
11			
12	B+	Intimidating a Witness (9A.72.110)	C+
13		<b>Public Disturbance</b>	
14	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
15			
16	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
17			
18	E	Failure to Disperse (9A.84.020)	E
19	E	Disorderly Conduct (9A.84.030)	E
20		<b>Sex Crimes</b>	
21	A	Rape 1 (9A.44.040)	B+
22	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
23			
24	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
25			
26	C+	Rape 3 (9A.44.060)	D+
27	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
28			
29	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
30			
31	B+	Rape of a Child 2 (9A.44.076)	C+
32	B	Incest 1 (9A.64.020(1))	C
33	C	Incest 2 (9A.64.020(2))	D
34	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
35			

1	E	Indecent Exposure (Victim 14 or over)	E
2		(9A.88.010)	
3	B+	Promoting Prostitution 1 (9A.88.070)	C+
4	C+	Promoting Prostitution 2 (9A.88.080)	D+
5	E	O & A (Prostitution) (9A.88.030)	E
6	B+	Indecent Liberties (9A.44.100)	C+
7	B++	Child Molestation 1 (9A.44.083)	B+
8		committed at age 14 or under	
9	A-	Child Molestation 1 (9A.44.083)	B+
10		committed at age 15 through age 17	
11	B	Child Molestation 2 (9A.44.086)	C+
12	C	Failure to Register as a Sex Offender	D
13		(9A.44.132)	
14		<b>Theft, Robbery, Extortion, and</b>	
15		<b>Forgery</b>	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock 1 and 2 (9A.56.080	C
20		and 9A.56.083)	
21	C	Forgery (9A.60.020)	D
22	A	Robbery 1 (9A.56.200) committed at	B+
23		age 15 or under	
24	A++	Robbery 1 (9A.56.200) committed at	A
25		age 16 or 17	
26	B+	Robbery 2 (9A.56.210)	C+
27	B+	Extortion 1 (9A.56.120)	C+
28	C+	Extortion 2 (9A.56.130)	D+
29	C	Identity Theft 1 (9.35.020(2))	D
30	D	Identity Theft 2 (9.35.020(3))	E
31	D	Improperly Obtaining Financial	E
32		Information (9.35.010)	
33	B	Possession of a Stolen Vehicle	C
34		(9A.56.068)	
35	B	Possession of Stolen Property 1	C
36		(9A.56.150)	

1	C	Possession of Stolen Property 2	D
2		(9A.56.160)	
3	D	Possession of Stolen Property 3	E
4		(9A.56.170)	
5	B	Taking Motor Vehicle Without	C
6		Permission 1 (9A.56.070)	
7	C	Taking Motor Vehicle Without	D
8		Permission 2 (9A.56.075)	
9	B	Theft of a Motor Vehicle (9A.56.065)	C
10		<b>Motor Vehicle Related Crimes</b>	
11	E	Driving Without a License (46.20.005)	E
12	B+	Hit and Run - Death (46.52.020(4)(a))	C+
13	C	Hit and Run - Injury (46.52.020(4)(b))	D
14	D	Hit and Run-Attended (46.52.020(5))	E
15	E	Hit and Run-Unattended (46.52.010)	E
16	C	Vehicular Assault (46.61.522)	D
17	C	Attempting to Elude Pursuing Police	D
18		Vehicle (46.61.024)	
19	E	Reckless Driving (46.61.500)	E
20	D	Driving While Under the Influence	E
21		(46.61.502 and 46.61.504)	
22	B+	Felony Driving While Under the	B
23		Influence (46.61.502(6))	
24	B+	Felony Physical Control of a Vehicle	B
25		While Under the Influence (46.61.504(6))	
26		<b>Other</b>	
27	B	Animal Cruelty 1 (16.52.205)	C
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 <sup>1</sup> (9A.76.110)	C
30	C	Escape 2 <sup>1</sup> (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	E	Obscene, Harassing, Etc., Phone Calls	E
33		(9.61.230)	
34	A	Other Offense Equivalent to an Adult	B+
35		Class A Felony	

1	B	Other Offense Equivalent to an Adult	C
2		Class B Felony	
3	C	Other Offense Equivalent to an Adult	D
4		Class C Felony	
5	D	Other Offense Equivalent to an Adult	E
6		Gross Misdemeanor	
7	E	Other Offense Equivalent to an Adult	E
8		Misdemeanor	
9	V	Violation of Order of Restitution,	V
10		Community Supervision, or Confinement	
11		(13.40.200) <sup>2</sup>	

12 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
13 and the standard range is established as follows:

14 1st escape or attempted escape during 12-month period - 28 days  
15 confinement

16 2nd escape or attempted escape during 12-month period - 8 weeks  
17 confinement

18 3rd and subsequent escape or attempted escape during 12-month  
19 period - 12 weeks confinement

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

22 **JUVENILE SENTENCING STANDARDS**

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

25 **OPTION A**

26 **JUVENILE OFFENDER SENTENCING GRID**

27 **STANDARD RANGE**

28	A++	129 to 260 weeks for all category A++ offenses					
29	A+	180 weeks to age 21 for all category A+ offenses					
30	A	103-129 weeks for all category A offenses					
31	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
32	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
33	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
34	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks

1	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
2		C	LS	LS	LS	LS	15-36 weeks
3		D+	LS	LS	LS	LS	LS
4		D	LS	LS	LS	LS	LS
5		E	LS	LS	LS	LS	LS
6	PRIOR		0	1	2	3	4 or more
7	ADJUDICATIONS						

8 NOTE: References in the grid to days or weeks mean periods of  
9 confinement. "LS" means "local sanctions" as defined in RCW  
10 13.40.020.

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

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

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

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

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

27 **OR**  
28 **OPTION B**  
29 **SUSPENDED DISPOSITION ALTERNATIVE**

30 (1) If the offender is subject to a standard range disposition  
31 involving confinement by the department, the court may impose the  
32 standard range and suspend the disposition on condition that the  
33 offender comply with one or more local sanctions and any educational  
34 or treatment requirement. The treatment programs provided to the  
35 offender must be either research-based best practice programs as  
36 identified by the Washington state institute for public policy or the

1 joint legislative audit and review committee, or for chemical  
2 dependency treatment programs or services, they must be evidence-  
3 based or research-based best practice programs. For the purposes of  
4 this subsection:

5 (a) "Evidence-based" means a program or practice that has had  
6 multiple site random controlled trials across heterogeneous  
7 populations demonstrating that the program or practice is effective  
8 for the population; and

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

12 (2) If the offender fails to comply with the suspended  
13 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
14 or may revoke the suspended disposition and order the disposition's  
15 execution.

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

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

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

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

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

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

29 (iv) Violation of the uniform controlled substances act (RCW  
30 69.50.401(2) (a) and (b)), when the offense includes infliction of  
31 bodily harm upon another or when during the commission or immediate  
32 withdrawal from the offense the respondent was armed with a deadly  
33 weapon;

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

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

38 (e) Has a prior option B disposition.

39 **OR**

1                                 **OPTION C**

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

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

7   **OR**

8                                 **OPTION D**

9                     **MANIFEST INJUSTICE**

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

13            **Sec. 135.** RCW 13.40.160 and 2020 c 18 s 9 are each amended to  
14 read as follows:

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

17            (a) When the court sentences an offender to a local sanction as  
18 provided in RCW 13.40.0357 option A, the court shall impose a  
19 determinate disposition within the standard ranges, except as  
20 provided in subsection (2), (3), (4), (5), or (6) of this section.  
21 The disposition may be comprised of one or more local sanctions.

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

27            (2) If the court concludes, and enters reasons for its  
28 conclusion, that disposition within the standard range would  
29 effectuate a manifest injustice the court shall impose a disposition  
30 outside the standard range, as indicated in option D of RCW  
31 13.40.0357. The court's finding of manifest injustice shall be  
32 supported by clear and convincing evidence.

33            A disposition outside the standard range shall be determinate and  
34 shall be comprised of confinement or community supervision, or a  
35 combination thereof. When a judge finds a manifest injustice and  
36 imposes a sentence of confinement exceeding thirty days, the court  
37 shall sentence the juvenile to a maximum term, and the provisions of

1 RCW 13.40.030(2) shall be used to determine the range. A disposition  
2 outside the standard range is appealable under RCW 13.40.230 by the  
3 state or the respondent. A disposition within the standard range is  
4 not appealable under RCW 13.40.230.

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

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

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

17 (6) When the offender is subject to a standard range commitment  
18 of 15 to 36 weeks and is ineligible for a suspended disposition  
19 alternative, a manifest injustice disposition below the standard  
20 range, special sex offender disposition alternative, chemical  
21 dependency disposition alternative, or mental health disposition  
22 alternative, the court in a county with a pilot program under RCW  
23 13.40.169 may impose the disposition alternative under RCW 13.40.169.

24 (7) RCW 13.40.193 shall govern the disposition of any juvenile  
25 adjudicated of possessing a firearm in violation of RCW  
26 9.41.040(2)(a) (~~(vi)~~) (vii) or any crime in which a special finding  
27 is entered that the juvenile was armed with a firearm.

28 (8) RCW 13.40.308 shall govern the disposition of any juvenile  
29 adjudicated of theft of a motor vehicle as defined under RCW  
30 9A.56.065, possession of a stolen motor vehicle as defined under RCW  
31 9A.56.068, taking a motor vehicle without permission in the first  
32 degree under RCW 9A.56.070, and taking a motor vehicle without  
33 permission in the second degree under RCW 9A.56.075.

34 (9) Whenever a juvenile offender is entitled to credit for time  
35 spent in detention prior to a dispositional order, the dispositional  
36 order shall specifically state the number of days of credit for time  
37 served.

38 (10) Except as provided under subsection (3), (4), (5), or (6) of  
39 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the



1 court shall not suspend or defer the imposition or the execution of  
2 the disposition.

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

6 **Sec. 136.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to  
7 read as follows:

8 (1) If a respondent is found to have been in possession of a  
9 firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii), the court  
10 shall impose a minimum disposition of ten days of confinement. If the  
11 offender's standard range of disposition for the offense as indicated  
12 in RCW 13.40.0357 is more than thirty days of confinement, the court  
13 shall commit the offender to the department for the standard range  
14 disposition. The offender shall not be released until the offender  
15 has served a minimum of ten days in confinement.

16 (2)(a) If a respondent is found to have been in possession of a  
17 firearm in violation of RCW 9.41.040, the disposition must include a  
18 requirement that the respondent participate in a qualifying program  
19 as described in (b) of this subsection, when available, unless the  
20 court makes a written finding based on the outcome of the juvenile  
21 court risk assessment that participation in a qualifying program  
22 would not be appropriate.

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

30 (3) If the court finds that the respondent or an accomplice was  
31 armed with a firearm, the court shall determine the standard range  
32 disposition for the offense pursuant to RCW 13.40.160. If the  
33 offender or an accomplice was armed with a firearm when the offender  
34 committed any felony other than possession of a machine gun or bump-  
35 fire stock, possession of a stolen firearm, drive-by shooting, theft  
36 of a firearm, unlawful possession of a firearm in the first and  
37 second degree, or use of a machine gun or bump-fire stock in a  
38 felony, the following periods of total confinement must be added to  
39 the sentence: (a) Except for (b) of this subsection, for a class A

1 felony, six months; for a class B felony, four months; and for a  
2 class C felony, two months; (b) for any violent offense as defined in  
3 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen  
4 years old at the time of the offense, a period of twelve months. The  
5 additional time shall be imposed regardless of the offense's juvenile  
6 disposition offense category as designated in RCW 13.40.0357.

7 (4) (a) If the court finds that the respondent who is sixteen or  
8 seventeen years old and committed the offense of robbery in the first  
9 degree, drive-by shooting, rape of a child in the first degree,  
10 burglary in the first degree, or any violent offense as defined in  
11 RCW 9.94A.030 and was armed with a firearm, and the court finds that  
12 the respondent's participation was related to membership in a  
13 criminal street gang or advancing the benefit, aggrandizement, gain,  
14 profit, or other advantage for a criminal street gang, a period of  
15 three months total confinement must be added to the sentence. The  
16 additional time must be imposed regardless of the offense's juvenile  
17 disposition offense category as designated in RCW 13.40.0357 and must  
18 be served consecutively with any other sentencing enhancement.

19 (b) For the purposes of this section, "criminal street gang"  
20 means any ongoing organization, association, or group of three or  
21 more persons, whether formal or informal, having a common name or  
22 common identifying sign or symbol, having as one of its primary  
23 activities the commission of criminal acts, and whose members or  
24 associates individually or collectively engage in or have engaged in  
25 a pattern of criminal street gang activity. This definition does not  
26 apply to employees engaged in concerted activities for their mutual  
27 aid and protection, or to the activities of labor and bona fide  
28 nonprofit organizations or their members or agents.

29 (5) When a disposition under this section would effectuate a  
30 manifest injustice, the court may impose another disposition. When a  
31 judge finds a manifest injustice and imposes a disposition of  
32 confinement exceeding thirty days, the court shall commit the  
33 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
34 shall be used to determine the range. When a judge finds a manifest  
35 injustice and imposes a disposition of confinement less than thirty  
36 days, the disposition shall be comprised of confinement or community  
37 supervision or both.

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

1           **Sec. 137.** RCW 13.40.265 and 2020 c 18 s 11 are each amended to  
2 read as follows:

3           (1) If a juvenile thirteen years of age or older is found by  
4 juvenile court to have committed an offense while armed with a  
5 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
6 (~~(vi)~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
7 court shall notify the department of licensing within twenty-four  
8 hours after entry of the judgment, unless the offense is the  
9 juvenile's first offense while armed with a firearm, first unlawful  
10 possession of a firearm offense, or first offense in violation of  
11 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

12           (2) Except as otherwise provided in subsection (3) of this  
13 section, upon petition of a juvenile who has been found by the court  
14 to have committed an offense that is a violation of chapter 66.44,  
15 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems  
16 appropriate notify the department of licensing that the juvenile's  
17 driving privileges should be reinstated.

18           (3) If the offense is the juvenile's second or subsequent  
19 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile  
20 may not petition the court for reinstatement of the juvenile's  
21 privilege to drive revoked pursuant to RCW 46.20.265 until the date  
22 the juvenile turns seventeen or one year after the date judgment was  
23 entered, whichever is later.

24           **Sec. 138.** RCW 19.220.010 and 2006 c 138 s 24 are each amended to  
25 read as follows:

26           (1) Each international matchmaking organization doing business in  
27 Washington state shall disseminate to a recruit, upon request, state  
28 background check information and personal history information  
29 relating to any Washington state resident about whom any information  
30 is provided to the recruit, in the recruit's native language. The  
31 organization shall notify all recruits that background check and  
32 personal history information is available upon request. The notice  
33 that background check and personal history information is available  
34 upon request shall be in the recruit's native language and shall be  
35 displayed in a manner that separates it from other information, is  
36 highly noticeable, and in lettering not less than one-quarter of an  
37 inch high.

38           (2) If an international matchmaking organization receives a  
39 request for information from a recruit pursuant to subsection (1) of

1 this section, the organization shall notify the Washington state  
2 resident of the request. Upon receiving notification, the Washington  
3 state resident shall obtain from the state patrol and provide to the  
4 organization the complete transcript of any background check  
5 information provided pursuant to RCW 43.43.760 based on a submission  
6 of fingerprint impressions and provided pursuant to RCW 43.43.838 and  
7 shall provide to the organization his or her personal history  
8 information. The organization shall require the resident to affirm  
9 that personal history information is complete and accurate. The  
10 organization shall refrain from knowingly providing any further  
11 services to the recruit or the Washington state resident in regards  
12 to facilitating future interaction between the recruit and the  
13 Washington state resident until the organization has obtained the  
14 requested information and provided it to the recruit.

15 (3) This section does not apply to a traditional matchmaking  
16 organization of a religious nature that otherwise operates in  
17 compliance with the laws of the countries of the recruits of such  
18 organization and the laws of the United States nor to any  
19 organization that does not charge a fee to any party for the service  
20 provided.

21 (4) As used in this section:

22 (a) "International matchmaking organization" means a corporation,  
23 partnership, business, or other legal entity, whether or not  
24 organized under the laws of the United States or any state, that does  
25 business in the United States and for profit offers to Washington  
26 state residents, including aliens lawfully admitted for permanent  
27 residence and residing in Washington state, dating, matrimonial, or  
28 social referral services involving citizens of a foreign country or  
29 countries who are not residing in the United States, by: (i) An  
30 exchange of names, telephone numbers, addresses, or statistics; (ii)  
31 selection of photographs; or (iii) a social environment provided by  
32 the organization in a country other than the United States.

33 (b) "Personal history information" means a declaration of the  
34 person's current marital status, the number of previous marriages,  
35 annulments, and dissolutions for the person, and whether any previous  
36 marriages occurred as a result of receiving services from an  
37 international matchmaking organization; founded allegations of child  
38 abuse or neglect; and any existing orders under chapter 7.--- (the  
39 new chapter created in section 81 of this act), 7.90, 10.14, 10.99,  
40 or 26.50 RCW. Personal history information shall include information

1 from the state of Washington and any information from other states or  
2 countries.

3 (c) "Recruit" means a noncitizen, nonresident person, recruited  
4 by an international matchmaking organization for the purpose of  
5 providing dating, matrimonial, or social referral services.

6 **Sec. 139.** RCW 26.09.003 and 2007 c 496 s 102 are each amended to  
7 read as follows:

8 The legislature reaffirms the intent of the current law as  
9 expressed in RCW 26.09.002. However, after review, the legislature  
10 finds that there are certain components of the existing law which do  
11 not support the original legislative intent. In order to better  
12 implement the existing legislative intent the legislature finds that  
13 incentives for parties to reduce family conflict and additional  
14 alternative dispute resolution options can assist in reducing the  
15 number of contested trials. Furthermore, the legislature finds that  
16 the identification of domestic violence as defined in ((RCW  
17 ~~26.50.010~~)) section 2 of this act and the treatment needs of the  
18 parties to dissolutions are necessary to improve outcomes for  
19 children. When judicial officers have the discretion to tailor  
20 individualized resolutions, the legislative intent expressed in RCW  
21 26.09.002 can more readily be achieved. Judicial officers should have  
22 the discretion and flexibility to assess each case based on the  
23 merits of the individual cases before them.

24 **Sec. 140.** RCW 26.09.015 and 2020 c 29 s 13 are each amended to  
25 read as follows:

26 (1) In any proceeding under this chapter, the matter may be set  
27 for mediation of the contested issues before, or concurrent with, the  
28 setting of the matter for hearing. The purpose of the mediation  
29 proceeding shall be to reduce acrimony which may exist between the  
30 parties and to develop an agreement assuring the child's close and  
31 continuing contact with both parents after the marriage or the  
32 domestic partnership is dissolved. The mediator shall use his or her  
33 best efforts to effect a settlement of the dispute.

34 (2)(a) Each superior court may make available a mediator. The  
35 court shall use the most cost-effective mediation services that are  
36 readily available unless there is good cause to access alternative  
37 providers. The mediator may be a member of the professional staff of  
38 a family court or mental health services agency, or may be any other

1 person or agency designated by the court. In order to provide  
2 mediation services, the court is not required to institute a family  
3 court.

4 (b) In any proceeding involving issues relating to residential  
5 time or other matters governed by a parenting plan, the matter may be  
6 set for mediation of the contested issues before, or concurrent with,  
7 the setting of the matter for hearing. Counties may, and to the  
8 extent state funding is provided therefor counties shall, provide  
9 both predecree and postdecree mediation at reduced or waived fee to  
10 the parties within one year of the filing of the dissolution  
11 petition.

12 (3)(a) Mediation proceedings under this chapter shall be governed  
13 in all respects by chapter 7.07 RCW, except as follows:

14 (i) Mediation communications in postdecree mediations mandated by  
15 a parenting plan are admissible in subsequent proceedings for the  
16 limited purpose of proving:

17 (A) Abuse, neglect, abandonment, exploitation, or unlawful  
18 harassment, as defined in RCW 9A.46.020(1), of a child;

19 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1),  
20 of a family or household member or intimate partner, each as defined  
21 in RCW (~~26.50.010~~) 10.99.020; or

22 (C) That a parent used or frustrated the dispute resolution  
23 process without good reason for purposes of RCW 26.09.184(4)(d).

24 (ii) If a postdecree mediation-arbitration proceeding is required  
25 pursuant to a parenting plan and the same person acts as both  
26 mediator and arbitrator, mediation communications in the mediation  
27 phase of such a proceeding may be admitted during the arbitration  
28 phase, and shall be admissible in the judicial review of such a  
29 proceeding under RCW 26.09.184(4)(e) to the extent necessary for such  
30 review to be effective.

31 (b) None of the exceptions under (a)(i) and (ii) of this  
32 subsection shall subject a mediator to compulsory process to testify  
33 except by court order for good cause shown, taking into consideration  
34 the need for the mediator's testimony and the interest in the  
35 mediator maintaining an appearance of impartiality. If a mediation  
36 communication is not privileged under (a)(i) of this subsection or  
37 that portion of (a)(ii) of this subsection pertaining to judicial  
38 review, only the portion of the communication necessary for the  
39 application of the exception may be admitted, and such admission of  
40 evidence shall not render any other mediation communication

1 discoverable or admissible except as may be provided in chapter 7.07  
2 RCW.

3 (4) The mediator shall assess the needs and interests of the  
4 child or children involved in the controversy and may interview the  
5 child or children if the mediator deems such interview appropriate or  
6 necessary.

7 (5) Any agreement reached by the parties as a result of mediation  
8 shall be reported to the court and to counsel for the parties by the  
9 mediator on the day set for mediation or any time thereafter  
10 designated by the court.

11 **Sec. 141.** RCW 26.09.050 and 2008 c 6 s 1008 are each amended to  
12 read as follows:

13 (1) In entering a decree of dissolution of marriage or domestic  
14 partnership, legal separation, or declaration of invalidity, the  
15 court shall determine the marital or domestic partnership status of  
16 the parties, make provision for a parenting plan for any minor child  
17 of the marriage or domestic partnership, make provision for the  
18 support of any child of the marriage or domestic partnership entitled  
19 to support, consider or approve provision for the maintenance of  
20 either spouse or either domestic partner, make provision for the  
21 disposition of property and liabilities of the parties, make  
22 provision for the allocation of the children as federal tax  
23 exemptions, make provision for any necessary continuing restraining  
24 orders including the provisions contained in RCW 9.41.800, make  
25 provision for the issuance within this action of the restraint  
26 provisions of a domestic violence protection order (~~under chapter~~  
27 ~~26.50—RCW~~) or an antiharassment protection order under chapter  
28 ~~((10.14))~~ 7.--- RCW (the new chapter created in section 81 of this  
29 act), and make provision for the change of name of any party.

30 (2) Restraining orders issued under this section restraining or  
31 enjoining the person from molesting or disturbing another party, or  
32 from going onto the grounds of or entering the home, workplace, or  
33 school of the other party or the day care or school of any child, or  
34 prohibiting the person from knowingly coming within, or knowingly  
35 remaining within, a specified distance of a location, a protected  
36 party's person, or a protected party's vehicle, shall prominently  
37 bear on the front page of the order the legend: VIOLATION OF THIS  
38 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER

1 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 81 of  
2 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

3 (3) The court shall order that any restraining order bearing a  
4 criminal offense legend, any domestic violence protection order, or  
5 any antiharassment protection order granted under this section, in  
6 addition to the law enforcement information sheet or proof of service  
7 of the order, be forwarded by the clerk of the court on or before the  
8 next judicial day to the appropriate law enforcement agency specified  
9 in the order. Upon receipt of the order, the law enforcement agency  
10 shall enter the order into any computer-based criminal intelligence  
11 information system available in this state used by law enforcement  
12 agencies to list outstanding warrants. The order is fully enforceable  
13 in any county in the state.

14 (4) If a restraining order issued pursuant to this section is  
15 modified or terminated, the clerk of the court shall notify the law  
16 enforcement agency specified in the order on or before the next  
17 judicial day. Upon receipt of notice that an order has been  
18 terminated, the law enforcement agency shall remove the order from  
19 any computer-based criminal intelligence system.

20 **Sec. 142.** RCW 26.09.060 and 2019 c 245 s 17 are each amended to  
21 read as follows:

22 (1) In a proceeding for:

23 (a) Dissolution of marriage or domestic partnership, legal  
24 separation, or a declaration of invalidity; or

25 (b) Disposition of property or liabilities, maintenance, or  
26 support following dissolution of the marriage or the domestic  
27 partnership by a court which lacked personal jurisdiction over the  
28 absent spouse or absent domestic partner; either party may move for  
29 temporary maintenance or for temporary support of children entitled  
30 to support. The motion shall be accompanied by an affidavit setting  
31 forth the factual basis for the motion and the amounts requested.

32 (2) As a part of a motion for temporary maintenance or support or  
33 by independent motion accompanied by affidavit, either party may  
34 request the court to issue a temporary restraining order or  
35 preliminary injunction, providing relief proper in the circumstances,  
36 and restraining or enjoining any person from:

37 (a) Transferring, removing, encumbering, concealing, or in any  
38 way disposing of any property except in the usual course of business  
39 or for the necessities of life, and, if so restrained or enjoined,



1 requiring him or her to notify the moving party of any proposed  
2 extraordinary expenditures made after the order is issued;

3 (b) Molesting or disturbing the peace of the other party or of  
4 any child;

5 (c) Going onto the grounds of or entering the home, workplace, or  
6 school of the other party or the day care or school of any child upon  
7 a showing of the necessity therefor;

8 (d) Knowingly coming within, or knowingly remaining within, a  
9 specified distance from a specified location, a protected party's  
10 person, or a protected party's vehicle; and

11 (e) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order  
13 (~~under chapter 26.50 RCW~~) or an antiharassment protection order  
14 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section  
15 81 of this act) on a temporary basis. The court may grant any of the  
16 relief provided in (~~RCW 26.50.060~~) section 39 of this act except  
17 relief pertaining to residential provisions for the children which  
18 provisions shall be provided for under this chapter(~~, and any of the~~  
19 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this  
20 subsection shall be effective for a fixed period not to exceed  
21 fourteen days, or upon court order, not to exceed twenty-four days if  
22 necessary to ensure that all temporary motions in the case can be  
23 heard at the same time.

24 (4) In issuing the order, the court shall consider the provisions  
25 of RCW 9.41.800, and shall order the respondent to surrender, and  
26 prohibit the respondent from possessing, all firearms, dangerous  
27 weapons, and any concealed pistol license as required in RCW  
28 9.41.800.

29 (5) The court may issue a temporary restraining order without  
30 requiring notice to the other party only if it finds on the basis of  
31 the moving affidavit or other evidence that irreparable injury could  
32 result if an order is not issued until the time for responding has  
33 elapsed.

34 (6) The court may issue a temporary restraining order or  
35 preliminary injunction and an order for temporary maintenance or  
36 support in such amounts and on such terms as are just and proper in  
37 the circumstances. The court may in its discretion waive the filing  
38 of the bond or the posting of security.

39 (7) Restraining orders issued under this section restraining the  
40 person from molesting or disturbing another party, or from going onto

1 the grounds of or entering the home, workplace, or school of the  
2 other party or the day care or school of any child, or prohibiting  
3 the person from knowingly coming within, or knowingly remaining  
4 within, a specified distance of a location, a protected party's  
5 person, or a protected party's vehicle, shall prominently bear on the  
6 front page of the order the legend: VIOLATION OF THIS ORDER WITH  
7 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER  
8 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 81 of this  
9 act) AND WILL SUBJECT A VIOLATOR TO ARREST.

10 (8) The court shall order that any temporary restraining order  
11 bearing a criminal offense legend, any domestic violence protection  
12 order, or any antiharassment protection order granted under this  
13 section be forwarded by the clerk of the court on or before the next  
14 judicial day to the appropriate law enforcement agency specified in  
15 the order. Upon receipt of the order, the law enforcement agency  
16 shall enter the order into any computer-based criminal intelligence  
17 information system available in this state used by law enforcement  
18 agencies to list outstanding warrants. Entry into the computer-based  
19 criminal intelligence information system constitutes notice to all  
20 law enforcement agencies of the existence of the order. The order is  
21 fully enforceable in any county in the state.

22 (9) If a restraining order issued pursuant to this section is  
23 modified or terminated, the clerk of the court shall notify the law  
24 enforcement agency specified in the order on or before the next  
25 judicial day. Upon receipt of notice that an order has been  
26 terminated, the law enforcement agency shall remove the order from  
27 any computer-based criminal intelligence system.

28 (10) A temporary order, temporary restraining order, or  
29 preliminary injunction:

30 (a) Does not prejudice the rights of a party or any child which  
31 are to be adjudicated at subsequent hearings in the proceeding;

32 (b) May be revoked or modified;

33 (c) Terminates when the final decree is entered, except as  
34 provided under subsection (11) of this section, or when the petition  
35 for dissolution, legal separation, or declaration of invalidity is  
36 dismissed;

37 (d) May be entered in a proceeding for the modification of an  
38 existing decree.

39 (11) Delinquent support payments accrued under an order for  
40 temporary support remain collectible and are not extinguished when a

1 final decree is entered unless the decree contains specific language  
2 to the contrary. A support debt under a temporary order owed to the  
3 state for public assistance expenditures shall not be extinguished by  
4 the final decree if:

5 (a) The obligor was given notice of the state's interest under  
6 chapter 74.20A RCW; or

7 (b) The temporary order directs the obligor to make support  
8 payments to the office of support enforcement or the Washington state  
9 support registry.

10 **Sec. 143.** RCW 26.09.191 and 2020 c 311 s 8 are each amended to  
11 read as follows:

12 (1) The permanent parenting plan shall not require mutual  
13 decision-making or designation of a dispute resolution process other  
14 than court action if it is found that a parent has engaged in any of  
15 the following conduct: (a) Willful abandonment that continues for an  
16 extended period of time or substantial refusal to perform parenting  
17 functions; (b) physical, sexual, or a pattern of emotional abuse of a  
18 child; or (c) a history of acts of domestic violence as defined in  
19 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual  
20 assault that causes grievous bodily harm or the fear of such harm or  
21 that results in a pregnancy.

22 (2)(a) The parent's residential time with the child shall be  
23 limited if it is found that the parent has engaged in any of the  
24 following conduct: (i) Willful abandonment that continues for an  
25 extended period of time or substantial refusal to perform parenting  
26 functions; (ii) physical, sexual, or a pattern of emotional abuse of  
27 a child; (iii) a history of acts of domestic violence as defined in  
28 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual  
29 assault that causes grievous bodily harm or the fear of such harm or  
30 that results in a pregnancy; or (iv) the parent has been convicted as  
31 an adult of a sex offense under:

32 (A) RCW 9A.44.076 if, because of the difference in age between  
33 the offender and the victim, no rebuttable presumption exists under  
34 (d) of this subsection;

35 (B) RCW 9A.44.079 if, because of the difference in age between  
36 the offender and the victim, no rebuttable presumption exists under  
37 (d) of this subsection;

1 (C) RCW 9A.44.086 if, because of the difference in age between  
2 the offender and the victim, no rebuttable presumption exists under  
3 (d) of this subsection;

4 (D) RCW 9A.44.089;

5 (E) RCW 9A.44.093;

6 (F) RCW 9A.44.096;

7 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
8 between the offender and the victim, no rebuttable presumption exists  
9 under (d) of this subsection;

10 (H) Chapter 9.68A RCW;

11 (I) Any predecessor or antecedent statute for the offenses listed  
12 in (a)(iv)(A) through (H) of this subsection;

13 (J) Any statute from any other jurisdiction that describes an  
14 offense analogous to the offenses listed in (a)(iv)(A) through (H) of  
15 this subsection.

16 This subsection (2)(a) shall not apply when (c) or (d) of this  
17 subsection applies.

18 (b) The parent's residential time with the child shall be limited  
19 if it is found that the parent resides with a person who has engaged  
20 in any of the following conduct: (i) Physical, sexual, or a pattern  
21 of emotional abuse of a child; (ii) a history of acts of domestic  
22 violence as defined in (~~RCW 26.50.010(3)~~) section 2 of this act or  
23 an assault or sexual assault that causes grievous bodily harm or the  
24 fear of such harm or that results in a pregnancy; or (iii) the person  
25 has been convicted as an adult or as a juvenile has been adjudicated  
26 of a sex offense under:

27 (A) RCW 9A.44.076 if, because of the difference in age between  
28 the offender and the victim, no rebuttable presumption exists under  
29 (e) of this subsection;

30 (B) RCW 9A.44.079 if, because of the difference in age between  
31 the offender and the victim, no rebuttable presumption exists under  
32 (e) of this subsection;

33 (C) RCW 9A.44.086 if, because of the difference in age between  
34 the offender and the victim, no rebuttable presumption exists under  
35 (e) of this subsection;

36 (D) RCW 9A.44.089;

37 (E) RCW 9A.44.093;

38 (F) RCW 9A.44.096;

1 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
2 between the offender and the victim, no rebuttable presumption exists  
3 under (e) of this subsection;

4 (H) Chapter 9.68A RCW;

5 (I) Any predecessor or antecedent statute for the offenses listed  
6 in (b)(iii)(A) through (H) of this subsection;

7 (J) Any statute from any other jurisdiction that describes an  
8 offense analogous to the offenses listed in (b)(iii)(A) through (H)  
9 of this subsection.

10 This subsection (2)(b) shall not apply when (c) or (e) of this  
11 subsection applies.

12 (c) If a parent has been found to be a sexual predator under  
13 chapter 71.09 RCW or under an analogous statute of any other  
14 jurisdiction, the court shall restrain the parent from contact with a  
15 child that would otherwise be allowed under this chapter. If a parent  
16 resides with an adult or a juvenile who has been found to be a sexual  
17 predator under chapter 71.09 RCW or under an analogous statute of any  
18 other jurisdiction, the court shall restrain the parent from contact  
19 with the parent's child except contact that occurs outside that  
20 person's presence.

21 (d) There is a rebuttable presumption that a parent who has been  
22 convicted as an adult of a sex offense listed in (d)(i) through (ix)  
23 of this subsection poses a present danger to a child. Unless the  
24 parent rebuts this presumption, the court shall restrain the parent  
25 from contact with a child that would otherwise be allowed under this  
26 chapter:

27 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
28 was at least five years older than the other person;

29 (ii) RCW 9A.44.073;

30 (iii) RCW 9A.44.076, provided that the person convicted was at  
31 least eight years older than the victim;

32 (iv) RCW 9A.44.079, provided that the person convicted was at  
33 least eight years older than the victim;

34 (v) RCW 9A.44.083;

35 (vi) RCW 9A.44.086, provided that the person convicted was at  
36 least eight years older than the victim;

37 (vii) RCW 9A.44.100;

38 (viii) Any predecessor or antecedent statute for the offenses  
39 listed in (d)(i) through (vii) of this subsection;

1 (ix) Any statute from any other jurisdiction that describes an  
2 offense analogous to the offenses listed in (d)(i) through (vii) of  
3 this subsection.

4 (e) There is a rebuttable presumption that a parent who resides  
5 with a person who, as an adult, has been convicted, or as a juvenile  
6 has been adjudicated, of the sex offenses listed in (e)(i) through  
7 (ix) of this subsection places a child at risk of abuse or harm when  
8 that parent exercises residential time in the presence of the  
9 convicted or adjudicated person. Unless the parent rebuts the  
10 presumption, the court shall restrain the parent from contact with  
11 the parent's child except for contact that occurs outside of the  
12 convicted or adjudicated person's presence:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at  
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at  
19 least eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at  
22 least eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses  
25 listed in (e)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an  
27 offense analogous to the offenses listed in (e)(i) through (vii) of  
28 this subsection.

29 (f) The presumption established in (d) of this subsection may be  
30 rebutted only after a written finding that the child was not  
31 conceived and subsequently born as a result of a sexual assault  
32 committed by the parent requesting residential time and that:

33 (i) If the child was not the victim of the sex offense committed  
34 by the parent requesting residential time, (A) contact between the  
35 child and the offending parent is appropriate and poses minimal risk  
36 to the child, and (B) the offending parent has successfully engaged  
37 in treatment for sex offenders or is engaged in and making progress  
38 in such treatment, if any was ordered by a court, and the treatment  
39 provider believes such contact is appropriate and poses minimal risk  
40 to the child; or

1 (ii) If the child was the victim of the sex offense committed by  
2 the parent requesting residential time, (A) contact between the child  
3 and the offending parent is appropriate and poses minimal risk to the  
4 child, (B) if the child is in or has been in therapy for victims of  
5 sexual abuse, the child's counselor believes such contact between the  
6 child and the offending parent is in the child's best interest, and  
7 (C) the offending parent has successfully engaged in treatment for  
8 sex offenders or is engaged in and making progress in such treatment,  
9 if any was ordered by a court, and the treatment provider believes  
10 such contact is appropriate and poses minimal risk to the child.

11 (g) The presumption established in (e) of this subsection may be  
12 rebutted only after a written finding that the child was not  
13 conceived and subsequently born as a result of a sexual assault  
14 committed by the parent requesting residential time and that:

15 (i) If the child was not the victim of the sex offense committed  
16 by the person who is residing with the parent requesting residential  
17 time, (A) contact between the child and the parent residing with the  
18 convicted or adjudicated person is appropriate and that parent is  
19 able to protect the child in the presence of the convicted or  
20 adjudicated person, and (B) the convicted or adjudicated person has  
21 successfully engaged in treatment for sex offenders or is engaged in  
22 and making progress in such treatment, if any was ordered by a court,  
23 and the treatment provider believes such contact is appropriate and  
24 poses minimal risk to the child; or

25 (ii) If the child was the victim of the sex offense committed by  
26 the person who is residing with the parent requesting residential  
27 time, (A) contact between the child and the parent in the presence of  
28 the convicted or adjudicated person is appropriate and poses minimal  
29 risk to the child, (B) if the child is in or has been in therapy for  
30 victims of sexual abuse, the child's counselor believes such contact  
31 between the child and the parent residing with the convicted or  
32 adjudicated person in the presence of the convicted or adjudicated  
33 person is in the child's best interest, and (C) the convicted or  
34 adjudicated person has successfully engaged in treatment for sex  
35 offenders or is engaged in and making progress in such treatment, if  
36 any was ordered by a court, and the treatment provider believes  
37 contact between the parent and child in the presence of the convicted  
38 or adjudicated person is appropriate and poses minimal risk to the  
39 child.

1 (h) If the court finds that the parent has met the burden of  
2 rebutting the presumption under (f) of this subsection, the court may  
3 allow a parent who has been convicted as an adult of a sex offense  
4 listed in (d)(i) through (ix) of this subsection to have residential  
5 time with the child supervised by a neutral and independent adult and  
6 pursuant to an adequate plan for supervision of such residential  
7 time. The court shall not approve of a supervisor for contact between  
8 the child and the parent unless the court finds, based on the  
9 evidence, that the supervisor is willing and capable of protecting  
10 the child from harm. The court shall revoke court approval of the  
11 supervisor upon finding, based on the evidence, that the supervisor  
12 has failed to protect the child or is no longer willing or capable of  
13 protecting the child.

14 (i) If the court finds that the parent has met the burden of  
15 rebutting the presumption under (g) of this subsection, the court may  
16 allow a parent residing with a person who has been adjudicated as a  
17 juvenile of a sex offense listed in (e)(i) through (ix) of this  
18 subsection to have residential time with the child in the presence of  
19 the person adjudicated as a juvenile, supervised by a neutral and  
20 independent adult and pursuant to an adequate plan for supervision of  
21 such residential time. The court shall not approve of a supervisor  
22 for contact between the child and the parent unless the court finds,  
23 based on the evidence, that the supervisor is willing and capable of  
24 protecting the child from harm. The court shall revoke court approval  
25 of the supervisor upon finding, based on the evidence, that the  
26 supervisor has failed to protect the child or is no longer willing or  
27 capable of protecting the child.

28 (j) If the court finds that the parent has met the burden of  
29 rebutting the presumption under (g) of this subsection, the court may  
30 allow a parent residing with a person who, as an adult, has been  
31 convicted of a sex offense listed in (e)(i) through (ix) of this  
32 subsection to have residential time with the child in the presence of  
33 the convicted person supervised by a neutral and independent adult  
34 and pursuant to an adequate plan for supervision of such residential  
35 time. The court shall not approve of a supervisor for contact between  
36 the child and the parent unless the court finds, based on the  
37 evidence, that the supervisor is willing and capable of protecting  
38 the child from harm. The court shall revoke court approval of the  
39 supervisor upon finding, based on the evidence, that the supervisor



1 has failed to protect the child or is no longer willing or capable of  
2 protecting the child.

3 (k) A court shall not order unsupervised contact between the  
4 offending parent and a child of the offending parent who was sexually  
5 abused by that parent. A court may order unsupervised contact between  
6 the offending parent and a child who was not sexually abused by the  
7 parent after the presumption under (d) of this subsection has been  
8 rebutted and supervised residential time has occurred for at least  
9 two years with no further arrests or convictions of sex offenses  
10 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter  
11 9.68A RCW and (i) the sex offense of the offending parent was not  
12 committed against a child of the offending parent, and (ii) the court  
13 finds that unsupervised contact between the child and the offending  
14 parent is appropriate and poses minimal risk to the child, after  
15 consideration of the testimony of a state-certified therapist, mental  
16 health counselor, or social worker with expertise in treating child  
17 sexual abuse victims who has supervised at least one period of  
18 residential time between the parent and the child, and after  
19 consideration of evidence of the offending parent's compliance with  
20 community supervision requirements, if any. If the offending parent  
21 was not ordered by a court to participate in treatment for sex  
22 offenders, then the parent shall obtain a psychosexual evaluation  
23 conducted by a certified sex offender treatment provider or a  
24 certified affiliate sex offender treatment provider indicating that  
25 the offender has the lowest likelihood of risk to reoffend before the  
26 court grants unsupervised contact between the parent and a child.

27 (l) A court may order unsupervised contact between the parent and  
28 a child which may occur in the presence of a juvenile adjudicated of  
29 a sex offense listed in (e)(i) through (ix) of this subsection who  
30 resides with the parent after the presumption under (e) of this  
31 subsection has been rebutted and supervised residential time has  
32 occurred for at least two years during which time the adjudicated  
33 juvenile has had no further arrests, adjudications, or convictions of  
34 sex offenses involving children under chapter 9A.44 RCW, RCW  
35 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that  
36 unsupervised contact between the child and the parent that may occur  
37 in the presence of the adjudicated juvenile is appropriate and poses  
38 minimal risk to the child, after consideration of the testimony of a  
39 state-certified therapist, mental health counselor, or social worker  
40 with expertise in treatment of child sexual abuse victims who has

1 supervised at least one period of residential time between the parent  
2 and the child in the presence of the adjudicated juvenile, and after  
3 consideration of evidence of the adjudicated juvenile's compliance  
4 with community supervision or parole requirements, if any. If the  
5 adjudicated juvenile was not ordered by a court to participate in  
6 treatment for sex offenders, then the adjudicated juvenile shall  
7 obtain a psychosexual evaluation conducted by a certified sex  
8 offender treatment provider or a certified affiliate sex offender  
9 treatment provider indicating that the adjudicated juvenile has the  
10 lowest likelihood of risk to reoffend before the court grants  
11 unsupervised contact between the parent and a child which may occur  
12 in the presence of the adjudicated juvenile who is residing with the  
13 parent.

14 (m)(i) The limitations imposed by the court under (a) or (b) of  
15 this subsection shall be reasonably calculated to protect the child  
16 from the physical, sexual, or emotional abuse or harm that could  
17 result if the child has contact with the parent requesting  
18 residential time. The limitations shall also be reasonably calculated  
19 to provide for the safety of the parent who may be at risk of  
20 physical, sexual, or emotional abuse or harm that could result if the  
21 parent has contact with the parent requesting residential time. The  
22 limitations the court may impose include, but are not limited to:  
23 Supervised contact between the child and the parent or completion of  
24 relevant counseling or treatment. If the court expressly finds based  
25 on the evidence that limitations on the residential time with the  
26 child will not adequately protect the child from the harm or abuse  
27 that could result if the child has contact with the parent requesting  
28 residential time, the court shall restrain the parent requesting  
29 residential time from all contact with the child.

30 (ii) The court shall not enter an order under (a) of this  
31 subsection allowing a parent to have contact with a child if the  
32 parent has been found by clear and convincing evidence in a civil  
33 action or by a preponderance of the evidence in a dependency action  
34 to have sexually abused the child, except upon recommendation by an  
35 evaluator or therapist for the child that the child is ready for  
36 contact with the parent and will not be harmed by the contact. The  
37 court shall not enter an order allowing a parent to have contact with  
38 the child in the offender's presence if the parent resides with a  
39 person who has been found by clear and convincing evidence in a civil  
40 action or by a preponderance of the evidence in a dependency action

1 to have sexually abused a child, unless the court finds that the  
2 parent accepts that the person engaged in the harmful conduct and the  
3 parent is willing to and capable of protecting the child from harm  
4 from the person.

5 (iii) The court shall not enter an order under (a) of this  
6 subsection allowing a parent to have contact with a child if the  
7 parent has been found by clear and convincing evidence pursuant to  
8 RCW 26.26A.465 to have committed sexual assault, as defined in RCW  
9 26.26A.465, against the child's parent, and that the child was born  
10 within three hundred twenty days of the sexual assault.

11 (iv) If the court limits residential time under (a) or (b) of  
12 this subsection to require supervised contact between the child and  
13 the parent, the court shall not approve of a supervisor for contact  
14 between a child and a parent who has engaged in physical, sexual, or  
15 a pattern of emotional abuse of the child unless the court finds  
16 based upon the evidence that the supervisor accepts that the harmful  
17 conduct occurred and is willing to and capable of protecting the  
18 child from harm. The court shall revoke court approval of the  
19 supervisor upon finding, based on the evidence, that the supervisor  
20 has failed to protect the child or is no longer willing to or capable  
21 of protecting the child.

22 (n) If the court expressly finds based on the evidence that  
23 contact between the parent and the child will not cause physical,  
24 sexual, or emotional abuse or harm to the child and that the  
25 probability that the parent's or other person's harmful or abusive  
26 conduct will recur is so remote that it would not be in the child's  
27 best interests to apply the limitations of (a), (b), and (m)(i) and  
28 (iv) of this subsection, or if the court expressly finds that the  
29 parent's conduct did not have an impact on the child, then the court  
30 need not apply the limitations of (a), (b), and (m)(i) and (iv) of  
31 this subsection. The weight given to the existence of a protection  
32 order issued under chapter 7.--- (the new chapter created in section  
33 81 of this act) or 26.50 RCW as to domestic violence is within the  
34 discretion of the court. This subsection shall not apply when (c),  
35 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this  
36 subsection apply.

37 (3) A parent's involvement or conduct may have an adverse effect  
38 on the child's best interests, and the court may preclude or limit  
39 any provisions of the parenting plan, if any of the following factors  
40 exist:

1 (a) A parent's neglect or substantial nonperformance of parenting  
2 functions;

3 (b) A long-term emotional or physical impairment which interferes  
4 with the parent's performance of parenting functions as defined in  
5 RCW 26.09.004;

6 (c) A long-term impairment resulting from drug, alcohol, or other  
7 substance abuse that interferes with the performance of parenting  
8 functions;

9 (d) The absence or substantial impairment of emotional ties  
10 between the parent and the child;

11 (e) The abusive use of conflict by the parent which creates the  
12 danger of serious damage to the child's psychological development.  
13 Abusive use of conflict includes, but is not limited to, abusive  
14 litigation as defined in RCW 26.51.020. If the court finds a parent  
15 has engaged in abusive litigation, the court may impose any  
16 restrictions or remedies set forth in chapter 26.51 RCW in addition  
17 to including a finding in the parenting plan. Litigation that is  
18 aggressive or improper but that does not meet the definition of  
19 abusive litigation shall not constitute a basis for a finding under  
20 this section. A report made in good faith to law enforcement, a  
21 medical professional, or child protective services of sexual,  
22 physical, or mental abuse of a child shall not constitute a basis for  
23 a finding of abusive use of conflict;

24 (f) A parent has withheld from the other parent access to the  
25 child for a protracted period without good cause; or

26 (g) Such other factors or conduct as the court expressly finds  
27 adverse to the best interests of the child.

28 (4) In cases involving allegations of limiting factors under  
29 subsection (2)(a)(ii) and (iii) of this section, both parties shall  
30 be screened to determine the appropriateness of a comprehensive  
31 assessment regarding the impact of the limiting factor on the child  
32 and the parties.

33 (5) In entering a permanent parenting plan, the court shall not  
34 draw any presumptions from the provisions of the temporary parenting  
35 plan.

36 (6) In determining whether any of the conduct described in this  
37 section has occurred, the court shall apply the civil rules of  
38 evidence, proof, and procedure.

39 (7) For the purposes of this section:

1 (a) "A parent's child" means that parent's natural child, adopted  
2 child, or stepchild; and

3 (b) "Social worker" means a person with a master's or further  
4 advanced degree from a social work educational program accredited and  
5 approved as provided in RCW 18.320.010.

6 **Sec. 144.** RCW 26.09.300 and 2000 c 119 s 21 are each amended to  
7 read as follows:

8 (1) Whenever a restraining order is issued under this chapter,  
9 and the person to be restrained knows of the order, a violation of  
10 the provisions restricting the person from acts or threats of  
11 violence or of a provision restraining the person from going onto the  
12 grounds of or entering the residence, workplace, school, or day care  
13 of another, or prohibiting the person from knowingly coming within,  
14 or knowingly remaining within, a specified distance of a location, a  
15 protected party's person, or a protected party's vehicle, is  
16 punishable under (~~RCW 26.50.110~~) section 56 of this act.

17 (2) A person is deemed to have notice of a restraining order if:

18 (a) The person to be restrained or the person's attorney signed  
19 the order;

20 (b) The order recites that the person to be restrained or the  
21 person's attorney appeared in person before the court;

22 (c) The order was served upon the person to be restrained; or

23 (d) The peace officer gives the person oral or written evidence  
24 of the order by reading from it or handing to the person a certified  
25 copy of the original order, certified to be an accurate copy of the  
26 original by a notary public or by the clerk of the court.

27 (3) A peace officer shall verify the existence of a restraining  
28 order by:

29 (a) Obtaining information confirming the existence and terms of  
30 the order from a law enforcement agency; or

31 (b) Obtaining a certified copy of the order, certified to be an  
32 accurate copy of the original by a notary public or by the clerk of  
33 the court.

34 (4) A peace officer shall arrest and take into custody, pending  
35 release on bail, personal recognizance, or court order, a person  
36 without a warrant when the officer has probable cause to believe  
37 that:

38 (a) A restraining order has been issued under this chapter;

1 (b) The respondent or person to be restrained knows of the order;  
2 and

3 (c) The person to be arrested has violated the terms of the order  
4 restraining the person from acts or threats of violence or  
5 restraining the person from going onto the grounds of or entering the  
6 residence, workplace, school, or day care of another, or prohibiting  
7 the person from knowingly coming within, or knowingly remaining  
8 within, a specified distance of a location.

9 (5) It is a defense to prosecution under subsection (1) of this  
10 section that the court order was issued contrary to law or court  
11 rule.

12 (6) No peace officer may be held criminally or civilly liable for  
13 making an arrest under subsection (4) of this section if the officer  
14 acts in good faith and without malice.

15 **Sec. 145.** RCW 26.12.260 and 2008 c 6 s 1047 are each amended to  
16 read as follows:

17 (1) After July 1, 2009, but no later than November 1, 2009, a  
18 county may, and to the extent state funding is provided to meet the  
19 minimum requirements of the program a county shall, create a program  
20 to provide services to all parties involved in proceedings under  
21 chapter 26.09 RCW. Minimum components of this program shall include:

22 (a) An individual to serve as an initial point of contact for parties  
23 filing petitions for dissolutions or legal separations under chapter  
24 26.09 RCW; (b) informing parties about courthouse facilitation  
25 programs and orientations; (c) informing parties of alternatives to  
26 filing a dissolution petition, such as marriage or domestic  
27 partnership counseling; (d) informing parties of alternatives to  
28 litigation including counseling, legal separation, and mediation  
29 services if appropriate; (e) informing parties of supportive family  
30 services available in the community; (f) screening for referral for  
31 services in the areas of domestic violence as defined in ((RCW  
32 ~~26.50.010~~) section 2 of this act, child abuse, substance abuse, and  
33 mental health; and (g) assistance to the court in superior court  
34 cases filed under chapter 26.09 RCW.

35 (2) This program shall not provide legal advice. No attorney-  
36 client relationship or privilege is created, by implication or by  
37 inference, between persons providing basic information under this  
38 section and the participants in the program.

1 (3) The legislative authority of any county may impose user fees  
2 or may impose a surcharge of up to twenty dollars on only those  
3 superior court cases filed under this title, or both, to pay for the  
4 expenses of this program. Fees collected under this section shall be  
5 collected and deposited in the same manner as other county funds are  
6 collected and deposited, and shall be maintained in a separate  
7 account to be used as provided in this section. The program shall  
8 provide services to indigent persons at no expense.

9 (4) Persons who implement the program shall be appointed in the  
10 same manner as investigators, stenographers, and clerks as described  
11 in RCW 26.12.050.

12 (5) If the county has a program under this section, any petition  
13 under RCW 26.09.020 must allege that the moving party met and  
14 conferred with the program prior to the filing of the petition.

15 (6) If the county has a program under this section, parties shall  
16 meet and confer with the program prior to participation in mediation  
17 under RCW 26.09.016.

18 **Sec. 146.** RCW 26.12.802 and 2019 c 46 s 5023 are each amended to  
19 read as follows:

20 The administrative office of the courts shall conduct a unified  
21 family court pilot program.

22 (1) Pilot program sites shall be selected through a request for  
23 proposal process, and shall be established in no more than three  
24 superior court judicial districts.

25 (2) To be eligible for consideration as a pilot project site,  
26 judicial districts must have a statutorily authorized judicial  
27 complement of at least five judges.

28 (3) The administrative office of the courts shall develop  
29 criteria for the unified family court pilot program. The pilot  
30 program shall include:

31 (a) All case types under Title 13 RCW, chapters 26.09, ~~((26.10,))~~  
32 26.12, 26.18, 26.19, 26.20, 26.26A, 26.26B, ~~((26.50,))~~ 26.27, and  
33 28A.225 RCW, and domestic violence protection order cases under  
34 chapter 7.--- RCW (the new chapter created in section 81 of this  
35 act);

36 (b) Unified family court judicial officers, who volunteer for the  
37 program, and meet training requirements established by local court  
38 rule;

1 (c) Case management practices that provide a flexible response to  
2 the diverse court-related needs of families involved in multiple  
3 areas of the justice system. Case management practices should result  
4 in a reduction in process redundancies and an efficient use of time  
5 and resources, and create a system enabling multiple case type  
6 resolution by one judicial officer or judicial team;

7 (d) A court facilitator to provide assistance to parties with  
8 matters before the unified family court; and

9 (e) An emphasis on providing nonadversarial methods of dispute  
10 resolution such as a settlement conference, evaluative mediation by  
11 attorney mediators, and facilitative mediation by nonattorney  
12 mediators.

13 (4) The administrative office of the courts shall publish and  
14 disseminate a state-approved listing of definitions of nonadversarial  
15 methods of dispute resolution so that court officials, practitioners,  
16 and users can choose the most appropriate process for the matter at  
17 hand.

18 (5) The administrative office of the courts shall provide to the  
19 judicial districts selected for the pilot program the computer  
20 resources needed by each judicial district to implement the unified  
21 family court pilot program.

22 (6) The administrative office of the courts shall conduct a study  
23 of the pilot program measuring improvements in the judicial system's  
24 response to family involvement in the judicial system. The  
25 administrator for the courts shall report preliminary findings and  
26 final results of the study to the governor, the chief justice of the  
27 supreme court, and the legislature on a biennial basis. The initial  
28 report is due by July 1, 2000, and the final report is due by  
29 December 1, 2004.

30 **Sec. 147.** RCW 26.26A.470 and 2019 c 46 s 1002 are each amended  
31 to read as follows:

32 (1) In a proceeding under RCW 26.26A.400 through 26.26A.515, the  
33 court may issue a temporary order for child support if the order is  
34 consistent with law of this state other than this chapter and the  
35 individual ordered to pay support is:

36 (a) A presumed parent of the child;

37 (b) Petitioning to be adjudicated a parent;

38 (c) Identified as a genetic parent through genetic testing under  
39 RCW 26.26A.325;



1 (d) An alleged genetic parent who has declined to submit to  
2 genetic testing;

3 (e) Shown by clear and convincing evidence to be a parent of the  
4 child; or

5 (f) A parent under this chapter.

6 (2) A temporary order may include a provision for parenting time  
7 and visitation under law of this state other than this chapter.

8 (3) Any party may request the court to issue a temporary  
9 restraining order or preliminary injunction, providing relief proper  
10 in the circumstances, and restraining or enjoining any party from:

11 (a) Molesting or disturbing the peace of another party;

12 (b) Going onto the grounds of or entering the home, workplace, or  
13 school of another party or the day care or school of any child;

14 (c) Knowingly coming within, or knowingly remaining within, a  
15 specified distance from a specified location, a protected party's  
16 person, or a protected party's vehicle; and

17 (d) Removing a child from the jurisdiction of the court.

18 (4) Either party may request a domestic violence protection order  
19 (~~under chapter 26.50 RCW~~) or an antiharassment protection order  
20 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section  
21 81 of this act) on a temporary basis. The court may grant any of the  
22 relief provided in (~~RCW 26.50.060~~) section 39 of this act except  
23 relief pertaining to residential provisions for the children which  
24 provisions shall be provided for under this chapter(~~, and any of the~~  
25 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this  
26 subsection shall be effective for a fixed period not to exceed  
27 fourteen days, or upon court order, not to exceed twenty-four days if  
28 necessary to ensure that all temporary motions in the case can be  
29 heard at the same time.

30 (5) Restraining orders issued under this section restraining or  
31 enjoining the person from molesting or disturbing another party, or  
32 from going onto the grounds of or entering the home, workplace, or  
33 school of the other party or the day care or school of any child, or  
34 prohibiting the person from knowingly coming within, or knowingly  
35 remaining within, a specified distance of a location, a protected  
36 party's person, or a protected party's vehicle, shall prominently  
37 bear on the front page of the order the legend: VIOLATION OF THIS  
38 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
39 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of  
40 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

1 (6) The court shall order that any temporary restraining order  
2 bearing a criminal offense legend, any domestic violence protection  
3 order, or any antiharassment protection order granted under this  
4 section be forwarded by the clerk of the court on or before the next  
5 judicial day to the appropriate law enforcement agency specified in  
6 the order. Upon receipt of the order, the law enforcement agency  
7 shall enter the order into any computer-based criminal intelligence  
8 information system available in this state used by law enforcement  
9 agencies to list outstanding warrants. The order is fully enforceable  
10 in any county in the state.

11 (7) If a restraining order issued pursuant to this section is  
12 modified or terminated, the clerk of the court shall notify the law  
13 enforcement agency specified in the order on or before the next  
14 judicial day. Upon receipt of notice that an order has been  
15 terminated, the law enforcement agency shall remove the order from  
16 any computer-based criminal intelligence information system.

17 (8) The court may issue a temporary restraining order without  
18 requiring notice to the other party only if it finds on the basis of  
19 the moving affidavit or other evidence that irreparable injury could  
20 result if an order is not issued until the time for responding has  
21 elapsed.

22 (9) The court may issue a temporary restraining order or  
23 preliminary injunction and an order for temporary support in such  
24 amounts and on such terms as are just and proper in the  
25 circumstances. In issuing the order, the court shall consider the  
26 provisions of RCW 9.41.800.

27 (10) A temporary order, temporary restraining order, or  
28 preliminary injunction:

29 (a) Does not prejudice the rights of a party or any child which  
30 are to be adjudicated at subsequent hearings in the proceeding;

31 (b) May be revoked or modified;

32 (c) Terminates when the final order is entered or when the  
33 petition is dismissed; and

34 (d) May be entered in a proceeding for the modification of an  
35 existing order.

36 (11) A support debt owed to the state for public assistance  
37 expenditures which has been charged against a party pursuant to RCW  
38 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
39 extinguished by, the final decree or order, unless the office of  
40 support enforcement has been given notice of the final proceeding and

1 an opportunity to present its claim for the support debt to the court  
2 and has failed to file an affidavit as provided in this subsection.  
3 Notice of the proceeding shall be served upon the office of support  
4 enforcement personally, or by certified mail, and shall be given no  
5 fewer than thirty days prior to the date of the final proceeding. An  
6 original copy of the notice shall be filed with the court either  
7 before service or within a reasonable time thereafter. The office of  
8 support enforcement may present its claim, and thereby preserve the  
9 support debt, by filing an affidavit setting forth the amount of the  
10 debt with the court, and by mailing a copy of the affidavit to the  
11 parties or their attorney prior to the date of the final proceeding.

12 (12) Any party may request the court to issue any order  
13 referenced by RCW 9.41.800.

14 **Sec. 148.** RCW 26.26B.020 and 2019 c 46 s 5028 are each amended  
15 to read as follows:

16 (1) The judgment and order of the court determining the existence  
17 or nonexistence of the parent and child relationship shall be  
18 determinative for all purposes.

19 (2) If the judgment and order of the court is at variance with  
20 the child's birth certificate, the court shall order that an amended  
21 birth certificate be issued.

22 (3) The judgment and order shall contain other appropriate  
23 provisions directed to the appropriate parties to the proceeding,  
24 concerning the duty of current and future support, the extent of any  
25 liability for past support furnished to the child if that issue is  
26 before the court, the furnishing of bond or other security for the  
27 payment of the judgment, or any other matter in the best interest of  
28 the child. The judgment and order may direct one parent to pay the  
29 reasonable expenses of the mother's pregnancy and childbirth. The  
30 judgment and order may include a continuing restraining order or  
31 injunction. In issuing the order, the court shall consider the  
32 provisions of RCW 9.41.800.

33 (4) The judgment and order shall contain a provision that each  
34 party must file with the court and the Washington state child support  
35 registry and update as necessary the information required in the  
36 confidential information form required by RCW 26.23.050.

37 (5) Support judgment and orders shall be for periodic payments  
38 which may vary in amount. The court may limit the parent's liability  
39 for the past support to the child to the proportion of the expenses

1 already incurred as the court deems just. The court shall not limit  
2 or affect in any manner the right of nonparties including the state  
3 of Washington to seek reimbursement for support and other services  
4 previously furnished to the child.

5 (6) After considering all relevant factors, the court shall order  
6 either or both parents to pay an amount determined pursuant to the  
7 schedule and standards contained in chapter 26.19 RCW.

8 (7) On the same basis as provided in chapter 26.09 RCW, the court  
9 shall make residential provisions with regard to minor children of  
10 the parties, except that a parenting plan shall not be required  
11 unless requested by a party. If a parenting plan or residential  
12 schedule was not entered at the time the order establishing parentage  
13 was entered, a parent may move the court for entry of a parenting  
14 plan or residential schedule:

15 (a) By filing a motion and proposed parenting plan or residential  
16 schedule and providing notice to the other parent and other persons  
17 who have residential time with the child pursuant to a court order:  
18 PROVIDED, That at the time of filing the motion less than twenty-four  
19 months have passed since entry of the order establishing parentage  
20 and that the proposed parenting plan or residential schedule does not  
21 change the designation of the parent with whom the child spends the  
22 majority of time; or

23 (b) By filing a petition for modification under RCW 26.09.260 or  
24 petition to establish a parenting plan, residential schedule, or  
25 residential provisions.

26 (8) In any dispute between the persons claiming parentage of a  
27 child and a person or persons who have (a) commenced adoption  
28 proceedings or who have been granted an order of adoption, and (b)  
29 pursuant to a court order, or placement by the department of social  
30 and health services or by a licensed agency, have had actual custody  
31 of the child for a period of one year or more before court action is  
32 commenced by the persons claiming parentage, the court shall consider  
33 the best welfare and interests of the child, including the child's  
34 need for situation stability, in determining the matter of custody,  
35 and the parent or person who is more fit shall have the superior  
36 right to custody.

37 (9) In entering an order under this chapter or chapter 26.26A  
38 RCW, the court may issue any necessary continuing restraining orders,  
39 including the restraint provisions of domestic violence protection  
40 orders (~~(under chapter 26.50 RCW)~~) or antiharassment protection

1 orders under chapter (~~10.14~~) 7.--- RCW (the new chapter created in  
2 section 81 of this act).

3 (10) Restraining orders issued under this section restraining or  
4 enjoining the person from molesting or disturbing another party, from  
5 going onto the grounds of or entering the home, workplace, or school  
6 of the other party or the day care or school of any child, or  
7 prohibiting the person from knowingly coming within, or knowingly  
8 remaining within, a specified distance of a location, a protected  
9 party's person, or a protected party's vehicle, shall prominently  
10 bear on the front page of the order the legend: VIOLATION OF THIS  
11 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
12 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of  
13 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

14 (11) The court shall order that any restraining order bearing a  
15 criminal offense legend, any domestic violence protection order, or  
16 any antiharassment protection order granted under this section be  
17 forwarded by the clerk of the court on or before the next judicial  
18 day to the appropriate law enforcement agency specified in the order.  
19 Upon receipt of the order, the law enforcement agency shall forthwith  
20 enter the order into any computer-based criminal intelligence  
21 information system available in this state used by law enforcement  
22 agencies to list outstanding warrants. The order is fully enforceable  
23 in any county in the state.

24 (12) If a restraining order issued pursuant to this section is  
25 modified or terminated, the clerk of the court shall notify the law  
26 enforcement agency specified in the order on or before the next  
27 judicial day. Upon receipt of notice that an order has been  
28 terminated, the law enforcement agency shall remove the order from  
29 any computer-based criminal intelligence system.

30 **Sec. 149.** RCW 26.26B.050 and 2019 c 46 s 5030 are each amended  
31 to read as follows:

32 (1) Whenever a restraining order is issued under this chapter or  
33 chapter 26.26A RCW, and the person to be restrained knows of the  
34 order, a violation of the provisions restricting the person from acts  
35 or threats of violence or of a provision restraining the person from  
36 going onto the grounds of or entering the residence, workplace,  
37 school, or day care of another, or prohibiting the person from  
38 knowingly coming within, or knowingly remaining within, a specified  
39 distance of a location, a protected party's person, or a protected

1 party's vehicle, is punishable under ((RCW 26.50.110)) section 56 of  
2 this act.

3 (2) A person is deemed to have notice of a restraining order if:

4 (a) The person to be restrained or the person's attorney signed  
5 the order;

6 (b) The order recites that the person to be restrained or the  
7 person's attorney appeared in person before the court;

8 (c) The order was served upon the person to be restrained; or

9 (d) The peace officer gives the person oral or written evidence  
10 of the order by reading from it or handing to the person a certified  
11 copy of the original order, certified to be an accurate copy of the  
12 original by a notary public or by the clerk of the court.

13 (3) A peace officer shall verify the existence of a restraining  
14 order by:

15 (a) Obtaining information confirming the existence and terms of  
16 the order from a law enforcement agency; or

17 (b) Obtaining a certified copy of the order, certified to be an  
18 accurate copy of the original by a notary public or by the clerk of  
19 the court.

20 (4) A peace officer shall arrest and take into custody, pending  
21 release on bail, personal recognizance, or court order, a person  
22 without a warrant when the officer has probable cause to believe  
23 that:

24 (a) A restraining order has been issued under this chapter or  
25 chapter 26.26A RCW;

26 (b) The respondent or person to be restrained knows of the order;  
27 and

28 (c) The person to be arrested has violated the terms of the order  
29 restraining the person from acts or threats of violence or  
30 restraining the person from going onto the grounds of or entering the  
31 residence, workplace, school, or day care of another, or prohibiting  
32 the person from knowingly coming within, or knowingly remaining  
33 within, a specified distance of a location, a protected party's  
34 person, or a protected party's vehicle.

35 (5) It is a defense to prosecution under subsection (1) of this  
36 section that the court order was issued contrary to law or court  
37 rule.

38 (6) No peace officer may be held criminally or civilly liable for  
39 making an arrest under subsection (4) of this section if the officer  
40 acts in good faith and without malice.

1       **Sec. 150.** RCW 26.28.015 and 1992 c 111 s 12 are each amended to  
2 read as follows:

3       Notwithstanding any other provision of law, and except as  
4 provided under (~~RCW 26.50.020~~) section 14 of this act, all persons  
5 shall be deemed and taken to be of full age for the specific purposes  
6 hereafter enumerated at the age of eighteen years:

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

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

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

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

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

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

22       **Sec. 151.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to  
23 read as follows:

24       The definitions in this section apply throughout this chapter  
25 unless the context clearly requires otherwise.

26       (1) "Abuse or neglect" means sexual abuse, sexual exploitation,  
27 or injury of a child by any person under circumstances which cause  
28 harm to the child's health, welfare, or safety, excluding conduct  
29 permitted under RCW 9A.16.100; or the negligent treatment or  
30 maltreatment of a child by a person responsible for or providing care  
31 to the child. An abused child is a child who has been subjected to  
32 child abuse or neglect as defined in this section.

33       (2) "Child" or "children" means any person under the age of  
34 eighteen years of age.

35       (3) "Child forensic interview" means a developmentally sensitive  
36 and legally sound method of gathering factual information regarding  
37 allegations of child abuse, child neglect, or exposure to violence.  
38 This interview is conducted by a competently trained, neutral

1 professional utilizing techniques informed by research and best  
2 practice as part of a larger investigative process.

3 (4) "Child protective services" means those services provided by  
4 the department designed to protect children from child abuse and  
5 neglect and safeguard such children from future abuse and neglect,  
6 and conduct investigations of child abuse and neglect reports.  
7 Investigations may be conducted regardless of the location of the  
8 alleged abuse or neglect. Child protective services includes referral  
9 to services to ameliorate conditions that endanger the welfare of  
10 children, the coordination of necessary programs and services  
11 relevant to the prevention, intervention, and treatment of child  
12 abuse and neglect, and services to children to ensure that each child  
13 has a permanent home. In determining whether protective services  
14 should be provided, the department shall not decline to provide such  
15 services solely because of the child's unwillingness or developmental  
16 inability to describe the nature and severity of the abuse or  
17 neglect.

18 (5) "Child protective services section" means the child  
19 protective services section of the department.

20 (6) "Child who is a candidate for foster care" means a child who  
21 the department identifies as being at imminent risk of entering  
22 foster care but who can remain safely in the child's home or in a  
23 kinship placement as long as services or programs that are necessary  
24 to prevent entry of the child into foster care are provided, and  
25 includes but is not limited to a child whose adoption or guardianship  
26 arrangement is at risk of a disruption or dissolution that would  
27 result in a foster care placement. The term includes a child for whom  
28 there is reasonable cause to believe that any of the following  
29 circumstances exist:

30 (a) The child has been abandoned by the parent as defined in RCW  
31 13.34.030 and the child's health, safety, and welfare is seriously  
32 endangered as a result;

33 (b) The child has been abused or neglected as defined in this  
34 chapter ((~~26.44 RCW~~)) and the child's health, safety, and welfare is  
35 seriously endangered as a result;

36 (c) There is no parent capable of meeting the child's needs such  
37 that the child is in circumstances that constitute a serious danger  
38 to the child's development;

39 (d) The child is otherwise at imminent risk of harm.



1 (7) "Children's advocacy center" means a child-focused facility  
2 in good standing with the state chapter for children's advocacy  
3 centers and that coordinates a multidisciplinary process for the  
4 investigation, prosecution, and treatment of sexual and other types  
5 of child abuse. Children's advocacy centers provide a location for  
6 forensic interviews and coordinate access to services such as, but  
7 not limited to, medical evaluations, advocacy, therapy, and case  
8 review by multidisciplinary teams within the context of county  
9 protocols as defined in RCW 26.44.180 and 26.44.185.

10 (8) "Clergy" means any regularly licensed or ordained minister,  
11 priest, or rabbi of any church or religious denomination, whether  
12 acting in an individual capacity or as an employee or agent of any  
13 public or private organization or institution.

14 (9) "Court" means the superior court of the state of Washington,  
15 juvenile department.

16 (10) "Department" means the department of children, youth, and  
17 families.

18 (11) "Family assessment" means a comprehensive assessment of  
19 child safety, risk of subsequent child abuse or neglect, and family  
20 strengths and needs that is applied to a child abuse or neglect  
21 report. Family assessment does not include a determination as to  
22 whether child abuse or neglect occurred, but does determine the need  
23 for services to address the safety of the child and the risk of  
24 subsequent maltreatment.

25 (12) "Family assessment response" means a way of responding to  
26 certain reports of child abuse or neglect made under this chapter  
27 using a differential response approach to child protective services.  
28 The family assessment response shall focus on the safety of the  
29 child, the integrity and preservation of the family, and shall assess  
30 the status of the child and the family in terms of risk of abuse and  
31 neglect including the parent's or guardian's or other caretaker's  
32 capacity and willingness to protect the child and, if necessary, plan  
33 and arrange the provision of services to reduce the risk and  
34 otherwise support the family. No one is named as a perpetrator, and  
35 no investigative finding is entered in the record as a result of a  
36 family assessment.

37 (13) "Founded" means the determination following an investigation  
38 by the department that, based on available information, it is more  
39 likely than not that child abuse or neglect did occur.

1 (14) "Inconclusive" means the determination following an  
2 investigation by the department of social and health services, prior  
3 to October 1, 2008, that based on available information a decision  
4 cannot be made that more likely than not, child abuse or neglect did  
5 or did not occur.

6 (15) "Institution" means a private or public hospital or any  
7 other facility providing medical diagnosis, treatment, or care.

8 (16) "Law enforcement agency" means the police department, the  
9 prosecuting attorney, the state patrol, the director of public  
10 safety, or the office of the sheriff.

11 (17) "Malice" or "maliciously" means an intent, wish, or design  
12 to intimidate, annoy, or injure another person. Such malice may be  
13 inferred from an act done in willful disregard of the rights of  
14 another, or an act wrongfully done without just cause or excuse, or  
15 an act or omission of duty betraying a willful disregard of social  
16 duty.

17 (18) "Negligent treatment or maltreatment" means an act or a  
18 failure to act, or the cumulative effects of a pattern of conduct,  
19 behavior, or inaction, that evidences a serious disregard of  
20 consequences of such magnitude as to constitute a clear and present  
21 danger to a child's health, welfare, or safety, including but not  
22 limited to conduct prohibited under RCW 9A.42.100. When considering  
23 whether a clear and present danger exists, evidence of a parent's  
24 substance abuse as a contributing factor to negligent treatment or  
25 maltreatment shall be given great weight. The fact that siblings  
26 share a bedroom is not, in and of itself, negligent treatment or  
27 maltreatment. Poverty, homelessness, or exposure to domestic violence  
28 as defined in (~~RCW 26.50.010~~) section 2 of this act that is  
29 perpetrated against someone other than the child does not constitute  
30 negligent treatment or maltreatment in and of itself.

31 (19) "Pharmacist" means any registered pharmacist under chapter  
32 18.64 RCW, whether acting in an individual capacity or as an employee  
33 or agent of any public or private organization or institution.

34 (20) "Practitioner of the healing arts" or "practitioner" means a  
35 person licensed by this state to practice podiatric medicine and  
36 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
37 medicine and surgery, or medicine and surgery or to provide other  
38 health services. The term "practitioner" includes a duly accredited  
39 Christian Science practitioner. A person who is being furnished  
40 Christian Science treatment by a duly accredited Christian Science

1 practitioner will not be considered, for that reason alone, a  
2 neglected person for the purposes of this chapter.

3 (21) "Prevention and family services and programs" means specific  
4 mental health prevention and treatment services, substance abuse  
5 prevention and treatment services, and in-home parent skill-based  
6 programs that qualify for federal funding under the federal family  
7 first prevention services act, P.L. 115-123. For purposes of this  
8 chapter, prevention and family services and programs are not remedial  
9 services or family reunification services as described in RCW  
10 13.34.025(2).

11 (22) "Professional school personnel" include, but are not limited  
12 to, teachers, counselors, administrators, child care facility  
13 personnel, and school nurses.

14 (23) "Psychologist" means any person licensed to practice  
15 psychology under chapter 18.83 RCW, whether acting in an individual  
16 capacity or as an employee or agent of any public or private  
17 organization or institution.

18 (24) "Screened-out report" means a report of alleged child abuse  
19 or neglect that the department has determined does not rise to the  
20 level of a credible report of abuse or neglect and is not referred  
21 for investigation.

22 (25) "Sexual exploitation" includes: (a) Allowing, permitting, or  
23 encouraging a child to engage in prostitution by any person; or (b)  
24 allowing, permitting, encouraging, or engaging in the obscene or  
25 pornographic photographing, filming, or depicting of a child by any  
26 person.

27 (26) "Sexually aggressive youth" means a child who is defined in  
28 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

29 (27) "Social service counselor" means anyone engaged in a  
30 professional capacity during the regular course of employment in  
31 encouraging or promoting the health, welfare, support, or education  
32 of children, or providing social services to adults or families,  
33 including mental health, drug and alcohol treatment, and domestic  
34 violence programs, whether in an individual capacity, or as an  
35 employee or agent of any public or private organization or  
36 institution.

37 (28) "Unfounded" means the determination following an  
38 investigation by the department that available information indicates  
39 that, more likely than not, child abuse or neglect did not occur, or

1 that there is insufficient evidence for the department to determine  
2 whether the alleged child abuse did or did not occur.

3 **Sec. 152.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to  
4 read as follows:

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

7 (1) "Abusive litigation" means litigation where the following  
8 apply:

9 (a)(i) The opposing parties have a current or former intimate  
10 partner relationship;

11 (ii) The party who is filing, initiating, advancing, or  
12 continuing the litigation has been found by a court to have committed  
13 domestic violence against the other party pursuant to: (A) An order  
14 entered under ~~((this))~~ chapter ~~7.---~~ (the new chapter created in  
15 section 81 of this act) or 26.50 RCW; (B) a parenting plan with  
16 restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining  
17 order entered under chapter 26.09, ~~((26.26, or))~~ 26.26A, or 26.26B  
18 RCW, provided that the issuing court made a specific finding that the  
19 restraining order was necessary due to domestic violence; and

20 (iii) The litigation is being initiated, advanced, or continued  
21 primarily for the purpose of harassing, intimidating, or maintaining  
22 contact with the other party; and

23 (b) At least one of the following factors apply:

24 (i) Claims, allegations, and other legal contentions made in the  
25 litigation are not warranted by existing law or by a reasonable  
26 argument for the extension, modification, or reversal of existing  
27 law, or the establishment of new law;

28 (ii) Allegations and other factual contentions made in the  
29 litigation are without the existence of evidentiary support; or

30 (iii) An issue or issues that are the basis of the litigation  
31 have previously been filed in one or more other courts or  
32 jurisdictions and the actions have been litigated and disposed of  
33 unfavorably to the party filing, initiating, advancing, or continuing  
34 the litigation.

35 (2) "Intimate partner" is defined in ~~((RCW 26.50.010))~~ section 2  
36 of this act.

37 (3) "Litigation" means any kind of legal action or proceeding  
38 including, but not limited to: ~~((i) [(a)])~~ (a) Filing a summons,  
39 complaint, demand, or petition; ~~((ii) [(b)])~~ (b) serving a summons,

1 complaint, demand, or petition, regardless of whether it has been  
2 filed; (~~((iii)–[(e)])~~) (c) filing a motion, notice of court date,  
3 note for motion docket, or order to appear; (~~((iv)–[(d)])~~) (d)  
4 serving a motion, notice of court date, note for motion docket, or  
5 order to appear, regardless of whether it has been filed or  
6 scheduled; (~~((v)–[(e)])~~) (e) filing a subpoena, subpoena duces tecum,  
7 request for interrogatories, request for production, notice of  
8 deposition, or other discovery request; or (~~((vi)–[(f)])~~) (f) serving  
9 a subpoena, subpoena duces tecum, request for interrogatories,  
10 request for production, notice of deposition, or other discovery  
11 request.

12 (4) "Perpetrator of abusive litigation" means a person who files,  
13 initiates, advances, or continues litigation in violation of an order  
14 restricting abusive litigation.

15 **Sec. 153.** RCW 26.52.010 and 1999 c 184 s 3 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) "Domestic or family violence" includes, but is not limited  
20 to, conduct when committed by one family member against another that  
21 is classified in the jurisdiction where the conduct occurred as a  
22 domestic violence crime or a crime committed in another jurisdiction  
23 that under the laws of this state would be classified as domestic  
24 violence under RCW 10.99.020.

25 (2) "Family (~~or household~~) members" means (~~(spouses, former~~  
26 ~~spouses, persons who have a child in common regardless of whether~~  
27 ~~they have been married or have lived together at any time, adult~~  
28 ~~persons related by blood or marriage, adult persons who are presently~~  
29 ~~residing together or who have resided together in the past, persons~~  
30 ~~sixteen years of age or older who are presently residing together or~~  
31 ~~who have resided together in the past and who have or have had a~~  
32 ~~dating relationship, persons sixteen years of age or older with whom~~  
33 ~~a person sixteen years of age or older has or has had a dating~~  
34 ~~relationship, and persons who have a biological or legal parent-child~~  
35 ~~relationship, including stepparents and stepchildren and grandparents~~  
36 ~~and grandchildren)) intimate partners and family or household members~~  
37 as those terms are defined in section 2 of this act.

38 (3) "Foreign protection order" means an injunction or other order  
39 related to domestic or family violence, harassment, sexual abuse, or

1 stalking, for the purpose of preventing violent or threatening acts  
2 or harassment against, or contact or communication with or physical  
3 proximity to another person issued by a court of another state,  
4 territory, or possession of the United States, the Commonwealth of  
5 Puerto Rico, or the District of Columbia, or any United States  
6 military tribunal, or a tribal court, in a civil or criminal action.

7 (4) "Harassment" includes, but is not limited to, conduct that is  
8 classified in the jurisdiction where the conduct occurred as  
9 harassment or a crime committed in another jurisdiction that under  
10 the laws of this state would be classified as harassment under RCW  
11 9A.46.040.

12 (5) "Judicial day" does not include Saturdays, Sundays, or legal  
13 holidays in Washington state.

14 (6) "Person entitled to protection" means a person, regardless of  
15 whether the person was the moving party in the foreign jurisdiction,  
16 who is benefited by the foreign protection order.

17 (7) "Person under restraint" means a person, regardless of  
18 whether the person was the responding party in the foreign  
19 jurisdiction, whose ability to contact or communicate with another  
20 person, or to be physically close to another person, is restricted by  
21 the foreign protection order.

22 (8) "Sexual abuse" includes, but is not limited to, conduct that  
23 is classified in the jurisdiction where the conduct occurred as a sex  
24 offense or a crime committed in another jurisdiction that under the  
25 laws of this state would be classified as a sex offense under RCW  
26 9.94A.030.

27 (9) "Stalking" includes, but is not limited to, conduct that is  
28 classified in the jurisdiction where the conduct occurred as stalking  
29 or a crime committed in another jurisdiction that under the laws of  
30 this state would be classified as stalking under RCW 9A.46.110.

31 (10) "Washington court" includes the superior, district, and  
32 municipal courts of the state of Washington.

33 **Sec. 154.** RCW 26.52.070 and 2000 c 119 s 26 are each amended to  
34 read as follows:

35 (1) Whenever a foreign protection order is granted to a person  
36 entitled to protection and the person under restraint knows of the  
37 foreign protection order, a violation of a provision prohibiting the  
38 person under restraint from contacting or communicating with another  
39 person, or of a provision excluding the person under restraint from a

1 residence, workplace, school, or day care, or of a provision  
2 prohibiting a person from knowingly coming within, or knowingly  
3 remaining within, a specified distance of a location, a protected  
4 party's person, or a protected party's vehicle, or a violation of any  
5 provision for which the foreign protection order specifically  
6 indicates that a violation will be a crime, is punishable under ((RCW  
7 ~~26.50.110~~)) section 56 of this act.

8 (2) A peace officer shall arrest without a warrant and take into  
9 custody a person when the peace officer has probable cause to believe  
10 that a foreign protection order has been issued of which the person  
11 under restraint has knowledge and the person under restraint has  
12 violated a provision of the foreign protection order that prohibits  
13 the person under restraint from contacting or communicating with  
14 another person, or a provision that excludes the person under  
15 restraint from a residence, workplace, school, or day care, or of a  
16 provision prohibiting a person from knowingly coming within, or  
17 knowingly remaining within, a specified distance of a location, a  
18 protected party's person, or a protected party's vehicle, or a  
19 violation of any provision for which the foreign protection order  
20 specifically indicates that a violation will be a crime. Presence of  
21 the order in the law enforcement computer-based criminal intelligence  
22 information system is not the only means of establishing knowledge of  
23 the order.

24 **Sec. 155.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to  
25 read as follows:

26 (1) Revenue collected under this section is subject to division  
27 with the state under RCW 36.18.025 and with the county or regional  
28 law library fund under RCW 27.24.070, except as provided in  
29 subsection (5) of this section.

30 (2) Clerks of superior courts shall collect the following fees  
31 for their official services:

32 (a) In addition to any other fee required by law, the party  
33 filing the first or initial document in any civil action, including,  
34 but not limited to an action for restitution, adoption, or change of  
35 name, and any party filing a counterclaim, cross-claim, or third-  
36 party claim in any such civil action, shall pay, at the time the  
37 document is filed, a fee of two hundred dollars except, in an  
38 unlawful detainer action under chapter 59.18 or 59.20 RCW for which  
39 the plaintiff shall pay a case initiating filing fee of forty-five

1 dollars, or in proceedings filed under RCW 28A.225.030 alleging a  
2 violation of the compulsory attendance laws where the petitioner  
3 shall not pay a filing fee. The forty-five dollar filing fee under  
4 this subsection for an unlawful detainer action shall not include an  
5 order to show cause or any other order or judgment except a default  
6 order or default judgment in an unlawful detainer action.

7 (b) Any party, except a defendant in a criminal case, filing the  
8 first or initial document on an appeal from a court of limited  
9 jurisdiction or any party on any civil appeal, shall pay, when the  
10 document is filed, a fee of two hundred dollars.

11 (c) For filing of a petition for judicial review as required  
12 under RCW 34.05.514 a filing fee of two hundred dollars.

13 ~~((For filing of a petition for unlawful harassment under RCW  
14 10.14.040 a filing fee of fifty-three dollars.~~

15 ~~(e))~~ For filing the notice of debt due for the compensation of a  
16 crime victim under RCW 7.68.120(2) (a) a fee of two hundred dollars.

17 ~~((f))~~ (e) In probate proceedings, the party instituting such  
18 proceedings, shall pay at the time of filing the first document  
19 therein, a fee of two hundred dollars.

20 ~~((g))~~ (f) For filing any petition to contest a will admitted to  
21 probate or a petition to admit a will which has been rejected, or a  
22 petition objecting to a written agreement or memorandum as provided  
23 in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

24 ~~((h))~~ (g) Upon conviction or plea of guilty, upon failure to  
25 prosecute an appeal from a court of limited jurisdiction as provided  
26 by law, or upon affirmance of a conviction by a court of limited  
27 jurisdiction, an adult defendant in a criminal case shall be liable  
28 for a fee of two hundred dollars, except this fee shall not be  
29 imposed on a defendant who is indigent as defined in RCW  
30 10.101.010(3) (a) through (c).

31 ~~((i))~~ (h) With the exception of demands for jury hereafter made  
32 and garnishments hereafter issued, civil actions and probate  
33 proceedings filed prior to midnight, July 1, 1972, shall be completed  
34 and governed by the fee schedule in effect as of January 1, 1972.  
35 However, no fee shall be assessed if an order of dismissal on the  
36 clerk's record be filed as provided by rule of the supreme court.

37 (3) No fee shall be collected when a petition for relinquishment  
38 of parental rights is filed pursuant to RCW 26.33.080 or for forms  
39 and instructional brochures provided under ~~((RCW 26.50.030))~~ section  
40 16 of this act.



1 (4) No fee shall be collected when an abstract of judgment is  
2 filed by the county clerk of another county for the purposes of  
3 collection of legal financial obligations.

4 (5)(a) Until July 1, 2021, in addition to the fees required to be  
5 collected under this section, clerks of the superior courts must  
6 collect surcharges as provided in this subsection (5) of which  
7 seventy-five percent must be remitted to the state treasurer for  
8 deposit in the judicial stabilization trust account and twenty-five  
9 percent must be retained by the county.

10 (b) On filing fees required to be collected under subsection  
11 (2)(b) of this section, a surcharge of thirty dollars must be  
12 collected.

13 (c) On all filing fees required to be collected under this  
14 section, except for fees required under subsection (2)(b) (~~((r—(d),r))~~)  
15 and (~~((h))~~) (g) of this section, a surcharge of forty dollars must be  
16 collected.

17 **Sec. 156.** RCW 36.28A.410 and 2019 c 263 s 915 and 2019 c 46 s  
18 5041 are each reenacted and amended to read as follows:

19 (1)(a) Subject to the availability of amounts appropriated for  
20 this specific purpose, the Washington association of sheriffs and  
21 police chiefs shall create and operate a statewide automated  
22 protected person notification system to automatically notify a  
23 registered person via the registered person's choice of telephone or  
24 email when a respondent subject to a court order specified in (b) of  
25 this subsection has attempted to purchase or acquire a firearm and  
26 been denied based on a background check or completed and submitted  
27 firearm purchase or transfer application that indicates the  
28 respondent is ineligible to possess a firearm under state or federal  
29 law. The system must permit a person to register for notification, or  
30 a registered person to update the person's registration information,  
31 for the statewide automated protected person notification system by  
32 calling a toll-free telephone number or by accessing a public  
33 website.

34 (b) The notification requirements of this section apply to any  
35 court order issued under chapter 7.--- (the new chapter created in  
36 section 81 of this act) or 7.92 RCW and RCW 7.90.090, 9A.46.080,  
37 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,  
38 26.10.115, 26.26A.470, 26.26B.020, 26.50.060, or 26.50.070, any  
39 foreign protection order filed with a Washington court pursuant to

1 chapter 26.52 RCW, and any Canadian domestic violence protection  
2 order filed with a Washington court pursuant to chapter 26.55 RCW,  
3 where the order prohibits the respondent from possessing firearms or  
4 where by operation of law the respondent is ineligible to possess  
5 firearms during the term of the order. The notification requirements  
6 of this section apply even if the respondent has notified the  
7 Washington state patrol that he or she has appealed a background  
8 check denial under RCW 43.43.823.

9 (2) An appointed or elected official, public employee, or public  
10 agency as defined in RCW 4.24.470, or combination of units of  
11 government and its employees, as provided in RCW 36.28A.010, are  
12 immune from civil liability for damages for any release of  
13 information or the failure to release information related to the  
14 statewide automated protected person notification system in this  
15 section, so long as the release or failure to release was without  
16 gross negligence. The immunity provided under this subsection applies  
17 to the release of relevant and necessary information to other public  
18 officials, public employees, or public agencies, and to the general  
19 public.

20 (3) Information and records prepared, owned, used, or retained by  
21 the Washington association of sheriffs and police chiefs pursuant to  
22 chapter 261, Laws of 2017, including information a person submits to  
23 register and participate in the statewide automated protected person  
24 notification system, are exempt from public inspection and copying  
25 under chapter 42.56 RCW.

26 **Sec. 157.** RCW 41.04.655 and 2020 c 29 s 14 and 2020 c 6 s 1 are  
27 each reenacted and amended to read as follows:

28 Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout RCW 41.04.650 through 41.04.670,  
30 28A.400.380, and section 7, chapter 93, Laws of 1989.

31 (1) "Domestic violence" means any of the following acts committed  
32 by one family or household member against another or by one intimate  
33 partner against another, as those terms are defined in RCW  
34 (~~(26.50.010)~~) 10.99.020:

35 (a) Physical harm, bodily injury, assault, or the infliction of  
36 fear of imminent physical harm, bodily injury, or assault;

37 (b) Sexual assault; or

38 (c) Stalking as defined in RCW 9A.46.110.

1 (2) "Employee" means any employee of the state, including  
2 employees of school districts and educational service districts, who  
3 are entitled to accrue sick leave or annual leave and for whom  
4 accurate leave records are maintained.

5 (3) "Parental leave" means leave to bond and care for a newborn  
6 child after birth or to bond and care for a child after placement for  
7 adoption or foster care.

8 (4) "Pregnancy disability" means a pregnancy-related medical  
9 condition or miscarriage.

10 (5) "Program" means the leave sharing program established in RCW  
11 41.04.660.

12 (6) "Service in the uniformed services" means the performance of  
13 duty on a voluntary or involuntary basis in a uniformed service under  
14 competent authority and includes active duty, active duty for  
15 training, initial active duty for training, inactive duty training,  
16 full-time national guard duty including state-ordered active duty,  
17 and a period for which a person is absent from a position of  
18 employment for the purpose of an examination to determine the fitness  
19 of the person to perform any such duty.

20 (7) "Sexual assault" has the same meaning as set forth in RCW  
21 70.125.030.

22 (8) "Stalking" has the same meaning as set forth in RCW  
23 9A.46.110.

24 (9) "State agency" or "agency" means departments, offices,  
25 agencies, or institutions of state government, the legislature,  
26 institutions of higher education, school districts, and educational  
27 service districts.

28 (10) "Uniformed services" means the armed forces, the army  
29 national guard, and the air national guard of any state, territory,  
30 commonwealth, possession, or district when engaged in active duty for  
31 training, inactive duty training, full-time national guard duty, or  
32 state active duty, the commissioned corps of the public health  
33 service, the coast guard, and any other category of persons  
34 designated by the president of the United States in time of war or  
35 national emergency.

36 (11) "Victim" means a person against whom domestic violence,  
37 sexual assault, or stalking has been committed as defined in this  
38 section.

1       **Sec. 158.** RCW 43.43.754 and 2020 c 26 s 7 are each amended to  
2 read as follows:

3       (1) A biological sample must be collected for purposes of DNA  
4 identification analysis from:

5       (a) Every adult or juvenile individual convicted of a felony, or  
6 any of the following crimes (or equivalent juvenile offenses):

7       (i) Assault in the fourth degree where domestic violence as  
8 defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041,  
9 9.94A.030);

10       (ii) Assault in the fourth degree with sexual motivation (RCW  
11 9A.36.041, 9.94A.835);

12       (iii) Communication with a minor for immoral purposes (RCW  
13 9.68A.090);

14       (iv) Custodial sexual misconduct in the second degree (RCW  
15 9A.44.170);

16       (v) Failure to register (chapter 9A.44 RCW);

17       (vi) Harassment (RCW 9A.46.020);

18       (vii) Patronizing a prostitute (RCW 9A.88.110);

19       (viii) Sexual misconduct with a minor in the second degree (RCW  
20 9A.44.096);

21       (ix) Stalking (RCW 9A.46.110);

22       (x) Indecent exposure (RCW 9A.88.010);

23       (xi) Violation of a sexual assault protection order granted under  
24 chapter 7.--- (the new chapter created in section 81 of this act) or  
25 7.90 RCW; and

26       (b) Every adult or juvenile individual who is required to  
27 register under RCW 9A.44.130.

28       (2)(a) A municipal jurisdiction may also submit any biological  
29 sample to the laboratory services bureau of the Washington state  
30 patrol for purposes of DNA identification analysis when:

31       (i) The sample was collected from a defendant upon conviction for  
32 a municipal offense where the underlying ordinance does not adopt the  
33 relevant state statute by reference but the offense is otherwise  
34 equivalent to an offense in subsection (1)(a) of this section;

35       (ii) The equivalent offense in subsection (1)(a) of this section  
36 was an offense for which collection of a biological sample was  
37 required under this section at the time of the conviction; and

38       (iii) The sample was collected on or after June 12, 2008, and  
39 before January 1, 2020.

1 (b) When submitting a biological sample under this subsection,  
2 the municipal jurisdiction must include a signed affidavit from the  
3 municipal prosecuting authority of the jurisdiction in which the  
4 conviction occurred specifying the state crime to which the municipal  
5 offense is equivalent.

6 (3) Law enforcement may submit to the forensic laboratory  
7 services bureau of the Washington state patrol, for purposes of DNA  
8 identification analysis, any lawfully obtained biological sample  
9 within its control from a deceased offender who was previously  
10 convicted of an offense under subsection (1)(a) of this section,  
11 regardless of the date of conviction.

12 (4) If the Washington state patrol crime laboratory already has a  
13 DNA sample from an individual for a qualifying offense, a subsequent  
14 submission is not required to be submitted.

15 (5) Biological samples shall be collected in the following  
16 manner:

17 (a) For persons convicted of any offense listed in subsection  
18 (1)(a) of this section or adjudicated guilty of an equivalent  
19 juvenile offense, who do not serve a term of confinement in a  
20 department of corrections facility or a department of children,  
21 youth, and families facility, and are serving a term of confinement  
22 in a city or county jail facility, the city or county jail facility  
23 shall be responsible for obtaining the biological samples.

24 (b) The local police department or sheriff's office shall be  
25 responsible for obtaining the biological samples for:

26 (i) Persons convicted of any offense listed in subsection (1)(a)  
27 of this section or adjudicated guilty of an equivalent juvenile  
28 offense, who do not serve a term of confinement in a department of  
29 corrections facility, department of children, youth, and families  
30 facility, or a city or county jail facility; and

31 (ii) Persons who are required to register under RCW 9A.44.130.

32 (c) For persons convicted of any offense listed in subsection  
33 (1)(a) of this section or adjudicated guilty of an equivalent  
34 juvenile offense, who are serving or who are to serve a term of  
35 confinement in a department of corrections facility or a department  
36 of children, youth, and families facility, the facility holding the  
37 person shall be responsible for obtaining the biological samples as  
38 part of the intake process. If the facility did not collect the  
39 biological sample during the intake process, then the facility shall  
40 collect the biological sample as soon as is practicable. For those

1 persons incarcerated before June 12, 2008, who have not yet had a  
2 biological sample collected, priority shall be given to those persons  
3 who will be released the soonest.

4 (d) For persons convicted of any offense listed in subsection  
5 (1)(a) of this section or adjudicated guilty of an equivalent  
6 juvenile offense, who will not serve a term of confinement, the court  
7 shall: Order the person to report to the local police department or  
8 sheriff's office as provided under subsection (5)(b)(i) of this  
9 section within a reasonable period of time established by the court  
10 in order to provide a biological sample; or if the local police  
11 department or sheriff's office has a protocol for collecting the  
12 biological sample in the courtroom, order the person to immediately  
13 provide the biological sample to the local police department or  
14 sheriff's office before leaving the presence of the court. The court  
15 must further inform the person that refusal to provide a biological  
16 sample is a gross misdemeanor under this section.

17 (6) Any biological sample taken pursuant to RCW 43.43.752 through  
18 43.43.758 may be retained by the forensic laboratory services bureau,  
19 and shall be used solely for the purpose of providing DNA or other  
20 tests for identification analysis and prosecution of a criminal  
21 offense or for the identification of human remains or missing  
22 persons. Nothing in this section prohibits the submission of results  
23 derived from the biological samples to the federal bureau of  
24 investigation combined DNA index system.

25 (7) The forensic laboratory services bureau of the Washington  
26 state patrol is responsible for testing performed on all biological  
27 samples that are collected under this section, to the extent allowed  
28 by funding available for this purpose. Known duplicate samples may be  
29 excluded from testing unless testing is deemed necessary or advisable  
30 by the director.

31 (8) This section applies to:

32 (a) All adults and juveniles to whom this section applied prior  
33 to June 12, 2008;

34 (b) All adults and juveniles to whom this section did not apply  
35 prior to June 12, 2008, who:

36 (i) Are convicted on or after June 12, 2008, of an offense listed  
37 in subsection (1)(a) of this section on the date of conviction; or

38 (ii) Were convicted prior to June 12, 2008, of an offense listed  
39 in subsection (1)(a) of this section and are still incarcerated on or  
40 after June 12, 2008;

1 (c) All adults and juveniles who are required to register under  
2 RCW 9A.44.130 on or after June 12, 2008, whether convicted before,  
3 on, or after June 12, 2008; and

4 (d) All samples submitted under subsections (2) and (3) of this  
5 section.

6 (9) This section creates no rights in a third person. No cause of  
7 action may be brought based upon the noncollection or nonanalysis or  
8 the delayed collection or analysis of a biological sample authorized  
9 to be taken under RCW 43.43.752 through 43.43.758.

10 (10) The detention, arrest, or conviction of a person based upon  
11 a database match or database information is not invalidated if it is  
12 determined that the sample was obtained or placed in the database by  
13 mistake, or if the conviction or juvenile adjudication that resulted  
14 in the collection of the biological sample was subsequently vacated  
15 or otherwise altered in any future proceeding including but not  
16 limited to posttrial or postfact-finding motions, appeals, or  
17 collateral attacks. No cause of action may be brought against the  
18 state based upon the analysis of a biological sample authorized to be  
19 taken pursuant to a municipal ordinance if the conviction or  
20 adjudication that resulted in the collection of the biological sample  
21 was subsequently vacated or otherwise altered in any future  
22 proceeding including, but not limited to, posttrial or postfact-  
23 finding motions, appeals, or collateral attacks.

24 (11) A person commits the crime of refusal to provide DNA if the  
25 person willfully refuses to comply with a legal request for a DNA  
26 sample as required under this section. The refusal to provide DNA is  
27 a gross misdemeanor.

28 **Sec. 159.** RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22  
29 are each reenacted and amended to read as follows:

30 (1)(a) The secretary of social and health services and the  
31 secretary of health shall adopt additional requirements for the  
32 licensure or relicensure of agencies, facilities, and licensed  
33 individuals who provide care and treatment to vulnerable adults,  
34 including nursing pools registered under chapter 18.52C RCW. These  
35 additional requirements shall ensure that any person associated with  
36 a licensed agency or facility having unsupervised access with a  
37 vulnerable adult shall not be the respondent in an active  
38 (~~protective~~) vulnerable adult protection order under chapter 7.---  
39 RCW (~~(74.34.130)~~) (the new chapter created in section 81 of this

1 act), nor have been: (i) Convicted of a crime against children or  
2 other persons as defined in RCW 43.43.830, except as provided in this  
3 section; (ii) convicted of crimes relating to financial exploitation  
4 as defined in RCW 43.43.830, except as provided in this section; or  
5 (iii) found in any disciplinary board final decision to have abused a  
6 vulnerable adult (~~under~~) as defined in RCW 43.43.830.

7 (b) A person associated with a licensed agency or facility who  
8 has unsupervised access with a vulnerable adult shall make the  
9 disclosures specified in RCW 43.43.834(2). The person shall make the  
10 disclosures in writing, sign, and swear to the contents under penalty  
11 of perjury. The person shall, in the disclosures, specify all crimes  
12 against children or other persons, all crimes relating to financial  
13 exploitation, and all crimes relating to drugs as defined in RCW  
14 43.43.830, committed by the person.

15 (2) The rules adopted under this section shall permit the  
16 licensee to consider the criminal history of an applicant for  
17 employment in a licensed facility when the applicant has one or more  
18 convictions for a past offense and:

19 (a) The offense was simple assault, assault in the fourth degree,  
20 or the same offense as it may be renamed, and three or more years  
21 have passed between the most recent conviction and the date of  
22 application for employment;

23 (b) The offense was prostitution, or the same offense as it may  
24 be renamed, and three or more years have passed between the most  
25 recent conviction and the date of application for employment;

26 (c) The offense was theft in the third degree, or the same  
27 offense as it may be renamed, and three or more years have passed  
28 between the most recent conviction and the date of application for  
29 employment;

30 (d) The offense was theft in the second degree, or the same  
31 offense as it may be renamed, and five or more years have passed  
32 between the most recent conviction and the date of application for  
33 employment;

34 (e) The offense was forgery, or the same offense as it may be  
35 renamed, and five or more years have passed between the most recent  
36 conviction and the date of application for employment;

37 (f) The department of social and health services reviewed the  
38 employee's otherwise disqualifying criminal history through the  
39 department of social and health services' background assessment



1 review team process conducted in 2002, and determined that such  
2 employee could remain in a position covered by this section; or

3 (g) The otherwise disqualifying conviction or disposition has  
4 been the subject of a pardon, annulment, or other equivalent  
5 procedure.

6 The offenses set forth in (a) through (g) of this subsection do  
7 not automatically disqualify an applicant from employment by a  
8 licensee. Nothing in this section may be construed to require the  
9 employment of any person against a licensee's judgment.

10 (3) The rules adopted pursuant to subsection (2) of this section  
11 may not allow a licensee to automatically deny an applicant with a  
12 conviction for an offense set forth in subsection (2) of this section  
13 for a position as a substance use disorder professional or substance  
14 use disorder professional trainee certified under chapter 18.205 RCW  
15 if:

16 (a) At least one year has passed between the applicant's most  
17 recent conviction for an offense set forth in subsection (2) of this  
18 section and the date of application for employment;

19 (b) The offense was committed as a result of the applicant's  
20 substance use or untreated mental health symptoms; and

21 (c) The applicant is at least one year in recovery from a  
22 substance use disorder, whether through abstinence or stability on  
23 medication-assisted therapy, or in recovery from a mental health  
24 disorder.

25 (4) The rules adopted pursuant to subsection (2) of this section  
26 may not allow a licensee to automatically deny an applicant with a  
27 conviction for an offense set forth in subsection (2) of this section  
28 for a position as an agency affiliated counselor registered under  
29 chapter 18.19 RCW practicing as a peer counselor in an agency or  
30 facility if:

31 (a) At least one year has passed between the applicant's most  
32 recent conviction for an offense set forth in subsection (2) of this  
33 section and the date of application for employment;

34 (b) The offense was committed as a result of the person's  
35 substance use or untreated mental health symptoms; and

36 (c) The applicant is at least one year in recovery from a  
37 substance use disorder, whether through abstinence or stability on  
38 medication-assisted therapy, or in recovery from mental health  
39 challenges.

1 (5) In consultation with law enforcement personnel, the secretary  
2 of social and health services and the secretary of health shall  
3 investigate, or cause to be investigated, the conviction record and  
4 the protection proceeding record information under this chapter of  
5 the staff of each agency or facility under their respective  
6 jurisdictions seeking licensure or relicensure. An individual  
7 responding to a criminal background inquiry request from his or her  
8 employer or potential employer shall disclose the information about  
9 his or her criminal history under penalty of perjury. The secretaries  
10 shall use the information solely for the purpose of determining  
11 eligibility for licensure or relicensure. Criminal justice agencies  
12 shall provide the secretaries such information as they may have and  
13 that the secretaries may require for such purpose.

14 **Sec. 160.** RCW 48.18.550 and 2020 c 29 s 15 are each amended to  
15 read as follows:

16 (1) No insurer shall deny or refuse to accept an application for  
17 insurance, refuse to insure, refuse to renew, cancel, restrict, or  
18 otherwise terminate a policy of insurance, or charge a different rate  
19 for the same coverage on the basis that the applicant or insured  
20 person is, has been, or may be a victim of domestic abuse.

21 (2) Nothing in this section shall prevent an insurer from taking  
22 any of the actions set forth in subsection (1) of this section on the  
23 basis of loss history or medical condition or for any other reason  
24 not otherwise prohibited by this section, any other law, regulation,  
25 or rule.

26 (3) Any form filed or filed after June 11, 1998, subject to RCW  
27 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may  
28 exclude coverage for losses caused by intentional or fraudulent acts  
29 of any insured. Such an exclusion, however, shall not apply to deny  
30 an insured's otherwise-covered property loss if the property loss is  
31 caused by an act of domestic abuse by another insured under the  
32 policy, the insured claiming property loss files a police report and  
33 cooperates with any law enforcement investigation relating to the act  
34 of domestic abuse, and the insured claiming property loss did not  
35 cooperate in, or contribute to, the creation of the property loss.  
36 Payment by the insurer to an insured may be limited to the person's  
37 insurable interest in the property less payments made to a mortgagee  
38 or other party with a legal secured interest in the property. An  
39 insurer making payment to an insured under this section has all

1 rights of subrogation to recover against the perpetrator of the act  
2 that caused the loss.

3 (4) Nothing in this section prohibits an insurer from  
4 investigating a claim and complying with chapter 48.30A RCW.

5 (5) For the purposes of this section, the following definitions  
6 apply:

7 (a) "Domestic abuse" means: (i) Physical harm, bodily injury,  
8 assault, or the infliction of fear of imminent physical harm, bodily  
9 injury, or assault between family or household members or intimate  
10 partners; (ii) sexual assault of one family or household member by  
11 another or of one intimate partner by another; (iii) stalking as  
12 defined in RCW 9A.46.110 of one family or household member by another  
13 or of one intimate partner by another; or (iv) intentionally,  
14 knowingly, or recklessly causing damage to property so as to  
15 intimidate or attempt to control the behavior of another family or  
16 household member or of another intimate partner.

17 (b) "Family or household member" has the same meaning as in RCW  
18 (~~26.50.010~~) 10.99.020.

19 (c) "Intimate partner" has the same meaning as in RCW  
20 (~~26.50.010~~) 10.99.020.

21 **Sec. 161.** RCW 49.76.020 and 2017 3rd sp.s. c 5 s 90 are each  
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

25 (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"  
26 and "sick leave and other paid time off" have the same meanings as in  
27 RCW 49.12.265.

28 (2) "Dating relationship" has the same meaning as in (~~RCW~~  
29 ~~26.50.010~~) section 2 of this act.

30 (3) "Department," "director," "employer," and "employee" have the  
31 same meanings as in RCW 49.12.005.

32 (4) "Domestic violence" has the same meaning as in (~~RCW~~  
33 ~~26.50.010~~) section 2 of this act.

34 (5) "Family member" means any individual whose relationship to  
35 the employee can be classified as a child, spouse, parent, parent-in-  
36 law, grandparent, or person with whom the employee has a dating  
37 relationship.

38 (6) "Intermittent leave" is leave taken in separate blocks of  
39 time due to a single qualifying reason.

1 (7) "Reduced leave schedule" means a leave schedule that reduces  
2 the usual number of hours per workweek, or hours per workday, of an  
3 employee.

4 (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

5 (9) "Stalking" has the same meaning as in RCW 9A.46.110.

6 **Sec. 162.** RCW 59.18.570 and 2009 c 395 s 1 are each reenacted  
7 and amended to read as follows:

8 The definitions in this section apply throughout this section and  
9 RCW 59.18.575 through 59.18.585 unless the context clearly requires  
10 otherwise.

11 (1) "Credit reporting agency" has the same meaning as set forth  
12 in RCW 19.182.010(5).

13 (2) "Domestic violence" has the same meaning as set forth in  
14 (~~RCW 26.50.010~~) section 2 of this act.

15 (3) "Household member" means a child or adult residing with the  
16 tenant other than the perpetrator of domestic violence, stalking, or  
17 sexual assault.

18 (4) "Landlord" has the same meaning as in RCW 59.18.030 and  
19 includes the landlord's employees.

20 (5) "Qualified third party" means any of the following people  
21 acting in their official capacity:

22 (a) Law enforcement officers;

23 (b) Persons subject to the provisions of chapter 18.120 RCW;

24 (c) Employees of a court of the state;

25 (d) Licensed mental health professionals or other licensed  
26 counselors;

27 (e) Employees of crime victim/witness programs as defined in RCW  
28 7.69.020 who are trained advocates for the program; and

29 (f) Members of the clergy as defined in RCW 26.44.020.

30 (6) "Sexual assault" has the same meaning as set forth in RCW  
31 70.125.030.

32 (7) "Stalking" has the same meaning as set forth in RCW  
33 9A.46.110.

34 (8) "Tenant screening service provider" means any nongovernmental  
35 agency that provides, for a fee, background information on  
36 prospective tenants to landlords.

37 (9) "Unlawful harassment" has the same meaning as in (~~RCW~~  
38 ~~10.14.020~~) section 2 of this act and also includes any request for

1 sexual favors to a tenant or household member in return for a change  
2 in or performance of any or all terms of a lease or rental agreement.

3 **Sec. 163.** RCW 59.18.575 and 2019 c 46 s 5042 are each amended to  
4 read as follows:

5 (1)(a) If a tenant notifies the landlord in writing that he or  
6 she or a household member was a victim of an act that constitutes a  
7 crime of domestic violence, sexual assault, unlawful harassment, or  
8 stalking, and either (a)(i) or (ii) of this subsection applies, then  
9 subsection (2) of this section applies:

10 (i) The tenant or the household member has a domestic violence  
11 protection order, sexual assault protection order, stalking  
12 protection order, or antiharassment protection order under chapter  
13 7.--- RCW (the new chapter created in section 81 of this act), or a  
14 valid order for protection under one or more of the following:  
15 Chapter 7.90, 26.50, 26.26A, or 26.26B RCW or RCW 9A.46.040,  
16 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

17 (ii) The tenant or the household member has reported the domestic  
18 violence, sexual assault, unlawful harassment, or stalking to a  
19 qualified third party acting in his or her official capacity and the  
20 qualified third party has provided the tenant or the household member  
21 a written record of the report signed by the qualified third party.

22 (b) When a copy of a valid order for protection or a written  
23 record of a report signed by a qualified third party, as required  
24 under (a) of this subsection, is made available to the landlord, the  
25 tenant may terminate the rental agreement and quit the premises  
26 without further obligation under the rental agreement or under this  
27 chapter. However, the request to terminate the rental agreement must  
28 occur within ninety days of the reported act, event, or circumstance  
29 that gave rise to the protective order or report to a qualified third  
30 party. A record of the report to a qualified third party that is  
31 provided to the tenant or household member shall consist of a  
32 document signed and dated by the qualified third party stating: (i)  
33 That the tenant or the household member notified him or her that he  
34 or she was a victim of an act or acts that constitute a crime of  
35 domestic violence, sexual assault, unlawful harassment, or stalking;  
36 (ii) the time and date the act or acts occurred; (iii) the location  
37 where the act or acts occurred; (iv) a brief description of the act  
38 or acts of domestic violence, sexual assault, unlawful harassment, or  
39 stalking; and (v) that the tenant or household member informed him or

1 her of the name of the alleged perpetrator of the act or acts. The  
2 record of the report provided to the tenant or household member shall  
3 not include the name of the alleged perpetrator of the act or acts of  
4 domestic violence, sexual assault, unlawful harassment, or stalking.  
5 The qualified third party shall keep a copy of the record of the  
6 report and shall note on the retained copy the name of the alleged  
7 perpetrator of the act or acts of domestic violence, sexual assault,  
8 unlawful harassment, or stalking. The record of the report to a  
9 qualified third party may be accomplished by completion of a form  
10 provided by the qualified third party, in substantially the following  
11 form:

12 .....  
13 [Name of organization, agency, clinic, professional service  
14 provider]

15 I and/or my ..... (household member) am/is a victim  
16 of

17 ... domestic violence as defined by ((RCW  
18 26.50.010)) section 2 of this act.

19 ... sexual assault as defined by RCW  
20 70.125.030.

21 ... stalking as defined by RCW 9A.46.110.

22 ... unlawful harassment as defined by RCW  
23 59.18.570.

24 Briefly describe the incident of domestic violence,  
25 sexual assault, unlawful harassment, or stalking: .....  
26 .....

27 The incident(s) that I rely on in support of this  
28 declaration occurred on the following date(s) and time(s)  
29 and at the following location(s): .....

30 The incident(s) that I rely on in support of this  
31 declaration were committed by the following person(s): ...  
32 .....

33 I state under penalty of perjury under the laws of the  
34 state of Washington that the foregoing is true and correct.

35 Dated at ..... (city) . ., Washington, this ... day  
36 of . . . , . . . (year)

.....

Signature of Tenant or  
Household Member

I verify that I have provided to the person whose  
signature appears above the statutes cited in RCW  
59.18.575 and that the individual was a victim of an act that  
constitutes a crime of domestic violence, sexual assault,  
unlawful harassment, or stalking, and that the individual  
informed me of the name of the alleged perpetrator of the  
act.

Dated this ... day of ..., .... (year)

.....

Signature of authorized  
officer/employee of  
(Organization, agency, clinic,  
professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) (a) Notwithstanding any other provision under this section, if a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under this chapter prior to making a copy of a valid order for protection or a written record of a report signed by a qualified third party available to the landlord, provided that:

1 (i) The tenant must deliver a copy of a valid order for  
2 protection or written record of a report signed by a qualified third  
3 party to the landlord by mail, fax, or personal delivery by a third  
4 party within seven days of quitting the tenant's dwelling unit; and

5 (ii) A written record of a report signed by the qualified third  
6 party must be substantially in the form specified under subsection  
7 (1)(b) of this section. The record of the report provided to the  
8 landlord must not include the name of the alleged perpetrator of the  
9 act. On written request by the landlord, the qualified third party  
10 shall, within seven days, provide the name of the alleged perpetrator  
11 of the act to the landlord only if the alleged perpetrator was a  
12 person meeting the definition of the term "landlord" under RCW  
13 59.18.570.

14 (b) A tenant who terminates his or her rental agreement under  
15 this subsection is discharged from the payment of rent for any period  
16 following the latter of: (i) The date the tenant vacates the unit; or  
17 (ii) the date the record of the report of the qualified third party  
18 and the written notice that the tenant has vacated are delivered to  
19 the landlord by mail, fax, or personal delivery by a third party. The  
20 tenant is entitled to a pro rata refund of any prepaid rent and must  
21 receive a full and specific statement of the basis for retaining any  
22 of the deposit together with any refund due in accordance with RCW  
23 59.18.280.

24 (4) If a tenant or a household member is a victim of sexual  
25 assault, stalking, or unlawful harassment by a landlord, the tenant  
26 may change or add locks to the tenant's dwelling unit at the tenant's  
27 expense. If a tenant exercises his or her rights to change or add  
28 locks, the following rules apply:

29 (a) Within seven days of changing or adding locks, the tenant  
30 must deliver to the landlord by mail, fax, or personal delivery by a  
31 third party: (i) Written notice that the tenant has changed or added  
32 locks; and (ii) a copy of a valid order for protection or a written  
33 record of a report signed by a qualified third party. A written  
34 record of a report signed by a qualified third party must be  
35 substantially in the form specified under subsection (1)(b) of this  
36 section. The record of the report provided to the landlord must not  
37 include the name of the alleged perpetrator of the act. On written  
38 request by the landlord, the qualified third party shall, within  
39 seven days, provide the name of the alleged perpetrator to the



1 landlord only if the alleged perpetrator was a person meeting the  
2 definition of the term "landlord" under RCW 59.18.570.

3 (b) After the tenant provides notice to the landlord that the  
4 tenant has changed or added locks, the tenant's rental agreement  
5 shall terminate on the ninetieth day after providing such notice,  
6 unless:

7 (i) Within sixty days of providing notice that the tenant has  
8 changed or added locks, the tenant notifies the landlord in writing  
9 that the tenant does not wish to terminate his or her rental  
10 agreement. If the perpetrator has been identified by the qualified  
11 third party and is no longer an employee or agent of the landlord or  
12 owner and does not reside at the property, the tenant shall provide  
13 the owner or owner's designated agent with a copy of the key to the  
14 new locks at the same time as providing notice that the tenant does  
15 not wish to terminate his or her rental agreement. A tenant who has a  
16 valid protection, antiharassment, or other protective order against  
17 the owner of the premises or against an employee or agent of the  
18 landlord or owner is not required to provide a key to the new locks  
19 until the protective order expires or the tenant vacates; or

20 (ii) The tenant exercises his or her rights to terminate the  
21 rental agreement under subsection (3) of this section within sixty  
22 days of providing notice that the tenant has changed or added locks.

23 (c) After a landlord receives notice that a tenant has changed or  
24 added locks to his or her dwelling unit under (a) of this subsection,  
25 the landlord may not enter the tenant's dwelling unit except as  
26 follows:

27 (i) In the case of an emergency, the landlord may enter the unit  
28 if accompanied by a law enforcement or fire official acting in his or  
29 her official capacity. If the landlord reasonably concludes that the  
30 circumstances require immediate entry into the unit, the landlord  
31 may, after notifying emergency services, use such force as necessary  
32 to enter the unit if the tenant is not present; or

33 (ii) The landlord complies with the requirements of RCW 59.18.150  
34 and clearly specifies in writing the time and date that the landlord  
35 intends to enter the unit and the purpose for entering the unit. The  
36 tenant must make arrangements to permit access by the landlord.

37 (d) The exercise of rights to change or add locks under this  
38 subsection does not discharge the tenant from the payment of rent  
39 until the rental agreement is terminated and the tenant vacates the  
40 unit.

1 (e) The tenant may not change any locks to common areas and must  
2 make keys for new locks available to other household members.

3 (f) Upon vacating the dwelling unit, the tenant must deliver the  
4 key and all copies of the key to the landlord by mail or personal  
5 delivery by a third party.

6 (5) A tenant's remedies under this section do not preempt any  
7 other legal remedy available to the tenant.

8 (6) The provision of verification of a report under subsection  
9 (1)(b) of this section does not waive the confidential or privileged  
10 nature of the communication between a victim of domestic violence,  
11 sexual assault, or stalking with a qualified third party pursuant to  
12 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence  
13 obtained from such disclosure may be used in any civil,  
14 administrative, or criminal proceeding against the victim unless a  
15 written waiver of applicable evidentiary privilege is obtained,  
16 except that the verification itself, and no other privileged  
17 information, under subsection (1)(b) of this section may be used in  
18 civil proceedings brought under this section.

19 **Sec. 164.** RCW 70.02.230 and 2020 c 256 s 402 are each amended to  
20 read as follows:

21 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,  
22 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265,  
23 or pursuant to a valid authorization under RCW 70.02.030, the fact of  
24 admission to a provider for mental health services and all  
25 information and records compiled, obtained, or maintained in the  
26 course of providing mental health services to either voluntary or  
27 involuntary recipients of services at public or private agencies must  
28 be confidential.

29 (2) Information and records related to mental health services,  
30 other than those obtained through treatment under chapter 71.34 RCW,  
31 may be disclosed only:

32 (a) In communications between qualified professional persons to  
33 meet the requirements of chapter 71.05 RCW, including Indian health  
34 care providers, in the provision of services or appropriate  
35 referrals, or in the course of guardianship proceedings if provided  
36 to a professional person:

37 (i) Employed by the facility;

38 (ii) Who has medical responsibility for the patient's care;

39 (iii) Who is a designated crisis responder;

1 (iv) Who is providing services under chapter 71.24 RCW;  
2 (v) Who is employed by a state or local correctional facility  
3 where the person is confined or supervised; or  
4 (vi) Who is providing evaluation, treatment, or follow-up  
5 services under chapter 10.77 RCW;

6 (b) When the communications regard the special needs of a patient  
7 and the necessary circumstances giving rise to such needs and the  
8 disclosure is made by a facility providing services to the operator  
9 of a facility in which the patient resides or will reside;

10 (c)(i) When the person receiving services, or his or her  
11 guardian, designates persons to whom information or records may be  
12 released, or if the person is a minor, when his or her parents make  
13 such a designation;

14 (ii) A public or private agency shall release to a person's next  
15 of kin, attorney, personal representative, guardian, or conservator,  
16 if any:

17 (A) The information that the person is presently a patient in the  
18 facility or that the person is seriously physically ill;

19 (B) A statement evaluating the mental and physical condition of  
20 the patient, and a statement of the probable duration of the  
21 patient's confinement, if such information is requested by the next  
22 of kin, attorney, personal representative, guardian, or conservator;  
23 and

24 (iii) Other information requested by the next of kin or attorney  
25 as may be necessary to decide whether or not proceedings should be  
26 instituted to appoint a guardian or conservator;

27 (d)(i) To the courts, including tribal courts, as necessary to  
28 the administration of chapter 71.05 RCW or to a court ordering an  
29 evaluation or treatment under chapter 10.77 RCW solely for the  
30 purpose of preventing the entry of any evaluation or treatment order  
31 that is inconsistent with any order entered under chapter 71.05 RCW.

32 (ii) To a court or its designee in which a motion under chapter  
33 10.77 RCW has been made for involuntary medication of a defendant for  
34 the purpose of competency restoration.

35 (iii) Disclosure under this subsection is mandatory for the  
36 purpose of the federal health insurance portability and  
37 accountability act;

38 (e)(i) When a mental health professional or designated crisis  
39 responder is requested by a representative of a law enforcement or  
40 corrections agency, including a police officer, sheriff, community

1 corrections officer, a municipal attorney, or prosecuting attorney to  
2 undertake an investigation or provide treatment under RCW 71.05.150,  
3 10.31.110, or 71.05.153, the mental health professional or designated  
4 crisis responder shall, if requested to do so, advise the  
5 representative in writing of the results of the investigation  
6 including a statement of reasons for the decision to detain or  
7 release the person investigated. The written report must be submitted  
8 within seventy-two hours of the completion of the investigation or  
9 the request from the law enforcement or corrections representative,  
10 whichever occurs later.

11 (ii) Disclosure under this subsection is mandatory for the  
12 purposes of the federal health insurance portability and  
13 accountability act;

14 (f) To the attorney of the detained person;

15 (g) To the prosecuting attorney as necessary to carry out the  
16 responsibilities of the office under RCW 71.05.330(2),  
17 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided  
18 access to records regarding the committed person's treatment and  
19 prognosis, medication, behavior problems, and other records relevant  
20 to the issue of whether treatment less restrictive than inpatient  
21 treatment is in the best interest of the committed person or others.  
22 Information must be disclosed only after giving notice to the  
23 committed person and the person's counsel;

24 (h)(i) To appropriate law enforcement agencies and to a person,  
25 when the identity of the person is known to the public or private  
26 agency, whose health and safety has been threatened, or who is known  
27 to have been repeatedly harassed, by the patient. The person may  
28 designate a representative to receive the disclosure. The disclosure  
29 must be made by the professional person in charge of the public or  
30 private agency or his or her designee and must include the dates of  
31 commitment, admission, discharge, or release, authorized or  
32 unauthorized absence from the agency's facility, and only any other  
33 information that is pertinent to the threat or harassment. The agency  
34 or its employees are not civilly liable for the decision to disclose  
35 or not, so long as the decision was reached in good faith and without  
36 gross negligence.

37 (ii) Disclosure under this subsection is mandatory for the  
38 purposes of the federal health insurance portability and  
39 accountability act;

1 (i)(i) To appropriate corrections and law enforcement agencies  
2 all necessary and relevant information in the event of a crisis or  
3 emergent situation that poses a significant and imminent risk to the  
4 public. The mental health service agency or its employees are not  
5 civilly liable for the decision to disclose or not so long as the  
6 decision was reached in good faith and without gross negligence.

7 (ii) Disclosure under this subsection is mandatory for the  
8 purposes of the health insurance portability and accountability act;

9 (j) To the persons designated in RCW 71.05.425 for the purposes  
10 described in those sections;

11 (k) Upon the death of a person. The person's next of kin,  
12 personal representative, guardian, or conservator, if any, must be  
13 notified. Next of kin who are of legal age and competent must be  
14 notified under this section in the following order: Spouse, parents,  
15 children, brothers and sisters, and other relatives according to the  
16 degree of relation. Access to all records and information compiled,  
17 obtained, or maintained in the course of providing services to a  
18 deceased patient are governed by RCW 70.02.140;

19 (l) To mark headstones or otherwise memorialize patients interred  
20 at state hospital cemeteries. The department of social and health  
21 services shall make available the name, date of birth, and date of  
22 death of patients buried in state hospital cemeteries fifty years  
23 after the death of a patient;

24 (m) To law enforcement officers and to prosecuting attorneys as  
25 are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent  
26 of information that may be released is limited as follows:

27 (i) Only the fact, place, and date of involuntary commitment, an  
28 official copy of any order or orders of commitment, and an official  
29 copy of any written or oral notice of ineligibility to possess a  
30 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
31 must be disclosed upon request;

32 (ii) The law enforcement and prosecuting attorneys may only  
33 release the information obtained to the person's attorney as required  
34 by court rule and to a jury or judge, if a jury is waived, that  
35 presides over any trial at which the person is charged with violating  
36 RCW 9.41.040(2)(a)(~~(iv)~~) (v);

37 (iii) Disclosure under this subsection is mandatory for the  
38 purposes of the federal health insurance portability and  
39 accountability act;

1 (n) When a patient would otherwise be subject to the provisions  
2 of this section and disclosure is necessary for the protection of the  
3 patient or others due to his or her unauthorized disappearance from  
4 the facility, and his or her whereabouts is unknown, notice of the  
5 disappearance, along with relevant information, may be made to  
6 relatives, the department of corrections when the person is under the  
7 supervision of the department, and governmental law enforcement  
8 agencies designated by the physician or psychiatric advanced  
9 registered nurse practitioner in charge of the patient or the  
10 professional person in charge of the facility, or his or her  
11 professional designee;

12 (o) Pursuant to lawful order of a court, including a tribal  
13 court;

14 (p) To qualified staff members of the department, to the  
15 authority, to behavioral health administrative services  
16 organizations, to managed care organizations, to resource management  
17 services responsible for serving a patient, or to service providers  
18 designated by resource management services as necessary to determine  
19 the progress and adequacy of treatment and to determine whether the  
20 person should be transferred to a less restrictive or more  
21 appropriate treatment modality or facility;

22 (q) Within the mental health service agency or Indian health care  
23 provider facility where the patient is receiving treatment,  
24 confidential information may be disclosed to persons employed,  
25 serving in bona fide training programs, or participating in  
26 supervised volunteer programs, at the facility when it is necessary  
27 to perform their duties;

28 (r) Within the department and the authority as necessary to  
29 coordinate treatment for mental illness, developmental disabilities,  
30 alcoholism, or substance use disorder of persons who are under the  
31 supervision of the department;

32 (s) Between the department of social and health services, the  
33 department of children, youth, and families, and the health care  
34 authority as necessary to coordinate treatment for mental illness,  
35 developmental disabilities, alcoholism, or drug abuse of persons who  
36 are under the supervision of the department of social and health  
37 services or the department of children, youth, and families;

38 (t) To a licensed physician or psychiatric advanced registered  
39 nurse practitioner who has determined that the life or health of the  
40 person is in danger and that treatment without the information and

1 records related to mental health services could be injurious to the  
2 patient's health. Disclosure must be limited to the portions of the  
3 records necessary to meet the medical emergency;

4 (u)(i) Consistent with the requirements of the federal health  
5 insurance portability and accountability act, to:

6 (A) A health care provider, including an Indian health care  
7 provider, who is providing care to a patient, or to whom a patient  
8 has been referred for evaluation or treatment; or

9 (B) Any other person who is working in a care coordinator role  
10 for a health care facility, health care provider, or Indian health  
11 care provider, or is under an agreement pursuant to the federal  
12 health insurance portability and accountability act with a health  
13 care facility or a health care provider and requires the information  
14 and records to assure coordinated care and treatment of that patient.

15 (ii) A person authorized to use or disclose information and  
16 records related to mental health services under this subsection  
17 (2)(u) must take appropriate steps to protect the information and  
18 records relating to mental health services.

19 (iii) Psychotherapy notes may not be released without  
20 authorization of the patient who is the subject of the request for  
21 release of information;

22 (v) To administrative and office support staff designated to  
23 obtain medical records for those licensed professionals listed in (u)  
24 of this subsection;

25 (w) To a facility that is to receive a person who is  
26 involuntarily committed under chapter 71.05 RCW, or upon transfer of  
27 the person from one evaluation and treatment facility to another. The  
28 release of records under this subsection is limited to the  
29 information and records related to mental health services required by  
30 law, a record or summary of all somatic treatments, and a discharge  
31 summary. The discharge summary may include a statement of the  
32 patient's problem, the treatment goals, the type of treatment which  
33 has been provided, and recommendation for future treatment, but may  
34 not include the patient's complete treatment record;

35 (x) To the person's counsel or guardian ad litem, without  
36 modification, at any time in order to prepare for involuntary  
37 commitment or recommitment proceedings, reexaminations, appeals, or  
38 other actions relating to detention, admission, commitment, or  
39 patient's rights under chapter 71.05 RCW;

1 (y) To staff members of the protection and advocacy agency or to  
2 staff members of a private, nonprofit corporation for the purpose of  
3 protecting and advocating the rights of persons with mental disorders  
4 or developmental disabilities. Resource management services may limit  
5 the release of information to the name, birthdate, and county of  
6 residence of the patient, information regarding whether the patient  
7 was voluntarily admitted, or involuntarily committed, the date and  
8 place of admission, placement, or commitment, the name and address of  
9 a guardian of the patient, and the date and place of the guardian's  
10 appointment. Any staff member who wishes to obtain additional  
11 information must notify the patient's resource management services in  
12 writing of the request and of the resource management services' right  
13 to object. The staff member shall send the notice by mail to the  
14 guardian's address. If the guardian does not object in writing within  
15 fifteen days after the notice is mailed, the staff member may obtain  
16 the additional information. If the guardian objects in writing within  
17 fifteen days after the notice is mailed, the staff member may not  
18 obtain the additional information;

19 (z) To all current treating providers, including Indian health  
20 care providers, of the patient with prescriptive authority who have  
21 written a prescription for the patient within the last twelve months.  
22 For purposes of coordinating health care, the department or the  
23 authority may release without written authorization of the patient,  
24 information acquired for billing and collection purposes as described  
25 in RCW 70.02.050(1)(d). The department, or the authority, if  
26 applicable, shall notify the patient that billing and collection  
27 information has been released to named providers, and provide the  
28 substance of the information released and the dates of such release.  
29 Neither the department nor the authority may release counseling,  
30 inpatient psychiatric hospitalization, or drug and alcohol treatment  
31 information without a signed written release from the client;

32 (aa)(i) To the secretary of social and health services and the  
33 director of the health care authority for either program evaluation  
34 or research, or both so long as the secretary or director, where  
35 applicable, adopts rules for the conduct of the evaluation or  
36 research, or both. Such rules must include, but need not be limited  
37 to, the requirement that all evaluators and researchers sign an oath  
38 of confidentiality substantially as follows:



1 "As a condition of conducting evaluation or research concerning  
2 persons who have received services from (fill in the facility,  
3 agency, or person) I, . . . . ., agree not to divulge, publish, or  
4 otherwise make known to unauthorized persons or the public any  
5 information obtained in the course of such evaluation or research  
6 regarding persons who have received services such that the person who  
7 received such services is identifiable.

8 I recognize that unauthorized release of confidential information  
9 may subject me to civil liability under the provisions of state law.  
10 /s/ . . . . ."

11 (ii) Nothing in this chapter may be construed to prohibit the  
12 compilation and publication of statistical data for use by government  
13 or researchers under standards, including standards to assure  
14 maintenance of confidentiality, set forth by the secretary, or  
15 director, where applicable;

16 (bb) To any person if the conditions in RCW 70.02.205 are met;

17 (cc) To the secretary of health for the purposes of the maternal  
18 mortality review panel established in RCW 70.54.450;

19 (dd) To a tribe or Indian health care provider to carry out the  
20 requirements of RCW 71.05.150(7).

21 (3) Whenever federal law or federal regulations restrict the  
22 release of information contained in the information and records  
23 related to mental health services of any patient who receives  
24 treatment for a substance use disorder, the department or the  
25 authority may restrict the release of the information as necessary to  
26 comply with federal law and regulations.

27 (4) Civil liability and immunity for the release of information  
28 about a particular person who is committed to the department of  
29 social and health services or the authority under RCW 71.05.280(3)  
30 and 71.05.320(4)(c) after dismissal of a sex offense as defined in  
31 RCW 9.94A.030, is governed by RCW 4.24.550.

32 (5) The fact of admission to a provider of mental health  
33 services, as well as all records, files, evidence, findings, or  
34 orders made, prepared, collected, or maintained pursuant to chapter  
35 71.05 RCW are not admissible as evidence in any legal proceeding  
36 outside that chapter without the written authorization of the person  
37 who was the subject of the proceeding except as provided in RCW  
38 70.02.260, in a subsequent criminal prosecution of a person committed  
39 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were

1 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand  
2 trial, in a civil commitment proceeding pursuant to chapter 71.09  
3 RCW, or, in the case of a minor, a guardianship or dependency  
4 proceeding. The records and files maintained in any court proceeding  
5 pursuant to chapter 71.05 RCW must be confidential and available  
6 subsequent to such proceedings only to the person who was the subject  
7 of the proceeding or his or her attorney. In addition, the court may  
8 order the subsequent release or use of such records or files only  
9 upon good cause shown if the court finds that appropriate safeguards  
10 for strict confidentiality are and will be maintained.

11 (6) (a) Except as provided in RCW 4.24.550, any person may bring  
12 an action against an individual who has willfully released  
13 confidential information or records concerning him or her in  
14 violation of the provisions of this section, for the greater of the  
15 following amounts:

16 (i) One thousand dollars; or

17 (ii) Three times the amount of actual damages sustained, if any.

18 (b) It is not a prerequisite to recovery under this subsection  
19 that the plaintiff suffered or was threatened with special, as  
20 contrasted with general, damages.

21 (c) Any person may bring an action to enjoin the release of  
22 confidential information or records concerning him or her or his or  
23 her ward, in violation of the provisions of this section, and may in  
24 the same action seek damages as provided in this subsection.

25 (d) The court may award to the plaintiff, should he or she  
26 prevail in any action authorized by this subsection, reasonable  
27 attorney fees in addition to those otherwise provided by law.

28 (e) If an action is brought under this subsection, no action may  
29 be brought under RCW 70.02.170.

30 **Sec. 165.** RCW 70.02.240 and 2019 c 381 s 20 are each amended to  
31 read as follows:

32 The fact of admission and all information and records related to  
33 mental health services obtained through inpatient or outpatient  
34 treatment of a minor under chapter 71.34 RCW must be kept  
35 confidential, except as authorized by this section or under RCW  
36 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265.  
37 Confidential information under this section may be disclosed only:

1 (1) In communications between mental health professionals to meet  
2 the requirements of chapter 71.34 RCW, in the provision of services  
3 to the minor, or in making appropriate referrals;

4 (2) In the course of guardianship or dependency proceedings;

5 (3) To the minor, the minor's parent, including those acting as a  
6 parent as defined in RCW 71.34.020 for purposes of family-initiated  
7 treatment, and the minor's attorney, subject to RCW 13.50.100;

8 (4) To the courts as necessary to administer chapter 71.34 RCW;

9 (5) To law enforcement officers or public health officers as  
10 necessary to carry out the responsibilities of their office. However,  
11 only the fact and date of admission, and the date of discharge, the  
12 name and address of the treatment provider, if any, and the last  
13 known address must be disclosed upon request;

14 (6) To law enforcement officers, public health officers,  
15 relatives, and other governmental law enforcement agencies, if a  
16 minor has escaped from custody, disappeared from an evaluation and  
17 treatment facility, violated conditions of a less restrictive  
18 treatment order, or failed to return from an authorized leave, and  
19 then only such information as may be necessary to provide for public  
20 safety or to assist in the apprehension of the minor. The officers  
21 are obligated to keep the information confidential in accordance with  
22 this chapter;

23 (7) To the secretary of social and health services and the  
24 director of the health care authority for assistance in data  
25 collection and program evaluation or research so long as the  
26 secretary or director, where applicable, adopts rules for the conduct  
27 of such evaluation and research. The rules must include, but need not  
28 be limited to, the requirement that all evaluators and researchers  
29 sign an oath of confidentiality substantially as follows:

30 "As a condition of conducting evaluation or research concerning  
31 persons who have received services from (fill in the facility,  
32 agency, or person) I, . . . . ., agree not to divulge, publish, or  
33 otherwise make known to unauthorized persons or the public any  
34 information obtained in the course of such evaluation or research  
35 regarding minors who have received services in a manner such that the  
36 minor is identifiable.

37 I recognize that unauthorized release of confidential information  
38 may subject me to civil liability under state law.

39 /s/ . . . . .";

1 (8) To appropriate law enforcement agencies, upon request, all  
2 necessary and relevant information in the event of a crisis or  
3 emergent situation that poses a significant and imminent risk to the  
4 public. The mental health service agency or its employees are not  
5 civilly liable for the decision to disclose or not, so long as the  
6 decision was reached in good faith and without gross negligence;

7 (9) To appropriate law enforcement agencies and to a person, when  
8 the identity of the person is known to the public or private agency,  
9 whose health and safety has been threatened, or who is known to have  
10 been repeatedly harassed, by the patient. The person may designate a  
11 representative to receive the disclosure. The disclosure must be made  
12 by the professional person in charge of the public or private agency  
13 or his or her designee and must include the dates of admission,  
14 discharge, authorized or unauthorized absence from the agency's  
15 facility, and only any other information that is pertinent to the  
16 threat or harassment. The agency or its employees are not civilly  
17 liable for the decision to disclose or not, so long as the decision  
18 was reached in good faith and without gross negligence;

19 (10) To a minor's next of kin, attorney, guardian, or  
20 conservator, if any, the information that the minor is presently in  
21 the facility or that the minor is seriously physically ill and a  
22 statement evaluating the mental and physical condition of the minor  
23 as well as a statement of the probable duration of the minor's  
24 confinement;

25 (11) Upon the death of a minor, to the minor's next of kin;

26 (12) To a facility in which the minor resides or will reside;

27 (13) To law enforcement officers and to prosecuting attorneys as  
28 are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent  
29 of information that may be released is limited as follows:

30 (a) Only the fact, place, and date of involuntary commitment, an  
31 official copy of any order or orders of commitment, and an official  
32 copy of any written or oral notice of ineligibility to possess a  
33 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
34 must be disclosed upon request;

35 (b) The law enforcement and prosecuting attorneys may only  
36 release the information obtained to the person's attorney as required  
37 by court rule and to a jury or judge, if a jury is waived, that  
38 presides over any trial at which the person is charged with violating  
39 RCW 9.41.040(2)(a) ~~((iv))~~ (v);

1 (c) Disclosure under this subsection is mandatory for the  
2 purposes of the federal health insurance portability and  
3 accountability act;

4 (14) This section may not 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 director of the  
8 health care authority or the secretary of the department of social  
9 and health services, where applicable. The fact of admission and all  
10 information obtained pursuant to chapter 71.34 RCW are not admissible  
11 as evidence in any legal proceeding outside chapter 71.34 RCW, except  
12 guardianship or dependency, without the written consent of the minor  
13 or the minor's parent;

14 (15) For the purpose of a correctional facility participating in  
15 the postinstitutional medical assistance system supporting the  
16 expedited medical determinations and medical suspensions as provided  
17 in RCW 74.09.555 and 74.09.295;

18 (16) Pursuant to a lawful order of a court.

19 **Sec. 166.** RCW 71.09.305 and 2002 c 68 s 6 are each amended to  
20 read as follows:

21 (1) Unless otherwise ordered by the court:

22 (a) Residents of a secure community transition facility shall  
23 wear electronic monitoring devices at all times. To the extent that  
24 electronic monitoring devices that employ global positioning system  
25 technology are available and funds for this purpose are appropriated  
26 by the legislature, the department shall use these devices.

27 (b) At least one staff member, or other court-authorized and  
28 department-approved person must escort each resident when the  
29 resident leaves the secure community transition facility for  
30 appointments, employment, or other approved activities. Escorting  
31 persons must supervise the resident closely and maintain close  
32 proximity to the resident. The escort must immediately notify the  
33 department of any serious violation, as defined in RCW 71.09.325, by  
34 the resident and must immediately notify law enforcement of any  
35 violation of law by the resident. The escort may not be a relative of  
36 the resident or a person with whom the resident has, or has had, a  
37 dating relationship as defined in (~~RCW 26.50.010~~) section 2 of this  
38 act.

1 (2) Staff members of the special commitment center and any other  
2 total confinement facility and any secure community transition  
3 facility must be trained in self-defense and appropriate crisis  
4 responses including incident de-escalation. Prior to escorting a  
5 person outside of a facility, staff members must also have training  
6 in the offense pattern of the offender they are escorting.

7 (3) Any escort must carry a cellular telephone or a similar  
8 device at all times when escorting a resident of a secure community  
9 transition facility.

10 (4) The department shall require training in offender pattern,  
11 self-defense, and incident response for all court-authorized escorts  
12 who are not employed by the department or the department of  
13 corrections.

14 **Sec. 167.** RCW 71.32.090 and 2003 c 283 s 9 are each amended to  
15 read as follows:

16 A witness may not be any of the following:

17 (1) A person designated to make health care decisions on the  
18 principal's behalf;

19 (2) A health care provider or professional person directly  
20 involved with the provision of care to the principal at the time the  
21 directive is executed;

22 (3) An owner, operator, employee, or relative of an owner or  
23 operator of a health care facility or long-term care facility in  
24 which the principal is a patient or resident;

25 (4) A person who is related by blood, marriage, or adoption to  
26 the person or with whom the principal has a dating relationship, as  
27 defined in (~~RCW 26.50.010~~) section 2 of this act;

28 (5) A person who is declared to be an incapacitated person; or

29 (6) A person who would benefit financially if the principal  
30 making the directive undergoes mental health treatment.

31 **Sec. 168.** RCW 71.32.200 and 2016 c 209 s 412 are each amended to  
32 read as follows:

33 Any person with reasonable cause to believe that a directive has  
34 been created or revoked under circumstances amounting to fraud,  
35 duress, or undue influence may petition the court for appointment of  
36 a guardian for the person or to review the actions of the agent or  
37 person alleged to be involved in improper conduct under RCW  
38 11.125.160 or (~~74.34.110~~) chapter 74.34 RCW.



1 (10) You may ask the court to rule on the validity of your directive.

2  
3 **PART I.**

4 **STATEMENT OF INTENT TO CREATE A**  
5 **MENTAL HEALTH ADVANCE DIRECTIVE**

6 I, . . . . . being a person with capacity, willfully and voluntarily execute this mental health advance directive so that  
7 my choices regarding my mental health care will be carried out in circumstances when I am unable to express my  
8 instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health  
9 decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

10 The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed  
11 sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in  
12 my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the  
13 extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

14 I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot  
15 revoke this directive if a court, two health care providers, or one mental health professional and one health care provider  
16 find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive  
17 while incapacitated.

18 I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this  
19 directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional  
20 person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial  
21 exploitation, or abandonment to carry out my directive.

22 I understand that there are some circumstances where my provider may not have to follow my directive.

23  
24 **PART II.**

25 **WHEN THIS DIRECTIVE IS EFFECTIVE**

26 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

27 I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

28 . . . . . Immediately upon my signing of this directive.

29 . . . . . If I become incapacitated.

30 . . . . . When the following circumstances, symptoms, or behaviors occur: . . . . .

31  
32 **PART III.**

33 **DURATION OF THIS DIRECTIVE**

34 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

35 I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

36 . . . . . Remain valid and in effect for an indefinite period of time.



1 . . . . . Automatically expire . . . . . years from the date it was created.

2  
3 **PART IV.**

4 **WHEN I MAY REVOKE THIS DIRECTIVE**

5 *YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.*

6 I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

7 . . . . . Only when I have capacity.

8 I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if  
9 I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this  
10 directive, even if I object at the time.

11 . . . . . Even if I am incapacitated.

12 I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further  
13 understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I  
14 specify in this directive, even if I want the treatment.

15  
16 **PART V.**

17 **PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS ((~~f~~  
18 ~~PHYSICIAN ASSISTANTS,))~~, PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED  
19 NURSE PRACTITIONERS**

20 **A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered  
21 Nurse Practitioner(s) to be Involved in My Treatment**

22 I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below  
23 to be involved in my treatment decisions:

24 Dr., PA-C, or PARNP . . . . . Contact information: . . . . .

25 Dr., PA-C, or PARNP . . . . . Contact information: . . . . .

26 I do not wish to be treated by Dr. or PARNP . . . . .

27 **B. Preferences and Instructions About Other Providers**

28 I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the  
29 following treatment provider(s) to be contacted when this directive is effective:

30 Name . . . . . Profession . . . . . Contact information. . . . .

31 Name . . . . . Profession . . . . . Contact information. . . . .

32 **C. Preferences and Instructions About Medications for Psychiatric Treatment (*initial and complete all that apply*)**

33 . . . . . I consent, and authorize my agent (if appointed) to consent, to the following  
34 medications: . . . . .

35 . . . . . I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following  
36 medications: . . . . .

1 . . . . . I am willing to take the medications excluded above if my only reason for excluding them is the side effects which  
2 include. . . . .  
3 and these side effects can be eliminated by dosage adjustment or other means  
4 . . . . . I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered  
5 nurse practitioner recommends  
6 . . . . . I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced  
7 registered nurse practitioner recommends  
8 . . . . . I do not want to try any other medications.

9 **Medication Allergies**

10 I have allergies to, or severe side effects from, the following: . . . . .  
11

12 **Other Medication Preferences or Instructions**

13 . . . . . I have the following other preferences or instructions about medications. . . . .  
14

15 **D. Preferences and Instructions About Hospitalization and Alternatives**

16 *(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)*

17 . . . . . In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions  
18 that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as  
19 alternatives to psychiatric hospitalizations.

20 . . . . . I would also like the interventions below to be tried before hospitalization is considered:

21 . . . . . Calling someone or having someone call me when needed.

22 Name: . . . . . Telephone: . . . . .

23 . . . . . Staying overnight with someone

24 Name: . . . . . Telephone: . . . . .

25 . . . . . Having a mental health service provider come to see me

26 . . . . . Going to a crisis triage center or emergency room

27 . . . . . Staying overnight at a crisis respite (temporary) bed

28 . . . . . Seeing a service provider for help with psychiatric medications

29 . . . . . Other, specify: . . . . .

30 **Authority to Consent to Inpatient Treatment**

31 I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment  
32 for . . . . . days *(not to exceed 14 days)*

33 (Sign one):

1 . . . . . If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric  
2 advanced registered nurse practitioner

3 .....

4 (Signature)

5 or

6 . . . . . Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for  
7 hospitalization) .....

8 .....

9 (Signature)

10 . . . . . I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

11 .....

12 (Signature)

13 **Hospital Preferences and Instructions**

14 If hospitalization is required, I prefer the following hospitals: .....

15 I do not consent to be admitted to the following hospitals: .....

16 **E. Preferences and Instructions About Preemergency**

17 I would like the interventions below to be tried before use of seclusion or restraint is considered

18 (*initial all that apply*):

19 . . . . . "Talk me down" one-on-one

20 . . . . . More medication

21 . . . . . Time out/privacy

22 . . . . . Show of authority/force

23 . . . . . Shift my attention to something else

24 . . . . . Set firm limits on my behavior

25 . . . . . Help me to discuss/vent feelings

26 . . . . . Decrease stimulation

27 . . . . . Offer to have neutral person settle dispute

28 . . . . . Other, specify .....

29 **F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

30 If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of  
31 medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and  
32 so on*):

33 . . . . . Seclusion

34 . . . . . Seclusion and physical restraint (combined)

1 . . . . . Medication by injection

2 . . . . . Medication in pill or liquid form

3 In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides  
4 to use medication in response to an emergency situation after due consideration of my preferences and instructions for  
5 emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have  
6 expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in  
7 emergency situations do not constitute consent to use of the medication for nonemergency treatment.

8 **G. Preferences and Instructions About Electroconvulsive Therapy**  
9 **(ECT or Shock Therapy)**

10 My wishes regarding electroconvulsive therapy are (*sign one*):

11 . . . . . I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive  
12 therapy

13 .....

14 (Signature)

15 . . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

16 .....

17 (Signature)

18 . . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but  
19 only under the following conditions: .....

20

21 (Signature)

22 **H. Preferences and Instructions About Who is Permitted to Visit**

23 If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

24 Name: .....

25 Name: .....

26 Name: .....

27 I understand that persons not listed above may be permitted to visit me.

28 **I. Additional Instructions About My Mental Health Care**

29 Other instructions about my mental health care: .....

30 In case of emergency, please contact:

31 Name: ..... Address: .....

32 Work telephone: ..... Home telephone: .....

33 Physician, Physician Assistant, or Psychiatric Address: .....

34 Advanced Registered Nurse Practitioner: .....

1 Telephone: .....

2 The following may help me to avoid a hospitalization: .....

3 I generally react to being hospitalized as follows: .....

4 Staff of the hospital or crisis unit can help me by doing the following: .....

5 **J. Refusal of Treatment**

6 I do not consent to any mental health treatment.

7 .....

8 (Signature)

9

10 **PART VI.**

11 **DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

12 *(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

13 I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes  
14 the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure,  
15 consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be  
16 made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this  
17 document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent  
18 determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this  
19 durable power of attorney, I may revoke it unless prohibited by other state law.

20 **A. Designation of an Agent**

21 I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document  
22 and request that this person be notified immediately when this directive becomes effective:

23 Name: ..... Address: .....

24 Work telephone: ..... Home telephone: .....

25 Relationship: .....

26 **B. Designation of Alternate Agent**

27 If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to  
28 serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified  
29 immediately when this directive becomes effective or when my original agent is no longer my agent:

30 Name: ..... Address: .....

31 Work telephone: ..... Home telephone: .....

32 Relationship: .....

33 **C. When My Spouse is My Agent** *(initial if desired)*

34 ..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is  
35 dissolved, unless there is a court order to the contrary or I have remarried.

1 **D. Limitations on My Agent's Authority**

2 I do not grant my agent the authority to consent on my behalf to the following:

3 **E. Limitations on My Ability to Revoke this Durable Power of Attorney**

4 I choose to limit my ability to revoke this durable power of attorney as follows:

5 **F. Preference as to Court-Appointed Guardian**

6 In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the  
7 following person **as my guardian**:

8 Name: ..... Address: .....

9 Work telephone: ..... Home telephone: .....

10 Relationship: .....

11 The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or  
12 decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by  
13 law.

14 .....

15 (Signature required if nomination is made)

16  
17 **PART VII.**  
18 **OTHER DOCUMENTS**

19 *(Initial all that apply)*

20 I have executed the following documents that include the power to make decisions regarding health care services for  
21 myself:

22 ..... Health care power of attorney (chapter 11.125 RCW)

23 ..... "Living will" (Health care directive; chapter 70.122 RCW)

24 ..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated  
25 below:

26  
27 **PART VIII.**  
28 **NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

29 *(Fill out this part only if you wish to provide nontreatment instructions.)*

30 I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no  
31 treatment provider is required to act on them.

32 **A. Who Should Be Notified**

33 I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

34 Name: ..... Address: .....

1 Day telephone: ..... Evening telephone: .....

2 Name: ..... Address: .....

3 Day telephone: ..... Evening telephone: .....

4 **B. Preferences or Instructions About Personal Affairs**

5 I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am  
6 admitted to a mental health treatment facility:

7 **C. Additional Preferences and Instructions:**

8

9

**PART IX.**

**SIGNATURE**

10

11 By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed  
12 consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I  
13 intend that my consent in this directive be construed as being consistent with the elements of informed consent under  
14 chapter 7.70 RCW.

15 Signature: ..... Date: .....

16 Printed Name: .....

17 This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her  
18 request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the  
19 Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not  
20 appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- 21 (A) A person designated to make medical decisions on the principal's behalf;
- 22 (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the  
23 directive is executed;
- 24 (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in  
25 which the principal is a patient or resident;
- 26 (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating  
27 relationship as defined in ((RCW 26.50.010)) section 2 of this act;
- 28 (E) An incapacitated person;
- 29 (F) A person who would benefit financially if the principal undergoes mental health treatment; or
- 30 (G) A minor.

31 Witness 1: Signature: ..... Date: .....

32 Printed Name: .....

33 Telephone: ..... Address: .....

34 Witness 2: Signature: ..... Date: .....

35 Printed Name: .....

1 Telephone: ..... Address: .....

2  
3 **PART X.**  
4 **RECORD OF DIRECTIVE**

5 I have given a copy of this directive to the following persons: .....

6 DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE  
7 THIS DIRECTIVE IN PART OR IN WHOLE

8  
9 **PART XI.**  
10 **REVOCAION OF THIS DIRECTIVE**

11 *(Initial any that apply):*

12 ..... I am revoking the following part(s) of this directive (specify): .....

13 ..... I am revoking all of this directive.

14 By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any  
15 revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

16 Signature: ..... Date: .....

17 Printed Name: .....

18 **DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS**  
19 **DIRECTIVE IN PART OR IN WHOLE**

20 **Sec. 170.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to  
21 read as follows:

22 (1) At the earliest possible date, and in no event later than  
23 thirty days before release except in the event of escape or emergency  
24 furloughs as defined in RCW 72.66.010, the department of corrections  
25 shall send written notice of parole, release, community custody, work  
26 release placement, furlough, or escape about a specific inmate  
27 convicted of a violent offense, a sex offense as defined by RCW  
28 9.94A.030, a domestic violence court order violation pursuant to  
29 section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,  
30 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a  
31 felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,  
32 to the following:

33 (a) The chief of police of the city, if any, in which the inmate  
34 will reside or in which placement will be made in a work release  
35 program; and



1 (b) The sheriff of the county in which the inmate will reside or  
2 in which placement will be made in a work release program.

3 The sheriff of the county where the offender was convicted shall  
4 be notified if the department does not know where the offender will  
5 reside. The department shall notify the state patrol of the release  
6 of all sex offenders, and that information shall be placed in the  
7 Washington crime information center for dissemination to all law  
8 enforcement.

9 (2) The same notice as required by subsection (1) of this section  
10 shall be sent to the following if such notice has been requested in  
11 writing about a specific inmate convicted of a violent offense, a sex  
12 offense as defined by RCW 9.94A.030, a domestic violence court order  
13 violation pursuant to section 56 of this act, RCW 10.99.040,  
14 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or  
15 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060  
16 or 9A.46.110:

17 (a) The victim of the crime for which the inmate was convicted or  
18 the victim's next of kin if the crime was a homicide;

19 (b) Any witnesses who testified against the inmate in any court  
20 proceedings involving the violent offense;

21 (c) Any person specified in writing by the prosecuting attorney;  
22 and

23 (d) Any person who requests such notice about a specific inmate  
24 convicted of a sex offense as defined by RCW 9.94A.030 from the  
25 department of corrections at least sixty days prior to the expected  
26 release date of the offender.

27 Information regarding victims, next of kin, or witnesses  
28 requesting the notice, information regarding any other person  
29 specified in writing by the prosecuting attorney to receive the  
30 notice, and the notice are confidential and shall not be available to  
31 the inmate. Whenever the department of corrections mails notice  
32 pursuant to this subsection and the notice is returned as  
33 undeliverable, the department shall attempt alternative methods of  
34 notification, including a telephone call to the person's last known  
35 telephone number.

36 (3) The existence of the notice requirements contained in  
37 subsections (1) and (2) of this section shall not require an  
38 extension of the release date in the event that the release plan  
39 changes after notification.

1 (4) If an inmate convicted of a violent offense, a sex offense as  
2 defined by RCW 9.94A.030, a domestic violence court order violation  
3 pursuant to section 56 of this act, RCW 10.99.040, 10.99.050,  
4 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145,  
5 or a felony harassment offense as defined by RCW 9A.46.060 or  
6 9A.46.110, escapes from a correctional facility, the department of  
7 corrections shall immediately notify, by the most reasonable and  
8 expedient means available, the chief of police of the city and the  
9 sheriff of the county in which the inmate resided immediately before  
10 the inmate's arrest and conviction. If previously requested, the  
11 department shall also notify the witnesses and the victim of the  
12 crime for which the inmate was convicted or the victim's next of kin  
13 if the crime was a homicide. If the inmate is recaptured, the  
14 department shall send notice to the persons designated in this  
15 subsection as soon as possible but in no event later than two working  
16 days after the department learns of such recapture.

17 (5) If the victim, the victim's next of kin, or any witness is  
18 under the age of sixteen, the notice required by this section shall  
19 be sent to the parents or legal guardian of the child.

20 (6) The department of corrections shall send the notices required  
21 by this chapter to the last address provided to the department by the  
22 requesting party. The requesting party shall furnish the department  
23 with a current address.

24 (7) The department of corrections shall keep, for a minimum of  
25 two years following the release of an inmate, the following:

26 (a) A document signed by an individual as proof that that person  
27 is registered in the victim or witness notification program; and

28 (b) A receipt showing that an individual registered in the victim  
29 or witness notification program was mailed a notice, at the  
30 individual's last known address, upon the release or movement of an  
31 inmate.

32 (8) For purposes of this section the following terms have the  
33 following meanings:

34 (a) "Violent offense" means a violent offense under RCW  
35 9.94A.030;

36 (b) "Next of kin" means a person's spouse, state registered  
37 domestic partner, parents, siblings and children.

38 (9) Nothing in this section shall impose any liability upon a  
39 chief of police of a city or sheriff of a county for failing to

1 request in writing a notice as provided in subsection (1) of this  
2 section.

3 **Sec. 171.** RCW 72.09.714 and 2019 c 46 s 5044 are each amended to  
4 read as follows:

5 The department of corrections shall provide the victims,  
6 witnesses, and next of kin in the case of a homicide and victims and  
7 witnesses involved in violent offense cases, sex offenses as defined  
8 by RCW 9.94A.030, a domestic violence court order violation pursuant  
9 to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,  
10 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a  
11 felony harassment pursuant to RCW 9A.46.060 or 9A.46.110, a statement  
12 of the rights of victims and witnesses to request and receive  
13 notification under RCW 72.09.712 and 72.09.716.

14 **Sec. 172.** RCW 74.34.020 and 2019 c 325 s 5030 are each amended  
15 to read as follows:

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

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

22 (2) "Abuse" means the intentional, willful, or reckless action or  
23 inaction that inflicts injury, unreasonable confinement,  
24 intimidation, or punishment on a vulnerable adult. In instances of  
25 abuse of a vulnerable adult who is unable to express or demonstrate  
26 physical harm, pain, or mental anguish, the abuse is presumed to  
27 cause physical harm, pain, or mental anguish. Abuse includes sexual  
28 abuse, mental abuse, physical abuse, and personal exploitation of a  
29 vulnerable adult, and improper use of restraint against a vulnerable  
30 adult which have the following meanings:

31 (a) "Sexual abuse" means any form of nonconsensual sexual  
32 conduct, including but not limited to unwanted or inappropriate  
33 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual  
34 coercion, sexually explicit photographing or recording, voyeurism,  
35 indecent exposure, and sexual harassment. Sexual abuse also includes  
36 any sexual conduct between a staff person, who is not also a resident  
37 or client, of a facility or a staff person of a program authorized  
38 under chapter 71A.12 RCW, and a vulnerable adult living in that

1 facility or receiving service from a program authorized under chapter  
2 71A.12 RCW, whether or not it is consensual.

3 (b) "Physical abuse" means the intentional, willful, or reckless  
4 action of inflicting bodily injury or physical mistreatment. Physical  
5 abuse includes, but is not limited to, striking with or without an  
6 object, slapping, pinching, choking, kicking, shoving, or prodding.

7 (c) "Mental abuse" means ((a)) an intentional, willful, or  
8 reckless verbal or nonverbal action that threatens, humiliates,  
9 harasses, coerces, intimidates, isolates, unreasonably confines, or  
10 punishes a vulnerable adult. Mental abuse may include ridiculing,  
11 yelling, or swearing.

12 (d) "Personal exploitation" means an act of forcing, compelling,  
13 or exerting undue influence over a vulnerable adult causing the  
14 vulnerable adult to act in a way that is inconsistent with relevant  
15 past behavior, or causing the vulnerable adult to perform services  
16 for the benefit of another.

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

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

30 (4) "Consent" means express written consent granted after the  
31 vulnerable adult or his or her legal representative has been fully  
32 informed of the nature of the services to be offered and that the  
33 receipt of services is voluntary.

34 (5) "Department" means the department of social and health  
35 services.

36 (6) "Facility" means a residence licensed or required to be  
37 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
38 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
39 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential

1 habilitation centers; or any other facility licensed or certified by  
2 the department.

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

9 (a) The use of deception, intimidation, or undue influence by a  
10 person or entity in a position of trust and confidence with a  
11 vulnerable adult to obtain or use the property, income, resources, or  
12 trust funds of the vulnerable adult for the benefit of a person or  
13 entity other than the vulnerable adult;

14 (b) The breach of a fiduciary duty, including, but not limited  
15 to, the misuse of a power of attorney, trust, or a guardianship  
16 appointment, that results in the unauthorized appropriation, sale, or  
17 transfer of the property, income, resources, or trust funds of the  
18 vulnerable adult for the benefit of a person or entity other than the  
19 vulnerable adult; or

20 (c) Obtaining or using a vulnerable adult's property, income,  
21 resources, or trust funds without lawful authority, by a person or  
22 entity who knows or clearly should know that the vulnerable adult  
23 lacks the capacity to consent to the release or use of his or her  
24 property, income, resources, or trust funds.

25 (8) "Financial institution" has the same meaning as in RCW  
26 30A.22.040 and 30A.22.041. For purposes of this chapter only,  
27 "financial institution" also means a "broker-dealer" or "investment  
28 adviser" as defined in RCW 21.20.005.

29 (9) "Hospital" means a facility licensed under chapter 70.41 or  
30 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
31 employee, agent, officer, director, or independent contractor  
32 thereof.

33 (10) "Incapacitated person" means a person who is at a  
34 significant risk of personal or financial harm under RCW 11.88.010(1)  
35 (a), (b), (c), or (d).

36 (11) "Individual provider" means a person under contract with the  
37 department to provide services in the home under chapter 74.09 or  
38 74.39A RCW.

39 (12) "Interested person" means a person who demonstrates to the  
40 court's satisfaction that the person is interested in the welfare of

1 the vulnerable adult, that the person has a good faith belief that  
2 the court's intervention is necessary, and that the vulnerable adult  
3 is unable, due to incapacity, undue influence, or duress at the time  
4 the petition is filed, to protect his or her own interests.

5 (13) (a) "Isolate" or "isolation" means to restrict a vulnerable  
6 adult's ability to communicate, visit, interact, or otherwise  
7 associate with persons of his or her choosing. Isolation may be  
8 evidenced by acts including but not limited to:

9 (i) Acts that prevent a vulnerable adult from sending, making, or  
10 receiving his or her personal mail, electronic communications, or  
11 telephone calls; or

12 (ii) Acts that prevent or obstruct the vulnerable adult from  
13 meeting with others, such as telling a prospective visitor or caller  
14 that a vulnerable adult is not present, or does not wish contact,  
15 where the statement is contrary to the express wishes of the  
16 vulnerable adult.

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

22 (14) "Mandated reporter" is an employee of the department; law  
23 enforcement officer; social worker; professional school personnel;  
24 individual provider; an employee of a facility; an operator of a  
25 facility; an employee of a social service, welfare, mental health,  
26 adult day health, adult day care, home health, home care, or hospice  
27 agency; county coroner or medical examiner; Christian Science  
28 practitioner; or health care provider subject to chapter 18.130 RCW.

29 (15) "Mechanical restraint" means any device attached or adjacent  
30 to the vulnerable adult's body that he or she cannot easily remove  
31 that restricts freedom of movement or normal access to his or her  
32 body. "Mechanical restraint" does not include the use of devices,  
33 materials, or equipment that are (a) medically authorized, as  
34 required, and (b) used in a manner that is consistent with federal or  
35 state licensing or certification requirements for facilities,  
36 hospitals, or programs authorized under chapter 71A.12 RCW.

37 (16) "Neglect" means (a) a pattern of conduct or inaction by a  
38 person or entity with a duty of care that fails to provide the goods  
39 and services that maintain physical or mental health of a vulnerable  
40 adult, or that fails to avoid or prevent physical or mental harm or

1 pain to a vulnerable adult; or (b) an act or omission by a person or  
2 entity with a duty of care that demonstrates a serious disregard of  
3 consequences of such a magnitude as to constitute a clear and present  
4 danger to the vulnerable adult's health, welfare, or safety,  
5 including but not limited to conduct prohibited under RCW 9A.42.100.

6 (17) "Permissive reporter" means any person, including, but not  
7 limited to, an employee of a financial institution, attorney, or  
8 volunteer in a facility or program providing services for vulnerable  
9 adults.

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

17 (19) "Protective services" means any services provided by the  
18 department to a vulnerable adult with the consent of the vulnerable  
19 adult, or the legal representative of the vulnerable adult, who has  
20 been abandoned, abused, financially exploited, neglected, or in a  
21 state of self-neglect. These services may include, but are not  
22 limited to case management, social casework, home care, placement,  
23 arranging for medical evaluations, psychological evaluations, day  
24 care, or referral for legal assistance.

25 (20) "Self-neglect" means the failure of a vulnerable adult, not  
26 living in a facility, to provide for himself or herself the goods and  
27 services necessary for the vulnerable adult's physical or mental  
28 health, and the absence of which impairs or threatens the vulnerable  
29 adult's well-being. This definition may include a vulnerable adult  
30 who is receiving services through home health, hospice, or a home  
31 care agency, or an individual provider when the neglect is not a  
32 result of inaction by that agency or individual provider.

33 (21) "Social worker" means:

34 (a) A social worker as defined in RCW 18.320.010(2); or

35 (b) Anyone engaged in a professional capacity during the regular  
36 course of employment in encouraging or promoting the health, welfare,  
37 support, or education of vulnerable adults, or providing social  
38 services to vulnerable adults, whether in an individual capacity or  
39 as an employee or agent of any public or private organization or  
40 institution.

1 (22) "Vulnerable adult" includes a person:

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

4 (b) Found incapacitated under chapter 11.88 RCW; or

5 (c) Who has a developmental disability as defined under RCW  
6 71A.10.020; or

7 (d) Admitted to any facility; or

8 (e) Receiving services from home health, hospice, or home care  
9 agencies licensed or required to be licensed under chapter 70.127  
10 RCW; or

11 (f) Receiving services from an individual provider; or

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

14 (23) "Vulnerable adult advocacy team" means a team of three or  
15 more persons who coordinate a multidisciplinary process, in  
16 compliance with chapter 266, Laws of 2017 and the protocol governed  
17 by RCW 74.34.320, for preventing, identifying, investigating,  
18 prosecuting, and providing services related to abuse, neglect, or  
19 financial exploitation of vulnerable adults.

20 **Sec. 173.** RCW 74.34.020 and 2020 c 312 s 735 are each amended to  
21 read as follows:

22 The definitions in this section apply throughout this chapter  
23 unless the context clearly requires otherwise.

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

28 (2) "Abuse" means the intentional, willful, or reckless action or  
29 inaction that inflicts injury, unreasonable confinement,  
30 intimidation, or punishment on a vulnerable adult. In instances of  
31 abuse of a vulnerable adult who is unable to express or demonstrate  
32 physical harm, pain, or mental anguish, the abuse is presumed to  
33 cause physical harm, pain, or mental anguish. Abuse includes sexual  
34 abuse, mental abuse, physical abuse, and personal exploitation of a  
35 vulnerable adult, and improper use of restraint against a vulnerable  
36 adult which have the following meanings:

37 (a) "Sexual abuse" means any form of nonconsensual sexual  
38 conduct, including but not limited to unwanted or inappropriate  
39 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual



1 coercion, sexually explicit photographing or recording, voyeurism,  
2 indecent exposure, and sexual harassment. Sexual abuse also includes  
3 any sexual conduct between a staff person, who is not also a resident  
4 or client, of a facility or a staff person of a program authorized  
5 under chapter 71A.12 RCW, and a vulnerable adult living in that  
6 facility or receiving service from a program authorized under chapter  
7 71A.12 RCW, whether or not it is consensual.

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

12 (c) "Mental abuse" means ((a)) an intentional, willful, or  
13 reckless verbal or nonverbal action that threatens, humiliates,  
14 harasses, coerces, intimidates, isolates, unreasonably confines, or  
15 punishes a vulnerable adult. Mental abuse may include ridiculing,  
16 yelling, or swearing.

17 (d) "Personal exploitation" means an act of forcing, compelling,  
18 or exerting undue influence over a vulnerable adult causing the  
19 vulnerable adult to act in a way that is inconsistent with relevant  
20 past behavior, or causing the vulnerable adult to perform services  
21 for the benefit of another.

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

29 (3) "Chemical restraint" means the administration of any drug to  
30 manage a vulnerable adult's behavior in a way that reduces the safety  
31 risk to the vulnerable adult or others, has the temporary effect of  
32 restricting the vulnerable adult's freedom of movement, and is not  
33 standard treatment for the vulnerable adult's medical or psychiatric  
34 condition.

35 (4) "Consent" means express written consent granted after the  
36 vulnerable adult or his or her legal representative has been fully  
37 informed of the nature of the services to be offered and that the  
38 receipt of services is voluntary.

39 (5) "Department" means the department of social and health  
40 services.

1 (6) "Facility" means a residence licensed or required to be  
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
5 habilitation centers; or any other facility licensed or certified by  
6 the department.

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

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

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

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

29 (8) "Financial institution" has the same meaning as in RCW  
30 30A.22.040 and 30A.22.041. For purposes of this chapter only,  
31 "financial institution" also means a "broker-dealer" or "investment  
32 adviser" as defined in RCW 21.20.005.

33 (9) "Hospital" means a facility licensed under chapter 70.41 or  
34 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
35 employee, agent, officer, director, or independent contractor  
36 thereof.

37 (10) "Individual provider" means a person under contract with the  
38 department to provide services in the home under chapter 74.09 or  
39 74.39A RCW.

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

7 (12)(a) "Isolate" or "isolation" means to restrict a vulnerable  
8 adult's ability to communicate, visit, interact, or otherwise  
9 associate with persons of his or her choosing. Isolation may be  
10 evidenced by acts including but not limited to:

11 (i) Acts that prevent a vulnerable adult from sending, making, or  
12 receiving his or her personal mail, electronic communications, or  
13 telephone calls; or

14 (ii) Acts that prevent or obstruct the vulnerable adult from  
15 meeting with others, such as telling a prospective visitor or caller  
16 that a vulnerable adult is not present, or does not wish contact,  
17 where the statement is contrary to the express wishes of the  
18 vulnerable adult.

19 (b) The term "isolate" or "isolation" may not be construed in a  
20 manner that prevents a guardian or limited guardian from performing  
21 his or her fiduciary obligations under chapter 11.130 RCW or prevents  
22 a hospital or facility from providing treatment consistent with the  
23 standard of care for delivery of health services.

24 (13) "Mandated reporter" is an employee of the department; law  
25 enforcement officer; social worker; professional school personnel;  
26 individual provider; an employee of a facility; an operator of a  
27 facility; an employee of a social service, welfare, mental health,  
28 adult day health, adult day care, home health, home care, or hospice  
29 agency; county coroner or medical examiner; Christian Science  
30 practitioner; or health care provider subject to chapter 18.130 RCW.

31 (14) "Mechanical restraint" means any device attached or adjacent  
32 to the vulnerable adult's body that he or she cannot easily remove  
33 that restricts freedom of movement or normal access to his or her  
34 body. "Mechanical restraint" does not include the use of devices,  
35 materials, or equipment that are (a) medically authorized, as  
36 required, and (b) used in a manner that is consistent with federal or  
37 state licensing or certification requirements for facilities,  
38 hospitals, or programs authorized under chapter 71A.12 RCW.

39 (15) "Neglect" means (a) a pattern of conduct or inaction by a  
40 person or entity with a duty of care that fails to provide the goods

1 and services that maintain physical or mental health of a vulnerable  
2 adult, or that fails to avoid or prevent physical or mental harm or  
3 pain to a vulnerable adult; or (b) an act or omission by a person or  
4 entity with a duty of care that demonstrates a serious disregard of  
5 consequences of such a magnitude as to constitute a clear and present  
6 danger to the vulnerable adult's health, welfare, or safety,  
7 including but not limited to conduct prohibited under RCW 9A.42.100.

8 (16) "Permissive reporter" means any person, including, but not  
9 limited to, an employee of a financial institution, attorney, or  
10 volunteer in a facility or program providing services for vulnerable  
11 adults.

12 (17) "Physical restraint" means the application of physical force  
13 without the use of any device, for the purpose of restraining the  
14 free movement of a vulnerable adult's body. "Physical restraint" does  
15 not include (a) briefly holding without undue force a vulnerable  
16 adult in order to calm or comfort him or her, or (b) holding a  
17 vulnerable adult's hand to safely escort him or her from one area to  
18 another.

19 (18) "Protective services" means any services provided by the  
20 department to a vulnerable adult with the consent of the vulnerable  
21 adult, or the legal representative of the vulnerable adult, who has  
22 been abandoned, abused, financially exploited, neglected, or in a  
23 state of self-neglect. These services may include, but are not  
24 limited to case management, social casework, home care, placement,  
25 arranging for medical evaluations, psychological evaluations, day  
26 care, or referral for legal assistance.

27 (19) "Self-neglect" means the failure of a vulnerable adult, not  
28 living in a facility, to provide for himself or herself the goods and  
29 services necessary for the vulnerable adult's physical or mental  
30 health, and the absence of which impairs or threatens the vulnerable  
31 adult's well-being. This definition may include a vulnerable adult  
32 who is receiving services through home health, hospice, or a home  
33 care agency, or an individual provider when the neglect is not a  
34 result of inaction by that agency or individual provider.

35 (20) "Social worker" means:

36 (a) A social worker as defined in RCW 18.320.010(2); or

37 (b) Anyone engaged in a professional capacity during the regular  
38 course of employment in encouraging or promoting the health, welfare,  
39 support, or education of vulnerable adults, or providing social  
40 services to vulnerable adults, whether in an individual capacity or

1 as an employee or agent of any public or private organization or  
2 institution.

3 (21) "Vulnerable adult" includes a person:

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

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

8 (c) Who has a developmental disability as defined under RCW  
9 71A.10.020; or

10 (d) Admitted to any facility; or

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

14 (f) Receiving services from an individual provider; or

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

17 (22) "Vulnerable adult advocacy team" means a team of three or  
18 more persons who coordinate a multidisciplinary process, in  
19 compliance with chapter 266, Laws of 2017 and the protocol governed  
20 by RCW 74.34.320, for preventing, identifying, investigating,  
21 prosecuting, and providing services related to abuse, neglect, or  
22 financial exploitation of vulnerable adults.

23 **Sec. 174.** RCW 74.34.110 and 2007 c 312 s 3 are each amended to  
24 read as follows:

25 ~~((An action known as a petition for an order for protection of a  
26 vulnerable adult in cases of abandonment, abuse, financial  
27 exploitation, or neglect is created.~~

28 ~~(1))~~ A vulnerable adult, or interested person on behalf of the  
29 vulnerable adult, may seek relief from abandonment, abuse, financial  
30 exploitation, or neglect, or the threat thereof, by filing a petition  
31 for ~~((an order for))~~ a vulnerable adult protection ((in superior  
32 court)) order under chapter 7.--- RCW (the new chapter created in  
33 section 81 of this act).

34 ~~((2) A petition shall allege that the petitioner, or person on  
35 whose behalf the petition is brought, is a vulnerable adult and that  
36 the petitioner, or person on whose behalf the petition is brought,  
37 has been abandoned, abused, financially exploited, or neglected, or  
38 is threatened with abandonment, abuse, financial exploitation, or  
39 neglect by respondent.~~

1 ~~(3) A petition shall be accompanied by affidavit made under oath,~~  
2 ~~or a declaration signed under penalty of perjury, stating the~~  
3 ~~specific facts and circumstances which demonstrate the need for the~~  
4 ~~relief sought. If the petition is filed by an interested person, the~~  
5 ~~affidavit or declaration must also include a statement of why the~~  
6 ~~petitioner qualifies as an interested person.~~

7 ~~(4) A petition for an order may be made whether or not there is a~~  
8 ~~pending lawsuit, complaint, petition, or other action pending that~~  
9 ~~relates to the issues presented in the petition for an order for~~  
10 ~~protection.~~

11 ~~(5) Within ninety days of receipt of the master copy from the~~  
12 ~~administrative office of the courts, all court clerk's offices shall~~  
13 ~~make available the standardized forms and instructions required by~~  
14 ~~RCW 74.34.115.~~

15 ~~(6) Any assistance or information provided by any person,~~  
16 ~~including, but not limited to, court clerks, employees of the~~  
17 ~~department, and other court facilitators, to another to complete the~~  
18 ~~forms provided by the court in subsection (5) of this section does~~  
19 ~~not constitute the practice of law.~~

20 ~~(7) A petitioner is not required to post bond to obtain relief in~~  
21 ~~any proceeding under this section.~~

22 ~~(8) An action under this section shall be filed in the county~~  
23 ~~where the vulnerable adult resides; except that if the vulnerable~~  
24 ~~adult has left or been removed from the residence as a result of~~  
25 ~~abandonment, abuse, financial exploitation, or neglect, or in order~~  
26 ~~to avoid abandonment, abuse, financial exploitation, or neglect, the~~  
27 ~~petitioner may bring an action in the county of either the vulnerable~~  
28 ~~adult's previous or new residence.~~

29 ~~(9) No filing fee may be charged to the petitioner for~~  
30 ~~proceedings under this section. Standard forms and written~~  
31 ~~instructions shall be provided free of charge.))~~

32 NEW SECTION. **Sec. 175.** Sections 131 and 173 of this act take  
33 effect January 1, 2022.

34 NEW SECTION. **Sec. 176.** Section 172 of this act expires January  
35 1, 2022.

36 **PART XV**

37 **TECHNICAL CORRECTIONS WITH RECODIFICATIONS**

1       **Sec. 177.** RCW 7.90.150 and 2006 c 138 s 16 are each amended to  
2 read as follows:

3       (1) (a) When any person charged with or arrested for a sex offense  
4 as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a  
5 violation of RCW 9.68A.090, or a gross misdemeanor that is, under  
6 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or  
7 criminal conspiracy to commit an offense that is classified as a sex  
8 offense under RCW 9.94A.030, is released from custody before  
9 arraignment or trial on bail or personal recognizance, the court  
10 authorizing the release may prohibit that person from having any  
11 contact with the victim. The jurisdiction authorizing the release  
12 shall determine whether that person should be prohibited from having  
13 any contact with the victim. If there is no outstanding restraining  
14 or protective order prohibiting that person from having contact with  
15 the victim, the court authorizing release may issue, by telephone, a  
16 sexual assault (~~(protection)~~) no-contact order prohibiting the person  
17 charged or arrested from having contact with the victim or from  
18 knowingly coming within, or knowingly remaining within, a specified  
19 distance of a location.

20       (b) In issuing the order, the court shall consider the provisions  
21 of RCW 9.41.800.

22       (c) The sexual assault (~~(protection)~~) no-contact order shall also  
23 be issued in writing as soon as possible.

24       (2) (a) At the time of arraignment or whenever a motion is brought  
25 to modify the conditions of the defendant's release, the court shall  
26 determine whether a sexual assault (~~(protection)~~) no-contact order  
27 shall be issued or extended. If a sexual assault (~~(protection)~~) no-  
28 contact order is issued or extended, the court may also include in  
29 the conditions of release a requirement that the defendant submit to  
30 electronic monitoring. If electronic monitoring is ordered, the court  
31 shall specify who shall provide the monitoring services, and the  
32 terms under which the monitoring shall be performed. Upon conviction,  
33 the court may require as a condition of the sentence that the  
34 defendant reimburse the providing agency for the costs of the  
35 electronic monitoring.

36       (b) A sexual assault (~~(protection)~~) no-contact order issued by  
37 the court in conjunction with criminal charges shall terminate if the  
38 defendant is acquitted or the charges are dismissed, unless the  
39 victim files an independent action for a sexual assault protection  
40 order. If the victim files an independent action for a sexual assault

1 protection order, the order may be continued by the court until a  
2 full hearing is conducted pursuant to (~~RCW 7.90.050~~) chapter 7.---  
3 RCW (the new chapter created in section 81 of this act).

4 (3) (a) The written order releasing the person charged or arrested  
5 shall contain the court's directives and shall bear the legend:  
6 "Violation of this order is a criminal offense under chapter  
7 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this  
8 act) and will subject a violator to arrest. You can be arrested even  
9 if any person protected by the order invites or allows you to violate  
10 the order's prohibitions. You have the sole responsibility to avoid  
11 or refrain from violating the order's provisions. Only the court can  
12 change the order."

13 (b) A certified copy of the order shall be provided to the victim  
14 at no charge.

15 (4) If a sexual assault (~~protection~~) no-contact order has been  
16 issued prior to charging, that order shall expire at arraignment or  
17 within seventy-two hours if charges are not filed. Such orders need  
18 not be entered into the computer-based criminal intelligence  
19 information system in this state which is used by law enforcement  
20 agencies to list outstanding warrants.

21 (5) Whenever an order prohibiting contact is issued pursuant to  
22 subsection (2) of this section, the clerk of the court shall forward  
23 a copy of the order on or before the next judicial day to the  
24 appropriate law enforcement agency specified in the order. Upon  
25 receipt of the copy of the order, the law enforcement agency shall  
26 enter the order for one year or until the expiration date specified  
27 on the order into any computer-based criminal intelligence  
28 information system available in this state used by law enforcement  
29 agencies to list outstanding warrants. Entry into the computer-based  
30 criminal intelligence information system constitutes notice to all  
31 law enforcement agencies of the existence of the order. The order is  
32 fully enforceable in any jurisdiction in the state.

33 (6) (a) When a defendant is found guilty of a sex offense as  
34 defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any  
35 violation of RCW 9.68A.090, or any gross misdemeanor that is, under  
36 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or  
37 criminal conspiracy to commit an offense that is classified as a sex  
38 offense under RCW 9.94A.030, and a condition of the sentence  
39 restricts the defendant's ability to have contact with the victim,



1 the condition shall be recorded as a sexual assault (~~(protection)~~)  
2 no-contact order.

3 (b) The written order entered as a condition of sentencing shall  
4 contain the court's directives and shall bear the legend: "Violation  
5 of this order is a criminal offense under chapter (~~(26.50)~~) 7.--- RCW  
6 (the new chapter created in section 81 of this act) and will subject  
7 a violator to arrest. You can be arrested even if any person  
8 protected by the order invites or allows you to violate the order's  
9 prohibitions. You have the sole responsibility to avoid or refrain  
10 from violating the order's provisions. Only the court can change the  
11 order."

12 (c) A final sexual assault (~~(protection)~~) no-contact order  
13 entered in conjunction with a criminal prosecution shall remain in  
14 effect for a period of two years following the expiration of any  
15 sentence of imprisonment and subsequent period of community  
16 supervision, conditional release, probation, or parole.

17 (d) A certified copy of the order shall be provided to the victim  
18 at no charge.

19 (7) A knowing violation of a court order issued under subsection  
20 (1), (2), or (6) of this section is punishable under (~~RCW~~  
21 ~~26.50.110~~) section 56 of this act.

22 (8) Whenever a sexual assault (~~(protection)~~) no-contact order is  
23 issued, modified, or terminated under subsection (1), (2), or (6) of  
24 this section, the clerk of the court shall forward a copy of the  
25 order on or before the next judicial day to the appropriate law  
26 enforcement agency specified in the order. Upon receipt of the copy  
27 of the order, the law enforcement agency shall enter the order for  
28 one year or until the expiration date specified on the order into any  
29 computer-based criminal intelligence information system available in  
30 this state used by law enforcement agencies to list outstanding  
31 warrants. Entry into the computer-based criminal intelligence  
32 information system constitutes notice to all law enforcement agencies  
33 of the existence of the order. The order is fully enforceable in any  
34 jurisdiction in the state. Upon receipt of notice that an order has  
35 been terminated under subsection (2) of this section, the law  
36 enforcement agency shall remove the order from the computer-based  
37 criminal intelligence information system.

38 **Sec. 178.** RCW 7.92.160 and 2013 c 84 s 16 are each amended to  
39 read as follows:

1 (1) (a) When any person charged with or arrested for stalking as  
2 defined in RCW 9A.46.110 or any other stalking-related offense under  
3 RCW 9A.46.060 is released from custody before arraignment or trial on  
4 bail or personal recognizance, the court authorizing the release may  
5 prohibit that person from having any contact with the victim. The  
6 jurisdiction authorizing the release shall determine whether that  
7 person should be prohibited from having any contact with the victim.  
8 If there is no outstanding restraining or protective order  
9 prohibiting that person from having contact with the victim, and the  
10 victim does not qualify for a domestic violence protection order  
11 under chapter ~~((26.50))~~ 7.--- RCW (the new chapter created in section  
12 81 of this act), the court authorizing release may issue, by  
13 telephone, a stalking no-contact order prohibiting the person charged  
14 or arrested from having contact with the victim or from knowingly  
15 coming within, or knowingly remaining within, a specified distance of  
16 a location.

17 (b) In issuing the order, the court shall consider the provisions  
18 of RCW 9.41.800.

19 (c) The stalking no-contact order shall also be issued in writing  
20 as soon as possible.

21 (2) (a) At the time of arraignment or whenever a motion is brought  
22 to modify the conditions of the defendant's release, the court shall  
23 determine whether a stalking no-contact order shall be issued or  
24 extended. If a stalking no-contact order is issued or extended, the  
25 court may also include in the conditions of release a requirement  
26 that the defendant submit to electronic monitoring, including real-  
27 time global ~~((position-satellite-[global-positioning-system]))~~  
28 positioning system monitoring with victim notification. If electronic  
29 monitoring is ordered, the court shall specify who shall provide the  
30 monitoring services, and the terms under which the monitoring shall  
31 be performed. Upon conviction, the court may require as a condition  
32 of the sentence that the defendant reimburse the providing agency for  
33 the costs of the electronic monitoring, including costs relating to  
34 real-time global ~~((position-satellite-[global-positioning-system]))~~  
35 positioning system monitoring with victim notification.

36 (b) A stalking no-contact order issued by the court in  
37 conjunction with criminal charges shall terminate if the defendant is  
38 acquitted or the charges are dismissed, unless the victim files an  
39 independent action for a stalking protection order. If the victim  
40 files an independent action for a civil stalking protection order,

1 the order may be continued by the court until a full hearing is  
2 conducted pursuant to (~~RCW 7.92.060~~) chapter 7.--- RCW (the new  
3 chapter created in section 81 of this act).

4 (3) (a) The written order releasing the person charged or arrested  
5 shall contain the court's directives and shall bear the legend:  
6 "Violation of this order is a criminal offense under chapter  
7 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this  
8 act) and will subject a violator to arrest. You can be arrested even  
9 if any person protected by the order invites or allows you to violate  
10 the order's prohibitions. You have the sole responsibility to avoid  
11 or refrain from violating the order's provisions. Only the court can  
12 change the order."

13 (b) A certified copy of the order shall be provided to the victim  
14 at no charge.

15 (4) If a stalking no-contact order has been issued prior to  
16 charging, that order shall expire at arraignment or within  
17 seventy-two hours if charges are not filed.

18 (5) Whenever an order prohibiting contact is issued pursuant to  
19 subsection (2) of this section, the clerk of the court shall forward  
20 a copy of the order on or before the next judicial day to the  
21 appropriate law enforcement agency specified in the order. Upon  
22 receipt of the copy of the order, the law enforcement agency shall  
23 enter the order for one year unless a different expiration date is  
24 specified on the order into any computer-based criminal intelligence  
25 information system available in this state used by law enforcement  
26 agencies to list outstanding warrants. Entry into the computer-based  
27 criminal intelligence information system constitutes notice to all  
28 law enforcement agencies of the existence of the order. The order is  
29 fully enforceable in any jurisdiction in the state.

30 (6) (a) When a defendant is found guilty of stalking as defined in  
31 RCW 9A.46.110 or any other stalking-related offense under RCW  
32 9A.46.060 and a condition of the sentence restricts the defendant's  
33 ability to have contact with the victim, and the victim does not  
34 qualify for a domestic violence protection order under chapter  
35 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this  
36 act), the condition shall be recorded as a stalking no-contact order.

37 (b) The written order entered as a condition of sentencing shall  
38 contain the court's directives and shall bear the legend: "Violation  
39 of this order is a criminal offense under chapter (~~26.50~~) 7.--- RCW  
40 (the new chapter created in section 81 of this act) and will subject

1 a violator to arrest. You can be arrested even if any person  
2 protected by the order invites or allows you to violate the order's  
3 prohibitions. You have the sole responsibility to avoid or refrain  
4 from violating the order's provisions. Only the court can change the  
5 order."

6 (c) A final stalking no-contact order entered in conjunction with  
7 a criminal prosecution shall remain in effect for a period of five  
8 years from the date of entry.

9 (d) A certified copy of the order shall be provided to the victim  
10 at no charge.

11 (7) A knowing violation of a court order issued under subsection  
12 (1), (2), or (6) of this section is punishable under ((RCW  
13 ~~26.50.110~~) section 56 of this act.

14 (8) Whenever a stalking no-contact order is issued, modified, or  
15 terminated under subsection (1), (2), or (6) of this section, the  
16 clerk of the court shall forward a copy of the order on or before the  
17 next judicial day to the appropriate law enforcement agency specified  
18 in the order. Upon receipt of the copy of the order, the law  
19 enforcement agency shall enter the order for one year unless a  
20 different expiration date is specified on the order into any  
21 computer-based criminal intelligence information system available in  
22 this state used by law enforcement agencies to list outstanding  
23 warrants. Entry into the computer-based criminal intelligence  
24 information system constitutes notice to all law enforcement agencies  
25 of the existence of the order. The order is fully enforceable in any  
26 jurisdiction in the state. Upon receipt of notice that an order has  
27 been terminated under subsection (2) of this section, the law  
28 enforcement agency shall remove the order from the computer-based  
29 criminal intelligence information system.

30 **PART XV**

31 **RECODIFICATIONS AND REPEALERS**

32 NEW SECTION. **Sec. 179.** RECODIFICATION. RCW 26.50.150 is  
33 recodified as a section in chapter 43.20A RCW.

34 NEW SECTION. **Sec. 180.** RECODIFICATION. RCW 26.50.250 is  
35 recodified as a section in chapter 70.123 RCW.

1        NEW SECTION.        **Sec. 181.**        RECODIFICATION.        RCW 7.90.150 is  
2 recodified as a section in chapter 9A.44 RCW.

3        NEW SECTION.        **Sec. 182.**        RECODIFICATION.        RCW 7.92.160 is  
4 recodified as a section in chapter 9A.46 RCW.

5        NEW SECTION.        **Sec. 183.**        REPEALERS. The following acts or parts  
6 of acts are each repealed:

7            (1) RCW 7.90.005 (Legislative declaration) and 2007 c 212 s 1 &  
8 2006 c 138 s 1;

9            (2) RCW 7.90.010 (Definitions) and 2020 c 296 s 3 & 2006 c 138 s  
10 2;

11            (3) RCW 7.90.020 (Petition for a sexual assault protection order—  
12 Creation—Contents—Administration) and 2019 c 258 s 2, 2007 c 55 s 1,  
13 & 2006 c 138 s 5;

14            (4) RCW 7.90.030 (Petition—Who may file) and 2007 c 212 s 2 &  
15 2006 c 138 s 3;

16            (5) RCW 7.90.040 (Petition—Additional requirements) and 2013 c 74  
17 s 1 & 2006 c 138 s 4;

18            (6) RCW 7.90.050 (Petition—Hearings prior to issuance of  
19 protection order) and 2013 c 74 s 2 & 2006 c 138 s 6;

20            (7) RCW 7.90.052 (Service by publication—When authorized) and  
21 2013 c 74 s 6;

22            (8) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74  
23 s 7;

24            (9) RCW 7.90.054 (Issuance of order following service by  
25 publication or mail) and 2013 c 74 s 8;

26            (10) RCW 7.90.055 (Fees not permitted—Filing, service of process,  
27 certified copies) and 2007 c 55 s 2;

28            (11) RCW 7.90.060 (Sexual assault advocates) and 2006 c 138 s 7;

29            (12) RCW 7.90.070 (Appointment of counsel) and 2006 c 138 s 8;

30            (13) RCW 7.90.080 (Evidence) and 2006 c 138 s 9;

31            (14) RCW 7.90.090 (Burden of proof—Issuance of protection order—  
32 Remedies—Violations) and 2019 c 245 s 4 & 2006 c 138 s 10;

33            (15) RCW 7.90.100 (Accountability for conduct of others) and 2006  
34 c 138 s 11;

35            (16) RCW 7.90.110 (Ex parte temporary sexual assault protection  
36 orders—Issuance) and 2019 c 245 s 5, 2007 c 212 s 3, & 2006 c 138 s  
37 12;

1 (17) RCW 7.90.120 (Ex parte orders—Duration) and 2017 c 233 s 1,  
2 2013 c 74 s 3, & 2006 c 138 s 13;  
3 (18) RCW 7.90.121 (Renewal of ex parte order) and 2017 c 233 s 2  
4 & 2013 c 74 s 4;  
5 (19) RCW 7.90.130 (Sexual assault protection orders—Contents) and  
6 2006 c 138 s 14;  
7 (20) RCW 7.90.140 (Sexual assault protection orders—Service to  
8 respondent) and 2019 c 245 s 6, 2013 c 74 s 5, & 2006 c 138 s 15;  
9 (21) RCW 7.90.155 (Sexual assault protection orders—Personal  
10 jurisdiction—Nonresident individuals) and 2010 c 274 s 307;  
11 (22) RCW 7.90.160 (Law enforcement agencies—Entry of protection  
12 order data) and 2006 c 138 s 17;  
13 (23) RCW 7.90.170 (Modification or termination of protection  
14 orders) and 2017 c 233 s 3, 2013 c 74 s 9, & 2006 c 138 s 18;  
15 (24) RCW 7.90.180 (Administrative office of the courts—Court  
16 clerks—Instructional and informational material) and 2006 c 138 s 19;  
17 (25) RCW 7.90.190 (Admissibility of ex parte temporary orders in  
18 civil actions) and 2006 c 138 s 20;  
19 (26) RCW 7.90.900 (Short title—2006 c 138) and 2006 c 138 s 28;  
20 (27) RCW 7.92.010 (Intent—Finding) and 2013 c 84 s 1;  
21 (28) RCW 7.92.020 (Definitions) and 2020 c 296 s 4 & 2013 c 84 s  
22 2;  
23 (29) RCW 7.92.030 (Petition for stalking protection order—  
24 Creation—Contents) and 2013 c 84 s 3;  
25 (30) RCW 7.92.040 (Petition—Who may file) and 2013 c 84 s 4;  
26 (31) RCW 7.92.050 (Petition—Additional requirements) and 2013 c  
27 84 s 5;  
28 (32) RCW 7.92.060 (Petition—Hearings prior to issuance of  
29 protection order) and 2013 c 84 s 6;  
30 (33) RCW 7.92.070 (Consultation with judicial information system)  
31 and 2013 c 84 s 7;  
32 (34) RCW 7.92.080 (Fees not permitted) and 2013 c 84 s 8;  
33 (35) RCW 7.92.090 (Victim's advocates) and 2013 c 84 s 9;  
34 (36) RCW 7.92.100 (Burden of proof—Issuance of protection order—  
35 Remedies) and 2019 c 245 s 7 & 2013 c 84 s 10;  
36 (37) RCW 7.92.110 (Accountability for conduct of others) and 2013  
37 c 84 s 11;  
38 (38) RCW 7.92.120 (Ex parte temporary order for protection—  
39 Issuance) and 2019 c 245 s 8 & 2013 c 84 s 12;

1 (39) RCW 7.92.125 (Ex parte temporary order—Admissibility in  
2 subsequent civil actions) and 2013 c 84 s 22;

3 (40) RCW 7.92.130 (Protection orders—Duration) and 2013 c 84 s  
4 13;

5 (41) RCW 7.92.140 (Protection order—Contents) and 2013 c 84 s 14;

6 (42) RCW 7.92.150 (Protection orders—Service to respondent—  
7 Service by publication) and 2019 c 245 s 9 & 2013 c 84 s 15;

8 (43) RCW 7.92.170 (Personal jurisdiction by court over  
9 nonresident individuals) and 2013 c 84 s 17;

10 (44) RCW 7.92.180 (Copy of order to be forwarded to law  
11 enforcement agency—Entry of information into computer-based  
12 information systems) and 2013 c 84 s 18;

13 (45) RCW 7.92.190 (Modification or termination of protection  
14 orders) and 2019 c 245 s 10 & 2013 c 84 s 19;

15 (46) RCW 7.92.900 (Construction—Filing of criminal charges not  
16 required) and 2013 c 84 s 23;

17 (47) RCW 7.92.901 (Short title) and 2013 c 84 s 24;

18 (48) RCW 7.94.010 (Purpose—Intent) and 2019 c 246 s 1 & 2017 c 3  
19 s 1 (Initiative Measure No. 1491, approved November 8, 2016);

20 (49) RCW 7.94.020 (Definitions) and 2017 c 3 s 3 (Initiative  
21 Measure No. 1491, approved November 8, 2016);

22 (50) RCW 7.94.030 (Petition for order) and 2019 c 246 s 2 & 2017  
23 c 3 s 4 (Initiative Measure No. 1491, approved November 8, 2016);

24 (51) RCW 7.94.040 (Hearings on petition—Grounds for order  
25 issuance) and 2019 c 246 s 3 & 2017 c 3 s 5 (Initiative Measure No.  
26 1491, approved November 8, 2016);

27 (52) RCW 7.94.050 (Ex parte orders) and 2017 c 3 s 6 (Initiative  
28 Measure No. 1491, approved November 8, 2016);

29 (53) RCW 7.94.060 (Service of orders) and 2019 c 246 s 4 & 2017 c  
30 3 s 7 (Initiative Measure No. 1491, approved November 8, 2016);

31 (54) RCW 7.94.070 (Service by publication or mail) and 2017 c 3 s  
32 8 (Initiative Measure No. 1491, approved November 8, 2016);

33 (55) RCW 7.94.080 (Termination and renewal of orders) and 2017 c  
34 3 s 9 (Initiative Measure No. 1491, approved November 8, 2016);

35 (56) RCW 7.94.090 (Firearms—Surrender) and 2020 c 126 s 2 & 2017  
36 c 3 s 10 (Initiative Measure No. 1491, approved November 8, 2016);

37 (57) RCW 7.94.100 (Firearms—Return—Disposal) and 2017 c 3 s 11  
38 (Initiative Measure No. 1491, approved November 8, 2016);

1 (58) RCW 7.94.110 (Reporting of orders) and 2017 c 3 s 12  
2 (Initiative Measure No. 1491, approved November 8, 2016);  
3 (59) RCW 7.94.120 (Penalties) and 2017 c 3 s 13 (Initiative  
4 Measure No. 1491, approved November 8, 2016);  
5 (60) RCW 7.94.130 (Other authority retained) and 2017 c 3 s 14  
6 (Initiative Measure No. 1491, approved November 8, 2016);  
7 (61) RCW 7.94.140 (Liability) and 2017 c 3 s 15 (Initiative  
8 Measure No. 1491, approved November 8, 2016);  
9 (62) RCW 7.94.150 (Instructional and informational material) and  
10 2019 c 246 s 5 & 2017 c 3 s 16 (Initiative Measure No. 1491, approved  
11 November 8, 2016);  
12 (63) RCW 7.94.900 (Short title—2017 c 3 (Initiative Measure No.  
13 1491)) and 2017 c 3 s 2 (Initiative Measure No. 1491, approved  
14 November 8, 2016);  
15 (64) RCW 10.14.010 (Legislative finding, intent) and 1987 c 280 s  
16 1;  
17 (65) RCW 10.14.020 (Definitions) and 2011 c 307 s 2, 2001 c 260 s  
18 2, 1999 c 27 s 4, 1995 c 127 s 1, & 1987 c 280 s 2;  
19 (66) RCW 10.14.030 (Course of conduct—Determination of purpose)  
20 and 1987 c 280 s 3;  
21 (67) RCW 10.14.040 (Protection order—Petition) and 2002 c 117 s 1  
22 & 2001 c 260 s 3;  
23 (68) RCW 10.14.045 (Protection order commissioners—Appointment  
24 authorized) and 2013 c 84 s 20;  
25 (69) RCW 10.14.050 (Administrator for courts—Forms, information)  
26 and 1987 c 280 s 5;  
27 (70) RCW 10.14.055 (Fees excused, when) and 2020 c 29 s 8 & 2002  
28 c 117 s 2;  
29 (71) RCW 10.14.060 (Proceeding in forma pauperis) and 1987 c 280  
30 s 6;  
31 (72) RCW 10.14.065 (Orders—Judicial information system to be  
32 consulted) and 2011 c 307 s 6;  
33 (73) RCW 10.14.070 (Hearing—Service) and 2013 c 84 s 30, 2005 c  
34 144 s 1, 1992 c 143 s 10, & 1987 c 280 s 7;  
35 (74) RCW 10.14.080 (Antiharassment protection orders—Ex parte  
36 temporary—Hearing—Longer term, renewal—Acts not prohibited) and  
37 2019 c 245 s 11, 2019 c 46 s 5011, 2011 c 307 s 3, 2001 c 311 s 1,  
38 1995 c 246 s 36, 1994 sp.s. c 7 s 448, 1992 c 143 s 11, & 1987 c 280  
39 s 8;



1 (75) RCW 10.14.085 (Hearing reset after ex parte order—Service by  
2 publication—Circumstances) and 2016 c 202 s 4 & 1992 c 143 s 12;  
3 (76) RCW 10.14.090 (Representation or appearance) and 1992 c 143  
4 s 14 & 1987 c 280 s 9;  
5 (77) RCW 10.14.100 (Service of order) and 2019 c 245 s 12, 2002 c  
6 117 s 3, 2001 c 311 s 2, 1992 c 143 s 15, & 1987 c 280 s 10;  
7 (78) RCW 10.14.105 (Order following service by publication) and  
8 1992 c 143 s 13;  
9 (79) RCW 10.14.110 (Notice to law enforcement agencies—  
10 Enforceability) and 1992 c 143 s 16 & 1987 c 280 s 11;  
11 (80) RCW 10.14.115 (Enforcement of order—Knowledge prerequisite  
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13 143 s 17;  
14 (81) RCW 10.14.120 (Disobedience of order—Penalties) and 2001 c  
15 260 s 4, 1989 c 373 s 14, & 1987 c 280 s 12;  
16 (82) RCW 10.14.125 (Service by publication—Costs) and 2002 c 117  
17 s 4 & 1992 c 143 s 18;  
18 (83) RCW 10.14.130 (Exclusion of certain actions) and 2006 c 138  
19 s 22 & 1987 c 280 s 13;  
20 (84) RCW 10.14.140 (Other remedies) and 1987 c 280 s 14;  
21 (85) RCW 10.14.150 (Jurisdiction) and 2019 c 216 s 1, 2011 c 307  
22 s 1, 2005 c 196 s 1, 1999 c 170 s 1, 1991 c 33 s 2, & 1987 c 280 s  
23 15;  
24 (86) RCW 10.14.155 (Personal jurisdiction—Nonresident individual)  
25 and 2010 c 274 s 308;  
26 (87) RCW 10.14.160 (Where action may be brought) and 2005 c 196 s  
27 2, 1992 c 127 s 1, & 1987 c 280 s 16;  
28 (88) RCW 10.14.170 (Criminal penalty) and 2001 c 260 s 5 & 1987 c  
29 280 s 17;  
30 (89) RCW 10.14.180 (Modification of order) and 2019 c 245 s 13 &  
31 1987 c 280 s 18;  
32 (90) RCW 10.14.190 (Constitutional rights) and 1987 c 280 s 19;  
33 (91) RCW 10.14.200 (Availability of orders in family law  
34 proceedings) and 2019 c 46 s 5012, 1999 c 397 s 4, & 1995 c 246 s 35;  
35 (92) RCW 10.14.210 (Court appearance after violation) and 2012 c  
36 223 s 4;  
37 (93) RCW 10.14.800 (Master petition pattern form to be developed—  
38 Recommendations to legislature) and 2013 c 84 s 21;  
39 (94) RCW 26.50.010 (Definitions) and 2019 c 263 s 204;

1 (95) RCW 26.50.020 (Commencement of action—Jurisdiction—Venue)  
2 and 2019 c 263 s 205, 2010 c 274 s 302, 1992 c 111 s 8, 1989 c 375 s  
3 28, 1987 c 71 s 1, 1985 c 303 s 1, & 1984 c 263 s 3;

4 (96) RCW 26.50.021 (Actions on behalf of vulnerable adults—  
5 Authority of department of social and health services—Immunity from  
6 liability) and 2000 c 119 s 1;

7 (97) RCW 26.50.025 (Orders under this chapter and chapter 26.09,  
8 26.10, 26.26A, or 26.26B RCW—Enforcement—Consolidation) and 2019 c  
9 46 s 5036 & 1995 c 246 s 2;

10 (98) RCW 26.50.030 (Petition for an order for protection—  
11 Availability of forms and informational brochures—Bond not required)  
12 and 2005 c 282 s 39, 1996 c 248 s 12, 1995 c 246 s 3, 1992 c 111 s 2,  
13 1985 c 303 s 2, & 1984 c 263 s 4;

14 (99) RCW 26.50.035 (Development of instructions, informational  
15 brochures, forms, and handbook by the administrative office of the  
16 courts—Community resource list—Distribution of master copy) and 2019  
17 c 263 s 912, 2019 c 46 s 5037, 2005 c 282 s 40, 2000 c 119 s 14, 1995  
18 c 246 s 4, 1993 c 350 s 2, 1985 c 303 s 3, & 1984 c 263 s 31;

19 (100) RCW 26.50.040 (Fees not permitted—Filing, service of  
20 process, certified copies) and 1995 c 246 s 5, 1985 c 303 s 4, & 1984  
21 c 263 s 5;

22 (101) RCW 26.50.050 (Hearing—Service—Time) and 2008 c 287 s 2,  
23 1995 c 246 s 6, 1992 c 143 s 1, & 1984 c 263 s 6;

24 (102) RCW 26.50.055 (Appointment of interpreter) and 1995 c 246 s  
25 11;

26 (103) RCW 26.50.060 (Relief—Duration—Realignment of designation  
27 of parties—Award of costs, service fees, attorneys' fees, and limited  
28 license legal technician fees) and 2020 c 311 s 9, 2019 c 46 s 5038,  
29 2018 c 84 s 1, 2010 c 274 s 304, 2009 c 439 s 2, 2000 c 119 s 15,  
30 1999 c 147 s 2, 1996 c 248 s 13, 1995 c 246 s 7, & 1994 sp.s. c 7 s  
31 457;

32 (104) RCW 26.50.070 (Ex parte temporary order for protection) and  
33 2019 c 245 s 14, 2018 c 22 s 9, 2010 c 274 s 305, 2000 c 119 s 16,  
34 1996 c 248 s 14, 1995 c 246 s 8, 1994 sp.s. c 7 s 458, 1992 c 143 s  
35 3, 1989 c 411 s 2, & 1984 c 263 s 8;

36 (105) RCW 26.50.080 (Issuance of order—Assistance of peace  
37 officer—Designation of appropriate law enforcement agency) and 1995 c  
38 246 s 9 & 1984 c 263 s 9;

1 (106) RCW 26.50.085 (Hearing reset after ex parte order—Service  
2 by publication—Circumstances) and 2016 c 202 s 25 & 1992 c 143 s 4;  
3 (107) RCW 26.50.090 (Order—Service—Fees) and 2019 c 245 s 15,  
4 1995 c 246 s 10, 1992 c 143 s 6, 1985 c 303 s 6, & 1984 c 263 s 10;  
5 (108) RCW 26.50.095 (Order following service by publication) and  
6 1995 c 246 s 12 & 1992 c 143 s 5;  
7 (109) RCW 26.50.100 (Order—Transmittal to law enforcement agency  
8 —Record in law enforcement information system—Enforceability) and  
9 1996 c 248 s 15, 1995 c 246 s 13, 1992 c 143 s 7, & 1984 c 263 s 11;  
10 (110) RCW 26.50.110 (Violation of order—Penalties) and 2019 c 263  
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12 (111) RCW 26.50.115 (Enforcement of ex parte order—Knowledge of  
13 order prerequisite to penalties—Reasonable efforts to serve copy of  
14 order) and 1996 c 248 s 17, 1995 c 246 s 15, & 1992 c 143 s 8;  
15 (112) RCW 26.50.120 (Violation of order—Prosecuting attorney or  
16 attorney for municipality may be requested to assist—Costs and  
17 attorney's fee) and 1984 c 263 s 13;  
18 (113) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;  
19 (114) RCW 26.50.125 (Service by publication or mailing—Costs) and  
20 2002 c 117 s 5, 1995 c 246 s 17, & 1992 c 143 s 9;  
21 (115) RCW 26.50.130 (Order for protection—Modification or  
22 termination—Service—Transmittal) and 2019 c 245 s 16, 2011 c 137 s  
23 2, 2008 c 287 s 3, & 1984 c 263 s 14;  
24 (116) RCW 26.50.135 (Residential placement or custody of a child—  
25 Prerequisite) and 1995 c 246 s 19;  
26 (117) RCW 26.50.140 (Peace officers—Immunity) and 1984 c 263 s  
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28 (118) RCW 26.50.160 (Judicial information system—Database) and  
29 2019 c 263 s 914, 2019 c 46 s 5040, 2017 3rd sp.s. c 6 s 335, & 2006  
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31 (119) RCW 26.50.165 (Judicial information system—Names of adult  
32 cohabitants in third-party custody actions) and 2003 c 105 s 4;  
33 (120) RCW 26.50.200 (Title to real estate—Effect) and 1985 c 303  
34 s 7 & 1984 c 263 s 15;  
35 (121) RCW 26.50.210 (Proceedings additional) and 1984 c 263 s 16;  
36 (122) RCW 26.50.220 (Parenting plan—Designation of parent for  
37 other state and federal purposes) and 1989 c 375 s 26;  
38 (123) RCW 26.50.230 (Protection order against person with a  
39 disability, brain injury, or impairment) and 2010 c 274 s 303;

1 (124) RCW 26.50.240 (Personal jurisdiction—Nonresident  
2 individuals) and 2010 c 274 s 306;  
3 (125) RCW 26.50.900 (Short title) and 1984 c 263 s 1;  
4 (126) RCW 26.50.901 (Effective date—1984 c 263) and 1984 c 263 s  
5 32;  
6 (127) RCW 74.34.115 (Protection of vulnerable adults—  
7 Administrative office of the courts—Standard petition—Order for  
8 protection—Standard notice—Court staff handbook) and 2007 c 312 s 4;  
9 (128) RCW 74.34.120 (Protection of vulnerable adults—Hearing) and  
10 2007 c 312 s 5 & 1986 c 187 s 6;  
11 (129) RCW 74.34.130 (Protection of vulnerable adults—Judicial  
12 relief) and 2007 c 312 s 6;  
13 (130) RCW 74.34.135 (Protection of vulnerable adults—Filings by  
14 others—Dismissal of petition or order—Testimony or evidence—  
15 Additional evidentiary hearings—Temporary order) and 2020 c 312 s 737  
16 & 2007 c 312 s 9;  
17 (131) RCW 74.34.140 (Protection of vulnerable adults—Execution of  
18 protective order) and 2012 c 156 s 2 & 1986 c 187 s 8;  
19 (132) RCW 74.34.145 (Protection of vulnerable adults—Notice of  
20 criminal penalties for violation—Enforcement under RCW 26.50.110) and  
21 2020 c 29 s 17, 2007 c 312 s 7, & 2000 c 119 s 2;  
22 (133) RCW 74.34.150 (Protection of vulnerable adults—Department  
23 may seek relief) and 2007 c 312 s 8 & 1986 c 187 s 9;  
24 (134) RCW 74.34.160 (Protection of vulnerable adults—Proceedings  
25 are supplemental) and 1986 c 187 s 11;  
26 (135) RCW 74.34.163 (Application to modify or vacate order) and  
27 2020 c 312 s 738 & 2007 c 312 s 10;  
28 (136) RCW 74.34.210 (Order for protection or action for damages—  
29 Standing—Jurisdiction) and 2007 c 312 s 11 & 1995 1st sp.s. c 18 s  
30 86; and  
31 (137) RCW 26.10.115 (Temporary orders—Support—Restraining orders  
32 —Domestic violence or antiharassment protection orders—Notice of  
33 modification or termination of restraining order—Preservation of  
34 support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29,  
35 1994 sp.s. c 7 s 454, & 1989 c 375 s 32.

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