

**2SHB 1715 - H AMD 342**

By Representative Davis

**ADOPTED AS AMENDED 03/07/2023**

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

3 **"Part I. Electronic Monitoring with Victim Notification Technology**

4 NEW SECTION. **Sec. 101.** A new section is added to chapter 43.101  
5 RCW to read as follows:

6 (1) By December 1, 2023, the commission must adopt rules:

7 (a) Establishing standards for the operation of electronic  
8 monitoring with victim notification technology by monitoring  
9 agencies, with the goal of implementing best practices to improve  
10 victim safety;

11 (b) Establishing protocols for implementing court orders that  
12 include electronic monitoring with victim notification, including  
13 protocols for the installation and removal of monitoring devices to  
14 ensure uninterrupted monitoring services following release from  
15 detainment or incarceration; and

16 (c) Establishing any additional requirements necessary to promote  
17 compliance with RCW 2.56.260 and 9.94A.736, which may include, but  
18 not be limited to, training requirements for court officials, peace  
19 officers, 911 dispatchers, local corrections officers and staff, and  
20 other appropriate practitioners.

21 (2) In developing the rules required under this section, the  
22 commission must solicit input from courts of general and limited  
23 jurisdiction, local governments, monitoring agencies, and statewide  
24 associations representing law enforcement leaders, prosecutors,  
25 domestic violence victims, and domestic violence agencies.

26 (3) The commission must develop a model policy on electronic  
27 monitoring with victim notification technology based on best  
28 practices where the technology is being currently used in Washington.  
29 Each law enforcement agency in the state must adopt its own policy  
30 based on the model policy.

31 (4) For the purposes of this section:

- 1 (a) "Electronic monitoring" has the meaning provided in RCW  
2 9.94A.030; and  
3 (b) "Monitoring agency" has the meaning provided in RCW  
4 9.94A.736.

5 NEW SECTION. **Sec. 102.** A new section is added to chapter 2.56  
6 RCW to read as follows:

7 The administrative office of the courts must contract with one or  
8 more entities to:

- 9 (1) Provide additional training on electronic monitoring with  
10 victim notification technology to prosecutors, law enforcement  
11 officers, judges, domestic violence agencies, attorneys representing  
12 domestic violence survivors, and any other persons or entities deemed  
13 appropriate by the administrative office of the courts; and  
14 (2) Create a website with information about electronic monitoring  
15 with victim notification technology, including recorded trainings,  
16 brochures or flyers, approved vendors, and specific instructions on  
17 how victims may advocate or request electronic monitoring with victim  
18 notification technology.

19 **Part II. Access to Counsel**

20 NEW SECTION. **Sec. 201.** (1) The office of civil legal aid shall  
21 propose a plan to standardize and expand statewide access to civil  
22 legal assistance for survivors of domestic violence as defined in RCW  
23 7.105.010 in protection order proceedings initiated in superior and  
24 district courts and in family law proceedings. The plan must include  
25 the following specific areas of focus:

- 26 (a) Exploration of how deployment of publicly funded attorneys  
27 could integrate with existing networks of community and nonprofit  
28 organizations already providing support for domestic violence  
29 survivors;  
30 (b) Strategies for expanding the number of private attorneys  
31 available to provide effective civil legal representation to domestic  
32 violence survivors;  
33 (c) Strategies for incorporating high quality, culturally  
34 responsive, equity and trauma-informed assistance by nonattorneys  
35 into delivery systems where appropriate;  
36 (d) A proposed implementation schedule and priorities;

1 (e) Provisions to ensure effective training, support, technical,  
2 and other assistance to ensure equity and trauma-informed legal  
3 assistance targeted to survivors at greatest risk of lethal and other  
4 aggravated harms who are unable to afford counsel;

5 (f) Any statutory changes necessary to implement the plan,  
6 including a description of how expanded access to counsel interacts  
7 with the appointment of counsel under RCW 7.105.240; and

8 (g) Any other information deemed appropriate by the office of  
9 civil legal aid.

10 (2) The office of civil legal aid must report the plan to the  
11 appropriate legislative committees by September 30, 2024.

12 (3) This section expires December 31, 2024.

13 NEW SECTION. **Sec. 202.** A new section is added to chapter 2.53  
14 RCW to read as follows:

15 The legislature recognizes: The authority of tribes to exercise  
16 tribal court civil jurisdiction in domestic violence matters; that  
17 tribal courts and tribal programs serve residents of this state; that  
18 consistent with tribal sovereignty and the centennial accord, the  
19 state of Washington does not have the authority to direct tribal  
20 court practices or direct that counsel be appointed in tribal court  
21 civil protection proceedings; and that provisions of chapter 7.105  
22 RCW do not apply in tribal courts. Where consistent with tribal  
23 justice system rules and practices, and upon agreement with  
24 individual tribal courts or justice systems, the state should support  
25 the provision of indigenous-informed, culturally appropriate legal  
26 support for indigenous survivors of domestic violence in tribal court  
27 domestic violence protection proceedings. To this end, and subject to  
28 appropriations for this purpose, the office of civil legal aid shall  
29 coordinate with the Indian policy advisory council at the department  
30 of social and health services and representatives of tribal justice  
31 systems to develop a plan and implementation schedule to provide  
32 indigenous-informed, culturally appropriate legal support for  
33 survivors in tribal court domestic violence protection proceedings.  
34 The office of civil legal aid shall submit the plan along with fiscal  
35 projections for its implementation to the appropriate legislative  
36 committees by December 1, 2024.

37 **Part III. Civil Proceedings**

1       **Sec. 301.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to  
2 read as follows:

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

5       (1) The clerk of the court shall have a copy of any order issued  
6 under this chapter, the confidential information form, as well as the  
7 petition for a protection order and any supporting materials,  
8 electronically forwarded on or before the next judicial day to the  
9 law enforcement agency in the county or municipality where the  
10 respondent resides, as specified in the order, for service upon the  
11 respondent. If the respondent has moved from that county or  
12 municipality and personal service is not required, the law  
13 enforcement agency specified in the order may serve the order;

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

17       (3) Where personal service is required, the first attempt at  
18 service must occur within 24 hours of receiving the order from the  
19 court (~~whenever practicable, but not more than five days after~~  
20 ~~receiving the order~~) unless an emergency situation renders the  
21 service infeasible. If the first attempt is not successful, no fewer  
22 than two additional attempts should be made to serve the order,  
23 particularly for respondents who present heightened risk of lethality  
24 or other risk of physical harm to the petitioner or petitioner's  
25 family or household members. All attempts at service must be  
26 documented on a proof of service form and submitted to the court in a  
27 timely manner;

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

37       (5) If the respondent is in a protected person's presence at the  
38 time of contact for service, the law enforcement officer should take  
39 reasonable steps to separate the parties when possible prior to  
40 completing the service or inquiring about or collecting firearms.

1 When the order requires the respondent to vacate the parties' shared  
2 residence, law enforcement shall take reasonable steps to ensure that  
3 the respondent has left the premises and is on notice that (~~his or~~  
4 ~~her~~) the respondent's return is a violation of the terms of the  
5 order. The law enforcement officer shall provide the respondent with  
6 copies of all forms with the exception of the confidential  
7 information form completed by the protected party and the proof of  
8 service form;

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

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

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

31 **Sec. 302.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to  
32 read as follows:

33 (1) To help ensure familiarity with the unique nature of  
34 protection order proceedings, and an understanding of trauma-informed  
35 practices and best practices in the use of new technologies for  
36 remote hearings, judicial officers, including persons who serve as  
37 judicial officers pro tempore, should receive evidence-based training  
38 on procedural justice, trauma-informed practices, gender-based  
39 violence dynamics, coercive control, elder abuse, juvenile sex

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

9 (2) The administrative office of the courts shall develop  
10 training for judicial officers on the topics listed in subsection (1)  
11 of this section, which must be provided free of charge to judicial  
12 officers.

13 **Sec. 303.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9  
14 are each reenacted and amended to read as follows:

15 (1) In issuing any type of protection order, other than an ex  
16 parte temporary antiharassment protection order as limited by  
17 subsection (2) of this section, and other than an extreme risk  
18 protection order, the court shall have broad discretion to grant such  
19 relief as the court deems proper, including an order that provides  
20 relief as 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 residence that the parties  
34 share;

35 (d) Exclude the respondent from the residence, workplace, or  
36 school of the petitioner; or from the day care or school of a minor  
37 child;

38 (e) Restrain the respondent from knowingly coming within, or  
39 knowingly remaining within, a specified distance from a specified

1 location including, but not limited to, a residence, school, day  
2 care, workplace, the protected party's person, and the protected  
3 party's vehicle. The specified distance shall presumptively be at  
4 least 1,000 feet, unless the court for good cause finds that a  
5 shorter specified distance is appropriate;

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

17 (g) Order the respondent to participate in a state-certified  
18 domestic violence perpetrator treatment program approved under RCW  
19 43.20A.735 or a state-certified sex offender treatment program  
20 approved under RCW 18.155.070;

21 (h) Order the respondent to obtain a mental health or chemical  
22 dependency evaluation. If the court determines that a mental health  
23 evaluation is necessary, the court shall clearly document the reason  
24 for this determination and provide a specific question or questions  
25 to be answered by the mental health professional. The court shall  
26 consider the ability of the respondent to pay for an evaluation.  
27 Minors are presumed to be unable to pay. The parent or legal guardian  
28 is responsible for costs unless the parent or legal guardian  
29 demonstrates inability to pay;

30 (i) In cases where the petitioner and the respondent are students  
31 who attend the same public or private elementary, middle, or high  
32 school, the court, when issuing a protection order and providing  
33 relief, shall consider, among the other facts of the case, the  
34 severity of the act, any continuing physical danger, emotional  
35 distress, or educational disruption to the petitioner, and the  
36 financial difficulty and educational disruption that would be caused  
37 by a transfer of the respondent to another school. The court may  
38 order that the respondent not attend the public or private  
39 elementary, middle, or high school attended by the petitioner. If a  
40 minor respondent is prohibited attendance at the minor's assigned

1 public school, the school district must provide the student  
2 comparable educational services in another setting. In such a case,  
3 the district shall provide transportation at no cost to the  
4 respondent if the respondent's parent or legal guardian is unable to  
5 pay for transportation. The district shall put in place any needed  
6 supports to ensure successful transition to the new school  
7 environment. The court shall send notice of the restriction on  
8 attending the same school as the petitioner to the public or private  
9 school the respondent will attend and to the school the petitioner  
10 attends;

11 (j) Require the respondent to pay the administrative court costs  
12 and service fees, as established by the county or municipality  
13 incurring the expense, and to reimburse the petitioner for costs  
14 incurred in bringing the action, including reasonable attorneys' fees  
15 or limited license legal technician fees when such fees are incurred  
16 by a person licensed and practicing in accordance with state supreme  
17 court admission and practice rule 28, the limited practice rule for  
18 limited license legal technicians. Reasonable attorneys' fees or  
19 limited licensed legal technical fees are mandatory under subsection  
20 (4) of this section. Minors are presumed to be unable to pay. The  
21 parent or legal guardian is responsible for costs unless the parent  
22 or legal guardian demonstrates inability to pay;

23 (k) Restrain the respondent from harassing, following,  
24 monitoring, keeping under physical or electronic surveillance, cyber  
25 harassment as defined in RCW 9A.90.120, and using telephonic,  
26 audiovisual, or other electronic means to monitor the actions,  
27 location, or communication of the petitioner or the petitioner's  
28 family or household members who are minors or other members of the  
29 petitioner's household. For the purposes of this subsection,  
30 "communication" includes both "wire communication" and "electronic  
31 communication" as defined in RCW 9.73.260;

32 (l) Other than for respondents who are minors, require the  
33 respondent to submit to electronic monitoring, including electronic  
34 monitoring with victim notification technology. The order must  
35 specify who shall provide the electronic monitoring services and the  
36 terms under which the monitoring must be performed. The order also  
37 may include a requirement that the respondent pay the costs of the  
38 monitoring. The court shall consider the ability of the respondent to  
39 pay for electronic monitoring;



1 (m) Consider the provisions of RCW 9.41.800, and order the  
2 respondent to surrender, and prohibit the respondent from accessing,  
3 having in (~~his or her~~) the respondent's custody or control,  
4 possessing, purchasing, attempting to purchase or receive, or  
5 receiving, all firearms, dangerous weapons, and any concealed pistol  
6 license, as required in RCW 9.41.800;

7 (n) Order possession and use of essential personal effects. The  
8 court shall list the essential personal effects with sufficient  
9 specificity to make it clear which property is included. Personal  
10 effects may include pets. The court may order that a petitioner be  
11 granted the exclusive custody or control of any pet owned, possessed,  
12 leased, kept, or held by the petitioner, respondent, or minor child  
13 residing with either the petitioner or respondent, and may prohibit  
14 the respondent from interfering with the petitioner's efforts to  
15 obtain the pet. The court may also prohibit the respondent from  
16 knowingly coming within, or knowingly remaining within, a specified  
17 distance of specified locations where the pet is regularly found;

18 (o) Order use of a vehicle;

19 (p) Enter an order restricting the respondent from engaging in  
20 abusive litigation as set forth in chapter 26.51 RCW or in frivolous  
21 filings against the petitioner, making harassing or libelous  
22 communications about the petitioner to third parties, or making false  
23 reports to investigative agencies. A petitioner may request this  
24 relief in the petition or by separate motion. A petitioner may  
25 request this relief by separate motion at any time within five years  
26 of the date the protection order is entered even if the order has  
27 since expired. A stand-alone motion for an order restricting abusive  
28 litigation may be brought by a party who meets the requirements of  
29 chapter 26.51 RCW regardless of whether the party has previously  
30 sought a protection order under this chapter, provided the motion is  
31 made within five years of the date the order that made a finding of  
32 domestic violence was entered. In cases where a finding of domestic  
33 violence was entered pursuant to an order under chapter 26.09, 26.26,  
34 or 26.26A RCW, a motion for an order restricting abusive litigation  
35 may be brought under the family law case or as a stand-alone action  
36 filed under this chapter, when it is not reasonable or practical to  
37 file under the family law case;

38 (q) Restrain the respondent from committing acts of abandonment,  
39 abuse, neglect, or financial exploitation against a vulnerable adult;

1 (r) Require an accounting by the respondent of the disposition of  
2 the vulnerable adult's income or other resources;

3 (s) Restrain the transfer of either the respondent's or  
4 vulnerable adult's property, or both, for a specified period not  
5 exceeding 90 days;

6 (t) Order financial relief and restrain the transfer of jointly  
7 owned assets;

8 (u) Restrain the respondent from possessing or distributing  
9 intimate images, as defined in RCW 9A.86.010, depicting the  
10 petitioner including, but not limited to, requiring the respondent  
11 to: Take down and delete all intimate images and recordings of the  
12 petitioner in the respondent's possession or control; and cease any  
13 and all disclosure of those intimate images. The court may also  
14 inform the respondent that it would be appropriate to ask third  
15 parties in possession or control of the intimate images of this  
16 protection order to take down and delete the intimate images so that  
17 the order may not inadvertently be violated; or

18 (v) Order other relief as it deems necessary for the protection  
19 of the petitioner and other family or household members who are  
20 minors or vulnerable adults for whom the petitioner has sought  
21 protection, including orders or directives to a law enforcement  
22 officer, as allowed under this chapter.

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

26 (3) The court in granting a temporary antiharassment protection  
27 order or a civil antiharassment protection order shall not prohibit  
28 the respondent from exercising constitutionally protected free  
29 speech. Nothing in this section prohibits the petitioner from  
30 utilizing other civil or criminal remedies to restrain conduct or  
31 communications not otherwise constitutionally protected.

32 (4) (a) Except as provided in (b) of this subsection, in issuing a  
33 domestic violence, sexual assault, or stalking protection order on  
34 behalf of a prevailing petitioner, the court must order the  
35 respondent to pay reasonable attorneys' fees or limited license legal  
36 technician fees when such fees are incurred by a person licensed and  
37 practicing in accordance with state supreme court admission and  
38 practice rule 28, the limited practice rule for limited license legal  
39 technicians.

1        (b) If the court finds by a preponderance of the evidence that an  
2 order to pay reasonable attorneys' fees or limited license legal  
3 technician fees would be manifestly unjust or that the respondent is  
4 currently unable to pay the fees and is unlikely to be able to pay  
5 the fees in the future, the court may set the fees at a lower amount,  
6 enter into a payment plan with the respondent, or decline to order  
7 payment of the fees.

8        (5) The court shall not take any of the following actions in  
9 issuing a protection order.

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

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

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

25        ~~((+5))~~ (6) The order shall specify the date the order expires,  
26 if any. For permanent orders, the court shall set the date to expire  
27 99 years from the issuance date. The order shall also state whether  
28 the court issued the protection order following personal service,  
29 service by electronic means, service by mail, or service by  
30 publication, and whether the court has approved service by mail or  
31 publication of an order issued under this section.

32        **Sec. 304.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to  
33 read as follows:

34        (1)(a) Whenever a domestic violence protection order, a sexual  
35 assault protection order, a stalking protection order, or a  
36 vulnerable adult protection order is granted under this chapter, or  
37 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,  
38 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign  
39 protection order as defined in RCW 26.52.020, or there is a Canadian

1 domestic violence protection order as defined in RCW 26.55.010, and  
2 the respondent or person to be restrained knows of the order, a  
3 violation of any of the following provisions of the order is a gross  
4 misdemeanor, except as provided in subsections (4) and (5) of this  
5 section:

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

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

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

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

18 (v) A provision requiring the respondent to submit to electronic  
19 monitoring; or

20 (vi) A provision of a foreign protection order or a Canadian  
21 domestic violence protection order specifically indicating that a  
22 violation will be a crime.

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

25 (i) May require that the respondent submit to electronic  
26 monitoring. The court shall specify who must provide the electronic  
27 monitoring services and the terms under which the monitoring must be  
28 performed. The order also may include a requirement that the  
29 respondent pay the costs of the monitoring. The court shall consider  
30 the ability of the convicted person to pay for electronic monitoring;  
31 and

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

37 (2) A law enforcement officer shall arrest without a warrant and  
38 take into custody a person whom the law enforcement officer has  
39 probable cause to believe has violated a domestic violence protection  
40 order, a sexual assault protection order, a stalking protection

1 order, or a vulnerable adult protection order, or an order issued  
2 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,  
3 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
4 in RCW 26.52.020, or a Canadian domestic violence protection order as  
5 defined in RCW 26.55.010, that restrains the person or excludes the  
6 person from a residence, workplace, school, or day care, or prohibits  
7 the person from knowingly coming within, or knowingly remaining  
8 within, a specified distance of a location, a protected party's  
9 person, or a protected party's vehicle, if the person restrained  
10 knows of the order. Presence of the order in the law enforcement  
11 computer-based criminal intelligence information system is not the  
12 only means of establishing knowledge of the order.

13 (3) A violation of a domestic violence protection order, a sexual  
14 assault protection order, a stalking protection order, or a  
15 vulnerable adult protection order, or an order issued under chapter  
16 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B  
17 RCW, or a valid foreign protection order as defined in RCW 26.52.020,  
18 or a Canadian domestic violence protection order as defined in RCW  
19 26.55.010, shall also constitute contempt of court, and is subject to  
20 the penalties prescribed by law.

21 (4) Any assault that is a violation of a domestic violence  
22 protection order, a sexual assault protection order, a stalking  
23 protection order, or a vulnerable adult protection order, or an order  
24 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,  
25 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
26 in RCW 26.52.020, or a Canadian domestic violence protection order as  
27 defined in RCW 26.55.010, and that does not amount to assault in the  
28 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
29 felony, and any conduct in violation of such an order that is  
30 reckless and creates a substantial risk of death or serious physical  
31 injury to another person is a class C felony.

32 (5) A violation of a domestic violence protection order, a sexual  
33 assault protection order, a stalking protection order, or a  
34 vulnerable adult protection order, or a court order issued under  
35 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or  
36 26.26B RCW, or a valid foreign protection order as defined in RCW  
37 26.52.020, or a Canadian domestic violence protection order as  
38 defined in RCW 26.55.010, is a class C felony if the offender has at  
39 least two previous convictions for violating the provisions of a  
40 domestic violence protection order, a sexual assault protection

1 order, a stalking protection order, or a vulnerable adult protection  
2 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,  
3 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
4 protection order as defined in RCW 26.52.020, or a Canadian domestic  
5 violence protection order as defined in RCW 26.55.010. The previous  
6 convictions may involve the same victim or other victims specifically  
7 protected by the orders the offender violated.

8 (6) (a) A defendant arrested for violating a domestic violence  
9 protection order, sexual assault protection order, stalking  
10 protection order, or vulnerable adult protection order, or an order  
11 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,  
12 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as  
13 defined in RCW 26.52.020, or a Canadian domestic violence protection  
14 order as defined in RCW 26.55.010, is required to appear in person  
15 before a magistrate within one judicial day after the arrest. At the  
16 time of the appearance, the court shall determine the necessity of  
17 imposing a no-contact order or other conditions of pretrial release.

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

25 (7) Upon the filing of an affidavit by the petitioner or any law  
26 enforcement officer alleging that the respondent has violated a  
27 domestic violence protection order, a sexual assault protection  
28 order, a stalking protection order, or a vulnerable adult protection  
29 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,  
30 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
31 protection order as defined in RCW 26.52.020, or a Canadian domestic  
32 violence protection order as defined in RCW 26.55.010, the court may  
33 issue an order to the respondent, requiring the respondent to appear  
34 and show cause within 14 days as to why the respondent should not be  
35 found in contempt of court and punished accordingly. The hearing may  
36 be held in the court of any county or municipality in which the  
37 petitioner or respondent temporarily or permanently resides at the  
38 time of the alleged violation.

39 (8) Appearances required under this section are mandatory and  
40 cannot be waived.

1       **Sec. 305.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to  
2 read as follows:

3       This section applies to modification or termination of domestic  
4 violence protection orders, sexual assault protection orders,  
5 stalking protection orders, and antiharassment protection orders.

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

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

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

27       (a) Acts of domestic violence, in cases involving domestic  
28 violence protection orders;

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

31       (c) Acts of stalking, in cases involving stalking protection  
32 orders; or

33       (d) Acts of unlawful harassment, in cases involving  
34 antiharassment protection orders.

35       The petitioner bears no burden of proving that (~~he or she~~) the  
36 petitioner has a current reasonable fear of harm by the respondent.

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

1 (a) Whether the respondent has committed or threatened sexual  
2 assault, domestic violence, stalking, or other harmful acts against  
3 the petitioner or any other person since the protection order was  
4 entered;

5 (b) Whether the respondent has violated the terms of the  
6 protection order and the time that has passed since the entry of the  
7 order;

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

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

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

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

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

21 (h) Other factors relating to a substantial change in  
22 circumstances.

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

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

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

36 (8) If a person who is protected by a protection order has a  
37 child or adopts a child after a protection order has been issued, but  
38 before the protection order has expired, the petitioner may seek to  
39 include the new child in the order of protection on an ex parte basis  
40 if the child is already in the physical custody of the petitioner. If



1 the restrained person is the legal or biological parent of the child,  
2 a hearing must be set and notice given to the restrained person prior  
3 to final modification of the full protection order.

4 (9) ~~((A court may))~~ (a) (i) Except as provided in (a) (ii) of this  
5 subsection, a court must require the respondent to pay the petitioner  
6 for costs incurred in responding to a motion to modify or terminate a  
7 domestic violence, sexual assault, or stalking protection order,  
8 including reasonable attorneys' fees.

9 (ii) If the court finds by a preponderance of the evidence that  
10 an order to pay costs would be manifestly unjust or that the  
11 respondent is currently unable to pay the costs and is unlikely to be  
12 able to pay the costs in the future, the court may set the costs at a  
13 lower amount, enter into a payment plan with the respondent, or  
14 decline to order payment of the costs.

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

18 NEW SECTION. Sec. 306. A new section is added to chapter 7.105  
19 RCW to read as follows:

20 (1) Because of the potential for error in protection order  
21 proceedings and the danger associated with firearm access in domestic  
22 violence situations, in any proceeding in which the court enters a  
23 temporary protection order that includes a temporary order to  
24 surrender and prohibit weapons, and after the hearing the court  
25 denies the petition for a full protection order, the order to  
26 surrender and prohibit weapons must remain in effect until the period  
27 for a petitioner to file a motion for reconsideration or revision has  
28 passed. If a motion for reconsideration or revision is filed, the  
29 order to surrender and prohibit weapons must remain in effect until  
30 the motion for reconsideration or revision is resolved.

31 (2) The court must notify the petitioner verbally and provide the  
32 petitioner with written information at the hearing in which the court  
33 denies the petition for a full protection order explaining the  
34 procedures and timelines for filing a motion for reconsideration or a  
35 motion for revision. The information must also include contact  
36 information for civil legal aid organizations that may assist the  
37 petitioner with a motion for reconsideration or a motion for  
38 revision.

1 (3) Subsection (1) of this section does not apply if allowing the  
2 order to surrender and prohibit weapons to remain in effect would be  
3 manifestly unjust including, but not limited to, situations where the  
4 court finds the temporary protection order was entirely without  
5 merit, the petitioner was engaged in abusive use of litigation, or  
6 the petitioner was exerting coercive control, as defined in RCW  
7 7.105.010, over the respondent.

8 **Part IV. Domestic Violence Protections**

9 **Sec. 401.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to  
10 read as follows:

11 (1) All training relating to the handling of domestic violence  
12 complaints by law enforcement officers must stress enforcement of  
13 criminal laws in domestic situations, availability of community  
14 resources, and protection of the victim. Law enforcement agencies and  
15 community organizations with expertise in the issue of domestic  
16 violence shall cooperate in all aspects of such training.

17 (2) The criminal justice training commission shall implement by  
18 July 28, 2019, a course of instruction for the training of law  
19 enforcement officers in Washington in the handling of domestic  
20 violence complaints. The basic law enforcement curriculum of the  
21 criminal justice training commission must include at least twenty  
22 hours of basic training instruction on the law enforcement response  
23 to domestic violence. The course of instruction, the learning and  
24 performance objectives, and the standards for the training must be  
25 developed by the commission and focus on enforcing the criminal laws,  
26 safety of the victim, and holding the perpetrator accountable for the  
27 violence. The curriculum must include training on the extent and  
28 prevalence of domestic violence, the importance of criminal justice  
29 intervention, techniques for responding to incidents that minimize  
30 the likelihood of officer injury and that promote victim safety,  
31 trauma-informed investigation and interviewing skills, evidence  
32 gathering and report writing, assistance to and services for victims  
33 and children, domestic violence homicide prevention, the intersection  
34 of firearms and domestic violence, best practices for serving and  
35 enforcing protection orders, best practices for implementation and  
36 enforcement of orders to surrender and prohibit weapons and extreme  
37 risk protection orders, the impacts that trauma may have on domestic  
38 violence victims, understanding the risks of traumatic brain injury

1 posed by domestic violence, verification and enforcement of court  
2 orders, liability, and any additional provisions that are necessary  
3 to carry out the intention of this subsection.

4 (3) The criminal justice training commission shall develop and  
5 update annually an in-service training program to familiarize law  
6 enforcement officers with domestic violence laws. The program must  
7 include techniques for handling incidents of domestic violence that  
8 minimize the likelihood of injury to the officer and that promote the  
9 safety of all parties. The program must also include training on  
10 domestic violence homicide prevention, the intersection of firearms  
11 and domestic violence, best practices for serving and enforcing  
12 protection orders, and assistance to and services for victims and  
13 children. The commission shall make the training program available to  
14 all law enforcement agencies in the state.

15 (4) Development of the training in subsections (2) and (3) of  
16 this section must be conducted in conjunction with agencies having a  
17 primary responsibility for serving victims of domestic violence with  
18 emergency shelter and other services, and representatives to the  
19 statewide organization providing training and education to these  
20 organizations and to the general public.

21 **Sec. 402.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to  
22 read as follows:

23 (1) Because of the serious nature of domestic violence, the court  
24 in domestic violence actions:

25 (a) Shall not dismiss any charge or delay disposition because of  
26 concurrent dissolution or other civil proceedings;

27 (b) Shall not require proof that either party is seeking a  
28 dissolution of marriage prior to instigation of criminal proceedings;

29 (c) Shall waive any requirement that the victim's location be  
30 disclosed to any person, other than the attorney of a criminal  
31 defendant, upon a showing that there is a possibility of further  
32 violence: PROVIDED, That the court may order a criminal defense  
33 attorney not to disclose to his or her client the victim's location;  
34 and

35 (d) Shall identify by any reasonable means on docket sheets those  
36 criminal actions arising from acts of domestic violence; and

37 (e) Shall not deny issuance of a no-contact order based on the  
38 existence of an applicable civil protection order preventing the  
39 defendant from contacting the victim.

1           (2) (a) Because of the likelihood of repeated violence directed at  
2 those who have been victims of domestic violence in the past, when  
3 any person charged with or arrested for a crime involving domestic  
4 violence is released from custody before arraignment or trial on bail  
5 or personal recognizance, the court authorizing the release may  
6 prohibit that person from having any contact with the victim. The  
7 jurisdiction authorizing the release shall determine whether that  
8 person should be prohibited from having any contact with the victim.  
9 If there is no outstanding restraining or protective order  
10 prohibiting that person from having contact with the victim, the  
11 court authorizing release may issue, by telephone, a no-contact order  
12 prohibiting the person charged or arrested from having contact with  
13 the victim or from knowingly coming within, or knowingly remaining  
14 within, a specified distance of a location.

15           (b) In issuing the order, the court shall consider the provisions  
16 of RCW 9.41.800, and shall order the defendant to surrender, and  
17 prohibit the person from possessing, all firearms, dangerous weapons,  
18 and any concealed pistol license as required in RCW 9.41.800.

19           (c) The no-contact order shall also be issued in writing as soon  
20 as possible, and shall state that it may be extended as provided in  
21 subsection (3) of this section. By January 1, 2011, the  
22 administrative office of the courts shall develop a pattern form for  
23 all no-contact orders issued under this chapter. A no-contact order  
24 issued under this chapter must substantially comply with the pattern  
25 form developed by the administrative office of the courts.

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

32           (b) In issuing the order, the court shall consider all  
33 information documented in the incident report concerning the person's  
34 possession of and access to firearms and whether law enforcement took  
35 temporary custody of firearms at the time of the arrest. The court  
36 may as a condition of release prohibit the defendant from possessing  
37 or accessing firearms and order the defendant to immediately  
38 surrender all firearms and any concealed pistol license to a law  
39 enforcement agency upon release.

1 (c) If a no-contact order is issued or extended, the court may  
2 also include in the conditions of release a requirement that the  
3 defendant submit to electronic monitoring as defined in RCW  
4 9.94A.030. If electronic monitoring is ordered, the court shall  
5 specify who shall provide the monitoring services, and the terms  
6 under which the monitoring shall be performed. Upon conviction, the  
7 court may require as a condition of the sentence that the defendant  
8 (~~reimburse the providing agency for~~) pay the costs of the  
9 electronic monitoring. If a defendant enters into a deferred  
10 prosecution or stipulated order of continuance, the applicable order  
11 or agreement may require the defendant pay the costs of the  
12 electronic monitoring.

13 (4) (a) Willful violation of a court order issued under subsection  
14 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

15 (b) The written order releasing the person charged or arrested  
16 shall contain the court's directives and shall bear the legend:  
17 "Violation of this order is a criminal offense under chapter 7.105  
18 RCW and will subject a violator to arrest; any assault, drive-by  
19 shooting, or reckless endangerment that is a violation of this order  
20 is a felony. You can be arrested even if any person protected by the  
21 order invites or allows you to violate the order's prohibitions. You  
22 have the sole responsibility to avoid or refrain from violating the  
23 order's provisions. Only the court can change the order."

24 (c) A certified copy of the order shall be provided to the  
25 victim.

26 (5) If a no-contact order has been issued prior to charging, that  
27 order shall expire at arraignment or within seventy-two hours if  
28 charges are not filed.

29 (6) Whenever a no-contact order is issued, modified, or  
30 terminated under subsection (2) or (3) of this section, the clerk of  
31 the court shall forward a copy of the order on or before the next  
32 judicial day to the appropriate law enforcement agency specified in  
33 the order. Upon receipt of the copy of the order the law enforcement  
34 agency shall enter the order for one year or until the expiration  
35 date specified on the order into any computer-based criminal  
36 intelligence information system available in this state used by law  
37 enforcement agencies to list outstanding warrants. Entry into the  
38 computer-based criminal intelligence information system constitutes  
39 notice to all law enforcement agencies of the existence of the order.  
40 The order is fully enforceable in any jurisdiction in the state. Upon

1 receipt of notice that an order has been terminated under subsection  
2 (3) of this section, the law enforcement agency shall remove the  
3 order from the computer-based criminal intelligence information  
4 system.

5 (7) All courts shall develop policies and procedures by January  
6 1, 2011, to grant victims a process to modify or rescind a no-contact  
7 order issued under this chapter. The administrative office of the  
8 courts shall develop a model policy to assist the courts in  
9 implementing the requirements of this subsection.

## 10 **Part V. Firearms and Dangerous Weapons**

11 **Sec. 501.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to  
12 read as follows:

13 (1) (a) Each law enforcement agency shall develop a notification  
14 protocol that ~~((allows))~~ :

15 (i) Allows a family or household member or intimate partner to  
16 use an incident or case number to request to be notified when a law  
17 enforcement agency returns a privately owned firearm to the  
18 individual from whom it was obtained or to an authorized  
19 representative of that person; and

20 (ii) Requires, once the portal created under section 804 of this  
21 act is available, immediate law enforcement entry in a portal created  
22 and maintained by the Washington association of sheriffs and police  
23 chiefs with the intended purpose to provide timely and accurate  
24 information to the statewide automated protected person notification  
25 system created under RCW 36.28A.410 when a law enforcement agency  
26 returns a privately owned firearm to any respondent identified in a  
27 no-contact order, restraining order, or protection order.

28 ~~((a))~~ (b) (i) Notification may be made via telephone, email,  
29 text message, or another method that allows notification to be  
30 provided without unnecessary delay.

31 ~~((b))~~ (ii) If a law enforcement agency is in possession of more  
32 than one privately owned firearm from ~~((a single person))~~ an  
33 individual, notification relating to the return of one firearm shall  
34 be considered notification for all privately owned firearms for that  
35 person.

36 (2) A law enforcement agency shall not provide notification to  
37 any party other than ~~((a family or household member or intimate~~  
38 ~~partner who has an incident or case number and who has requested to~~

1 ~~be notified pursuant to this section or~~) another criminal justice  
2 agency or as authorized or required under subsection (1) of this  
3 section.

4 (3) The information provided by a family or household member or  
5 intimate partner pursuant to chapter 130, Laws of 2015, including the  
6 existence of the request for notification, is not subject to public  
7 disclosure pursuant to chapter 42.56 RCW.

8 (4) An appointed or elected official, public employee, or public  
9 agency as defined in RCW 4.24.470, or combination of units of local  
10 government and its employees, as provided in RCW 36.28A.010, are  
11 immune from civil liability for damages for any release of  
12 information or the failure to release information related to this  
13 section, so long as the release or failure was without gross  
14 negligence.

15 (5) An individual who knowingly makes a request for notification  
16 under this section based on false information may be held liable  
17 under RCW 9A.76.175.

18 **Sec. 502.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to  
19 read as follows:

20 (1) Before a law enforcement agency returns a privately owned  
21 firearm, the law enforcement agency must:

22 (a) Confirm that the individual to whom the firearm will be  
23 returned is the individual from whom the firearm was obtained or an  
24 authorized representative of that person;

25 (b) Confirm that the individual to whom the firearm will be  
26 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

27 (c) Ensure that the firearm is not otherwise required to be held  
28 in custody or otherwise prohibited from being released; ~~((and))~~

29 (d) Ensure that twenty-four hours have elapsed from the time the  
30 firearm was obtained by law enforcement, unless the firearm was  
31 seized in connection with a domestic violence call pursuant to RCW  
32 10.99.030, in which case the law enforcement agency must ensure that  
33 five business days have elapsed from the time the firearm was  
34 obtained;

35 (e) If a family or household member or intimate partner has  
36 requested notification, provide notice to the family or household  
37 member or intimate partner who has requested notification within one  
38 business day of verifying that the requirements in (a) through (c) of  
39 this subsection have been met; and

1 (f) Once the portal created under section 804 of this act is  
2 available, immediately enter in the portal created and maintained by  
3 the Washington association of sheriffs and police chiefs with the  
4 intended purpose to provide timely and accurate information to the  
5 statewide automated protected person notification system created  
6 under RCW 36.28A.410, when any respondent identified in a no-contact  
7 order, restraining order, or protection order has met the  
8 requirements in (a) through (c) of this subsection. Law enforcement  
9 must provide the respondent's name, date of birth, protective order  
10 number, and date the respondent is eligible to have the respondent's  
11 firearms returned.

12 (2) (a) Once the requirements in subsections (1) and (3) of this  
13 section have been met, a law enforcement agency must release a  
14 firearm to the individual from whom it was obtained or an authorized  
15 representative of that person upon request without unnecessary delay.

16 (b) (i) If a firearm cannot be returned because it is required to  
17 be held in custody or is otherwise prohibited from being released, a  
18 law enforcement agency must provide written notice to the individual  
19 from whom it was obtained within five business days of the individual  
20 requesting return of ~~((his or her))~~ the firearm and specify the  
21 reason the firearm must be held in custody.

22 (ii) Notification may be made via email, text message, mail  
23 service, or personal service. For methods other than personal  
24 service, service shall be considered complete once the notification  
25 is sent.

26 (3) ~~If ((a family or household member or intimate partner has~~  
27 ~~requested to be notified pursuant to RCW 9.41.340))~~ notification is  
28 required under subsections (1)(e) or (f) of this section, a law  
29 enforcement agency must ~~((~~

30 ~~(a) Provide notice to the family or household member or intimate~~  
31 ~~partner within one business day of verifying that the requirements in~~  
32 ~~subsection (1) of this section have been met; and~~

33 ~~(b) Hold~~) hold the firearm in custody for seventy-two hours from  
34 the time notification has been provided or information has been  
35 entered.

36 (4) (a) A law enforcement agency may not return a concealed pistol  
37 license that has been surrendered to, or impounded by, the law  
38 enforcement agency for any reason to the licensee until the law  
39 enforcement agency determines the licensee is eligible to possess a



1 firearm under state and federal law and meets the other eligibility  
2 requirements for a concealed pistol license under RCW 9.41.070.

3 (b) A law enforcement agency must release a concealed pistol  
4 license to the licensee without unnecessary delay, and in no case  
5 longer than five business days, after the law enforcement agency  
6 determines the requirements of (a) of this subsection have been met.

7 (5) The provisions of chapter 130, Laws of 2015 and subsection  
8 (4) of this section shall not apply to circumstances where a law  
9 enforcement officer has momentarily obtained a firearm or concealed  
10 pistol license from an individual and would otherwise immediately  
11 return the firearm or concealed pistol license to the individual  
12 during the same interaction.

13 **Sec. 503.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to  
14 read as follows:

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

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

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

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

26 (4) Upon the sworn statement or testimony of the petitioner or of  
27 any law enforcement officer alleging that the respondent has failed  
28 to comply with the surrender of firearms or dangerous weapons as  
29 required by an order issued under RCW 9.41.800 or 10.99.100, the  
30 court shall determine whether probable cause exists to believe that  
31 the respondent has failed to surrender all firearms and dangerous  
32 weapons in their possession, custody, or control. If probable cause  
33 exists that a crime occurred, the court shall issue a warrant  
34 describing the firearms or dangerous weapons and authorizing a search  
35 of the locations where the firearms and dangerous weapons are  
36 reasonably believed to be and the seizure of all firearms and  
37 dangerous weapons discovered pursuant to such search.

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

1 lawful owner of the firearm or dangerous weapon, the firearm or  
2 dangerous weapon shall be returned to the lawful owner, provided  
3 that:

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

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

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

13 (6) Courts shall develop procedures to verify timely and complete  
14 compliance with orders to surrender and prohibit weapons under RCW  
15 9.41.800 or 10.99.100, including compliance review hearings to be  
16 held as soon as possible upon receipt from law enforcement of proof  
17 of service. A compliance review hearing is not required if the court  
18 can otherwise enter findings on the record or enter written findings  
19 that the proof of surrender or declaration of nonsurrender attested  
20 to by the person subject to the order, along with verification from  
21 law enforcement and any other relevant evidence, makes a sufficient  
22 showing that the person has timely and completely surrendered all  
23 firearms and dangerous weapons in the person's custody, control, or  
24 possession, and any concealed pistol license issued under RCW  
25 9.41.070, to a law enforcement agency. If the court does not have a  
26 sufficient record before it on which to make such a finding, the  
27 court must set a review hearing to occur as soon as possible at which  
28 the respondent must be present and provide proof of compliance with  
29 the court's order. Courts shall make available forms that petitioners  
30 may complete and submit to the court in response to a respondent's  
31 declaration of whether the respondent has surrendered weapons.

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

1 prosecutor, city attorney, or the petitioner's counsel, and issue an  
2 order requiring the respondent to appear, provide proof of compliance  
3 with the order, and show cause why the respondent should not be held  
4 in contempt of court.

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

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

21 (d) (i) At the show cause hearing, the respondent must be present  
22 and provide proof of compliance with the underlying court order to  
23 surrender and prohibit weapons and demonstrate why the relief  
24 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 and other  
31 dangerous weapons surrendered by the respondent or otherwise  
32 belonging to the respondent that are in the possession of the law  
33 enforcement agency; and

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

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

1 belief to the court, and may do so through the filing of a  
2 declaration.

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 surrender and prohibit weapons to pay for any losses  
8 incurred by a party in connection with the contempt proceeding,  
9 including reasonable attorneys' fees, service fees, and other costs.  
10 The costs of the proceeding shall not 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 or submit written information at any hearing that  
16 concerns compliance with an order to surrender and prohibit weapons  
17 issued in connection with another type of protection order.

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

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

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

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

1 firearm or concealed pistol license to the owner or individual from  
2 whom it was obtained.

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

11 **Sec. 504.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to  
12 read as follows:

13 ((A)) (1) Except as provided in subsection (2) of this section, a  
14 party ordered to surrender firearms, dangerous weapons, and ((his or  
15 her)) the party's concealed pistol license under RCW 9.41.800 must  
16 file with the clerk of the court a proof of surrender and receipt  
17 form or a declaration of nonsurrender form within five judicial days  
18 of the entry of the order.

19 (2) A person ordered to surrender firearms or dangerous weapons  
20 under RCW 10.99.100 must file with the clerk of the court a proof of  
21 surrender and receipt form or a declaration of nonsurrender form  
22 before the defendant is released from any term of confinement, or, if  
23 the defendant is not sentenced to a term of confinement, before the  
24 conclusion of the hearing regarding the entry of the order.

25 **Sec. 505.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to  
26 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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



1 which the respondent must be present and provide proof of compliance  
2 with the court's order.

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

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

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

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

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

37 (A) Provide the court with a complete list of firearms  
38 surrendered by the respondent or otherwise belonging to the  
39 respondent that are in the possession of the law enforcement agency;  
40 and

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

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

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

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

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

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

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

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

38 (10) All law enforcement agencies must develop and implement  
39 policies and procedures regarding the acceptance, storage, and return  
40 of firearms required to be surrendered under this chapter. Any

1 surrendered firearms must be handled and stored properly to prevent  
2 damage or degradation in appearance or function, and the condition of  
3 the surrendered firearms documented, including by digital photograph.  
4 A law enforcement agency holding any surrendered firearm or concealed  
5 pistol license shall comply with the provisions of RCW 9.41.340 and  
6 9.41.345 before the return of the firearm or concealed pistol license  
7 to the owner or individual from whom it was obtained.

8 **Sec. 506.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to  
9 read as follows:

10 The judicial officer in any felony, misdemeanor, or gross  
11 misdemeanor case must, in determining whether there are conditions of  
12 release that will reasonably assure the safety of any other person  
13 and the community, take into account the available information  
14 concerning:

15 (1) The nature and circumstances of the offense charged,  
16 including whether the offense is a crime of violence;

17 (2) The weight of the evidence against the defendant; and

18 (3) The history and characteristics of the defendant, including:

19 (a) The ~~((person's))~~ defendant's character, physical and mental  
20 condition, family ties, employment, financial resources, length of  
21 residence in the community, community ties, past conduct, history  
22 relating to drug or alcohol abuse, criminal history, and record  
23 concerning appearance at court proceedings;

24 (b) Whether, at the time of the current offense or arrest, the  
25 defendant was on community supervision, probation, parole, or on  
26 other release pending trial, sentencing, appeal, or completion of  
27 sentence for an offense under federal, state, or local law; ~~((and))~~

28 (c) The nature and seriousness of the danger to any person or the  
29 community that would be posed by the defendant's release; and

30 (d) The defendant's firearms history, including purchase history,  
31 any concealed pistol license history, and the requirements of RCW  
32 9.41.800 regarding issuance of an order to surrender and prohibit  
33 weapons.

## 34 **Part VI. Residential Protections**

35 **Sec. 601.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to  
36 read as follows:

1 (1) (a) An adult person, a parent or guardian acting on behalf of  
2 a minor, or a guardian acting on behalf of an incapacitated person,  
3 (~~as defined in RCW 11.88.010,~~) (b) any election official as  
4 described in RCW 9A.90.120 who is a target for threats or harassment  
5 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~  
6 ~~members~~) person residing with (~~him or her~~) them, and (c) any  
7 criminal justice participant as defined in RCW 9A.46.020 who is a  
8 target for threats or harassment prohibited under RCW 9A.46.020(2)(b)  
9 (iii) or (iv) and any criminal justice participant as defined in RCW  
10 9A.90.120 who is a target for threats or harassment prohibited under  
11 RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family members~~) person  
12 residing with (~~him or her~~) them, may apply to the secretary of  
13 state to have an address designated by the secretary of state serve  
14 as the person's address or the address of the minor or incapacitated  
15 person. The secretary of state shall approve an application if it is  
16 filed in the manner and on the form prescribed by the secretary of  
17 state and if it contains:

18 (i) A sworn statement, under penalty of perjury, by the applicant  
19 that the applicant has good reason to believe (A) that the applicant,  
20 or the minor or incapacitated person on whose behalf the application  
21 is made, is a victim of domestic violence, sexual assault,  
22 trafficking, or stalking and that the applicant fears for (~~his or~~  
23 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's  
24 children's safety, or the safety of the minor or incapacitated person  
25 on whose behalf the application is made(~~+~~) (B) that the applicant,  
26 as an election official as described in RCW 9A.90.120, is a target  
27 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)  
28 or (iv); or (C) that the applicant, as a criminal justice participant  
29 as defined in RCW 9A.46.020, is a target for threats or harassment  
30 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the  
31 applicant, as a criminal justice participant as defined in RCW  
32 9A.90.120 is a target for threats or harassment prohibited under RCW  
33 9A.90.120(2)(b) (iii) or (iv);

34 (ii) If applicable, a sworn statement, under penalty of perjury,  
35 by the applicant, that the applicant has reason to believe they are a  
36 victim of (A) domestic violence, sexual assault, or stalking  
37 perpetrated by an employee of a law enforcement agency, or(~~+~~) (B)  
38 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
39 (iv) or 9A.46.020(2)(b) (iii) or (iv);

1 (iii) A designation of the secretary of state as agent for  
2 purposes of service of process and for the purpose of receipt of  
3 mail;

4 (iv) The residential address and any telephone number where the  
5 applicant can be contacted by the secretary of state, which shall not  
6 be disclosed because disclosure will increase the risk of (A)  
7 domestic violence, sexual assault, trafficking, or stalking, or (B)  
8 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
9 (iv) or 9A.46.020(2)(b) (iii) or (iv);

10 (v) The signature of the applicant and of any individual or  
11 representative of any office designated in writing under RCW  
12 40.24.080 who assisted in the preparation of the application, and the  
13 date on which the applicant signed the application.

14 (2) Applications shall be filed with the office of the secretary  
15 of state.

16 (3) Upon filing a properly completed application, the secretary  
17 of state shall certify the applicant as a program participant.  
18 Applicants shall be certified for four years following the date of  
19 filing unless the certification is withdrawn or invalidated before  
20 that date. The secretary of state shall by rule establish a renewal  
21 procedure.

22 (4)(a) During the application process, the secretary of state  
23 shall provide each applicant a form to direct the department of  
24 licensing to change the address of registration for vehicles or  
25 vessels solely or jointly registered to the applicant and the address  
26 associated with the applicant's driver's license or identicard to the  
27 applicant's address as designated by the secretary of state upon  
28 certification in the program. The directive to the department of  
29 licensing is only valid if signed by the applicant. The directive may  
30 only include information required by the department of licensing to  
31 verify the applicant's identity and ownership information for  
32 vehicles and vessels. This information is limited to the:

33 (i) Applicant's full legal name;

34 (ii) Applicant's Washington driver's license or identicard  
35 number;

36 (iii) Applicant's date of birth;

37 (iv) Vehicle identification number and license plate number for  
38 each vehicle solely or jointly registered to the applicant; and

1 (v) Hull identification number or vessel document number and  
2 vessel decal number for each vessel solely or jointly registered to  
3 the applicant.

4 (b) Upon certification of the applicants, the secretary of state  
5 shall transmit completed and signed directives to the department of  
6 licensing.

7 (c) Within 30 days of receiving a completed and signed directive,  
8 the department of licensing shall update the applicant's address on  
9 registration and licensing records.

10 (d) Applicants are not required to sign the directive to the  
11 department of licensing to be certified as a program participant.

12 (5) A person who knowingly provides false or incorrect  
13 information upon making an application or falsely attests in an  
14 application that disclosure of the applicant's address would endanger

15 (a) the applicant's safety or the safety of the applicant's children  
16 or the minor or incapacitated person on whose behalf the application  
17 is made, (b) the safety of any election official as described in RCW  
18 9A.90.120 who is a target for threats or harassment prohibited under  
19 RCW 9A.90.120(2)(b)(iii) or (iv), or (c) the safety of any criminal  
20 justice participant as defined in RCW 9A.46.020 who is a target for  
21 threats or harassment prohibited under RCW 9A.46.020(2)(b)(iii) or  
22 (iv) or of any criminal justice participant as defined in RCW  
23 9A.90.120 who is a target for threats or harassment prohibited under  
24 RCW 9A.90.120(2)(b)(iii) or (iv), or any family members residing  
25 with (~~him or her~~) them, shall be punished under RCW 40.16.030 or  
26 other applicable statutes.

27 **Sec. 602.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to  
28 read as follows:

29 (1) The statement of financial affairs required by RCW 42.17A.700  
30 shall disclose the following information for the reporting individual  
31 and each member of the reporting individual's immediate family:

32 (a) Occupation, name of employer, and business address;

33 (b) Each bank account, savings account, and insurance policy in  
34 which a direct financial interest was held that exceeds twenty  
35 thousand dollars at any time during the reporting period; each other  
36 item of intangible personal property in which a direct financial  
37 interest was held that exceeds two thousand dollars during the  
38 reporting period; the name, address, and nature of the entity; and

1 the nature and highest value of each direct financial interest during  
2 the reporting period;

3 (c) The name and address of each creditor to whom the value of  
4 two thousand dollars or more was owed; the original amount of each  
5 debt to each creditor; the amount of each debt owed to each creditor  
6 as of the date of filing; the terms of repayment of each debt; and  
7 the security given, if any, for each such debt. Debts arising from a  
8 "retail installment transaction" as defined in chapter 63.14 RCW  
9 (retail installment sales act) need not be reported;

10 (d) Every public or private office, directorship, and position  
11 held as trustee; except that an elected official or executive state  
12 officer need not report the elected official's or executive state  
13 officer's service on a governmental board, commission, association,  
14 or functional equivalent, when such service is part of the elected  
15 official's or executive state officer's official duties;

16 (e) All persons for whom any legislation, rule, rate, or standard  
17 has been prepared, promoted, or opposed for current or deferred  
18 compensation. For the purposes of this subsection, "compensation"  
19 does not include payments made to the person reporting by the  
20 governmental entity for which the person serves as an elected  
21 official or state executive officer or professional staff member for  
22 the person's service in office; the description of such actual or  
23 proposed legislation, rules, rates, or standards; and the amount of  
24 current or deferred compensation paid or promised to be paid;

25 (f) The name and address of each governmental entity,  
26 corporation, partnership, joint venture, sole proprietorship,  
27 association, union, or other business or commercial entity from whom  
28 compensation has been received in any form of a total value of two  
29 thousand dollars or more; the value of the compensation; and the  
30 consideration given or performed in exchange for the compensation;

31 (g) The name of any corporation, partnership, joint venture,  
32 association, union, or other entity in which is held any office,  
33 directorship, or any general partnership interest, or an ownership  
34 interest of ten percent or more; the name or title of that office,  
35 directorship, or partnership; the nature of ownership interest; and:

36 (i) With respect to a governmental unit in which the official seeks  
37 or holds any office or position, if the entity has received  
38 compensation in any form during the preceding twelve months from the  
39 governmental unit, the value of the compensation and the  
40 consideration given or performed in exchange for the compensation;

1 and (ii) the name of each governmental unit, corporation,  
2 partnership, joint venture, sole proprietorship, association, union,  
3 or other business or commercial entity from which the entity has  
4 received compensation in any form in the amount of ten thousand  
5 dollars or more during the preceding twelve months and the  
6 consideration given or performed in exchange for the compensation. As  
7 used in (g) (ii) of this subsection, "compensation" does not include  
8 payment for water and other utility services at rates approved by the  
9 Washington state utilities and transportation commission or the  
10 legislative authority of the public entity providing the service.  
11 With respect to any bank or commercial lending institution in which  
12 is held any office, directorship, partnership interest, or ownership  
13 interest, it shall only be necessary to report either the name,  
14 address, and occupation of every director and officer of the bank or  
15 commercial lending institution and the average monthly balance of  
16 each account held during the preceding twelve months by the bank or  
17 commercial lending institution from the governmental entity for which  
18 the individual is an official or candidate or professional staff  
19 member, or all interest paid by a borrower on loans from and all  
20 interest paid to a depositor by the bank or commercial lending  
21 institution if the interest exceeds two thousand four hundred  
22 dollars;

23 (h) A list, including legal or other sufficient descriptions as  
24 prescribed by the commission, of all real property in the state of  
25 Washington, the assessed valuation of which exceeds ten thousand  
26 dollars in which any direct financial interest was acquired during  
27 the preceding calendar year, and a statement of the amount and nature  
28 of the financial interest and of the consideration given in exchange  
29 for that interest;

30 (i) A list, including legal or other sufficient descriptions as  
31 prescribed by the commission, of all real property in the state of  
32 Washington, the assessed valuation of which exceeds ten thousand  
33 dollars in which any direct financial interest was divested during  
34 the preceding calendar year, and a statement of the amount and nature  
35 of the consideration received in exchange for that interest, and the  
36 name and address of the person furnishing the consideration;

37 (j) A list, including legal or other sufficient descriptions as  
38 prescribed by the commission, of all real property in the state of  
39 Washington, the assessed valuation of which exceeds ten thousand  
40 dollars in which a direct financial interest was held. If a



1 description of the property has been included in a report previously  
2 filed, the property may be listed, for purposes of this subsection  
3 (1)(j), by reference to the previously filed report;

4 (k) A list, including legal or other sufficient descriptions as  
5 prescribed by the commission, of all real property in the state of  
6 Washington, the assessed valuation of which exceeds twenty thousand  
7 dollars, in which a corporation, partnership, firm, enterprise, or  
8 other entity had a direct financial interest, in which corporation,  
9 partnership, firm, or enterprise a ten percent or greater ownership  
10 interest was held;

11 (l) A list of each occasion, specifying date, donor, and amount,  
12 at which food and beverage in excess of fifty dollars was accepted  
13 under RCW 42.52.150(5);

14 (m) A list of each occasion, specifying date, donor, and amount,  
15 at which items specified in RCW 42.52.010(9) (d) and (f) were  
16 accepted; and

17 (n) Such other information as the commission may deem necessary  
18 in order to properly carry out the purposes and policies of this  
19 chapter, as the commission shall prescribe by rule.

20 (2)(a) When judges, prosecutors, sheriffs, participants in the  
21 address confidentiality program under RCW 40.24.030, or their  
22 immediate family members are required to disclose real property that  
23 is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff,  
24 or address confidentiality program participant, the requirements of  
25 subsection (1)(h) through (k) of this section may be satisfied for  
26 that property by substituting:

27 (i) The city or town;

28 (ii) The type of residence, such as a single-family or  
29 multifamily residence, and the nature of ownership; and

30 (iii) Such other identifying information the commission  
31 prescribes by rule for the mailing address where the property is  
32 located.

33 (b) Nothing in this subsection relieves the judge, prosecutor, or  
34 sheriff of any other applicable obligations to disclose potential  
35 conflicts or to recuse oneself.

36 (3)(a) Where an amount is required to be reported under  
37 subsection (1)(a) through (m) of this section, it may be reported  
38 within a range as provided in (b) of this subsection.

39 (b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

## Part VII. Statewide Resources

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must administer a grant program for establishing a statewide resource prosecutor for domestic violence cases.

(2) The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient must hire a resource prosecutor for the following purposes:

1 (a) To provide technical assistance and research to prosecutors  
2 for prosecuting domestic violence cases;

3 (b) To provide training on implementation and enforcement of  
4 orders to surrender and prohibit weapons, extreme risk protection  
5 orders, first appearances, case resolution, duties regarding recovery  
6 of firearms at the scene of domestic violence incidents, service of  
7 orders to surrender weapons and extreme risk protection orders, and  
8 firearm rights restoration petitions for domestic violence  
9 perpetrators;

10 (c) To provide additional training and resources to prosecutors  
11 to support a trauma-informed, victim-centered approach to prosecuting  
12 domestic violence cases;

13 (d) To meet regularly with law enforcement agencies and  
14 prosecutors to explain legal issues and prosecutorial approaches to  
15 domestic violence cases and provide and receive feedback to improve  
16 case outcomes;

17 (e) To consult with the commission with respect to developing and  
18 implementing best practices for prosecuting domestic violence cases  
19 across the state; and

20 (f) To comply with other requirements established by the  
21 commission under this section.

22 (3) The commission may establish additional appropriate  
23 conditions for any grant awarded under this section. The commission  
24 may adopt necessary policies and procedures to implement and  
25 administer the grant program, including monitoring the use of grant  
26 funds and compliance with the grant requirements.

27 NEW SECTION. **Sec. 702.** A new section is added to chapter 43.330  
28 RCW to read as follows:

29 (1) Subject to the availability of amounts appropriated for this  
30 specific purpose, the department shall administer a pilot program to  
31 implement domestic violence high risk teams. A domestic violence high  
32 risk team must, at a minimum, include the following four elements:

33 (a) Early identification of the most dangerous cases through  
34 evidence-based lethality assessments;

35 (b) Increased access to supportive services for high-risk  
36 victims;

37 (c) Increased perpetrator monitoring and accountability; and

38 (d) A coordinated response to high-risk cases through a  
39 multidisciplinary team.

1 (2) A domestic violence program must be the lead or co-lead of  
2 the domestic violence high risk teams.

3 NEW SECTION. **Sec. 703.** A new section is added to chapter 28B.20  
4 RCW to read as follows:

5 (1) The University of Washington must establish a center of  
6 excellence in domestic violence research, policy, and practice. The  
7 center is created to:

8 (a) Conduct scientifically rigorous intimate partner violence  
9 research that informs policy and practice in Washington and serves as  
10 a national model;

11 (b) Promote a collaborative, multidisciplinary approach to  
12 addressing intimate partner violence, informed by community members  
13 and practitioners;

14 (c) Collaborate with and be informed by survivors and community  
15 and governmental agencies that interact with and provide services to  
16 those affected by intimate partner violence;

17 (d) Disseminate research findings to assist in the development of  
18 evidence-based intimate partner violence policy and practice; and

19 (e) Assist in the support, success, and continued training of  
20 intimate partner violence research scholars.

21 (2) The center must:

22 (a) Establish an advisory council for the center with  
23 representation from relevant disciplines across the University of  
24 Washington, representatives from systems that interact with domestic  
25 violence victims and perpetrators, and intimate partner violence  
26 community groups in order to guide development of the center's  
27 overarching goals and strategic vision. The advisory council will  
28 also assist center leadership and core center faculty in identifying  
29 priority areas of research to best inform intimate partner violence  
30 policy and practice;

31 (b) Award research grants to facilitate timely generation of data  
32 and research results to inform the legislature and others on key  
33 policy or practice-related issues relevant to those affected by  
34 intimate partner violence;

35 (c) Generate an annual report beginning December 1, 2024, on the  
36 state of domestic violence in Washington, including available  
37 prevalence data;

38 (d) Conduct listening sessions with survivors of intimate partner  
39 violence statewide, including survivors in urban and rural areas,

1 black survivors, indigenous survivors, survivors of color, and  
2 survivors who identify as part of the LGBTQ community;

3 (e) Provide presentations and research-informed training to  
4 system actors, including domestic violence victim advocates;

5 (f) Convene an annual statewide domestic violence summit. The  
6 first summit must occur by June 30, 2025;

7 (g) Develop a statewide strategic plan to reduce intimate partner  
8 violence and increase support for victims. The preliminary strategic  
9 plan is due December 1, 2025, and must be updated every five years  
10 thereafter; and

11 (h) Undertake a body of work related to domestic violence  
12 intervention treatment. This must include:

13 (i) Executing a robust, multiyear research study to test the  
14 efficacy of various therapeutic interventions for domestic violence  
15 perpetrators aimed at reducing intimate partner violence, including  
16 intimate terrorism as defined in RCW 10.99.020. Treatment  
17 interventions may vary, but must include internal family systems and  
18 an evidence-based intervention for the treatment of suicidality, such  
19 as the collaborative assessment and management of suicidality or  
20 dialectical behavioral therapy; and

21 (ii) Working with the department of health, domestic violence  
22 intervention treatment providers, insurance carriers, and other  
23 relevant entities in order to formulate a detailed plan that would  
24 facilitate medicaid and commercial insurance reimbursement for  
25 domestic violence intervention treatment in Washington. The plan must  
26 include licensing requirements and provider credentialing necessary  
27 for reimbursement, billing codes, needed changes to law or rule, and  
28 any other relevant information.

## 29 **Part VIII. Law Enforcement**

30 NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101  
31 RCW to read as follows:

32 (1) Subject to the availability of amounts appropriated for this  
33 specific purpose, the commission must provide ongoing specialized,  
34 intensive, and integrative training for persons responsible for  
35 investigating domestic violence cases involving intimate partners.  
36 The training must be based on a victim-centered, trauma-informed  
37 approach to responding to domestic violence. Among other subjects,  
38 the training must include content on the neurobiology of trauma and

1 trauma-informed interviewing, counseling, and investigative  
2 techniques.

3 (2) The training must: Be based on research-based practices and  
4 standards; offer participants an opportunity to practice interview  
5 skills and receive feedback from instructors; minimize the trauma of  
6 all persons who are interviewed during investigations; provide  
7 methods of reducing the number of investigative interviews necessary  
8 whenever possible; assure, to the extent possible, that investigative  
9 interviews are thorough, objective, and complete; recognize needs of  
10 special populations; recognize the nature and consequences of  
11 domestic violence victimization; require investigative interviews to  
12 be conducted in a manner most likely to permit the interviewed  
13 persons the maximum emotional comfort under the circumstances;  
14 address record retention and retrieval; address documentation of  
15 investigative interviews; and educate investigators on the best  
16 practices for notifying victims of significant events in the  
17 investigative process.

18 (3) In developing the training, the commission must seek advice  
19 from the Washington association of sheriffs and police chiefs,  
20 organizations representing victims of domestic violence, and experts  
21 on domestic violence and the neurobiology of trauma. The commission  
22 must consult with the Washington association of prosecuting attorneys  
23 in an effort to design training containing consistent elements for  
24 all professionals engaged in interviewing and interacting with  
25 domestic violence victims in the criminal legal system.

26 (4) The commission must develop the training and begin offering  
27 it by January 1, 2025. Officers assigned to regularly investigate  
28 domestic violence must complete the training within one year of being  
29 assigned or by July 1, 2026, whichever is later.

30 **Sec. 802.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to  
31 read as follows:

32 A police officer having probable cause to believe that a person  
33 has committed or is committing a felony shall have the authority to  
34 arrest the person without a warrant. A police officer may arrest a  
35 person without a warrant for committing a misdemeanor or gross  
36 misdemeanor only when the offense is committed in the presence of an  
37 officer, except as provided in subsections (1) through (11) of this  
38 section.

1 (1) Any police officer having probable cause to believe that a  
2 person has committed or is committing a misdemeanor or gross  
3 misdemeanor, involving physical harm or threats of harm to any person  
4 or property or the unlawful taking of property or involving the use  
5 or possession of cannabis, or involving the acquisition, possession,  
6 or consumption of alcohol by a person under the age of twenty-one  
7 years under RCW 66.44.270, or involving criminal trespass under RCW  
8 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
9 person.

10 (2) A police officer shall arrest and take into custody, pending  
11 release on bail, personal recognizance, or court order, a person  
12 without a warrant when the officer has probable cause to believe  
13 that:

14 (a) A domestic violence protection order, a sexual assault  
15 protection order, a stalking protection order, or a vulnerable adult  
16 protection order has been issued, of which the person has knowledge,  
17 under chapter 7.105 RCW, or an order has been issued, of which the  
18 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,  
19 9A.88, 10.99, 26.09, (~~26.10, 26.107~~) 26.26A, 26.26B, or 74.34 RCW, or any  
20 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the  
21 person and the person has violated the terms of the order restraining  
22 the person from acts or threats of violence, or restraining the  
23 person from going onto the grounds of, or entering, a residence,  
24 workplace, school, or day care, or prohibiting the person from  
25 knowingly coming within, or knowingly remaining within, a specified  
26 distance of a location, a protected party's person, or a protected  
27 party's vehicle, or requiring the person to submit to electronic  
28 monitoring, or, in the case of an order issued under RCW 26.44.063,  
29 imposing any other restrictions or conditions upon the person;

30 (b) An extreme risk protection order has been issued against the  
31 person under chapter 7.105 RCW or former RCW 7.94.040, the person has  
32 knowledge of the order, and the person has violated the terms of the  
33 order prohibiting the person from having in (~~his or her~~) the  
34 person's custody or control, purchasing, possessing, accessing, or  
35 receiving a firearm or concealed pistol license;

36 (c) A foreign protection order, as defined in RCW 26.52.010, or a  
37 Canadian domestic violence protection order, as defined in RCW  
38 26.55.010, has been issued of which the person under restraint has  
39 knowledge and the person under restraint has violated a provision of  
40 the foreign protection order or the Canadian domestic violence

1 protection order prohibiting the person under restraint from  
2 contacting or communicating with another person, or excluding the  
3 person under restraint from a residence, workplace, school, or day  
4 care, or prohibiting the person from knowingly coming within, or  
5 knowingly remaining within, a specified distance of a location, a  
6 protected party's person, or a protected party's vehicle, or a  
7 violation of any provision for which the foreign protection order or  
8 the Canadian domestic violence protection order specifically  
9 indicates that a violation will be a crime; or

10 (d) The person is eighteen years or older and within the  
11 preceding four hours has assaulted a family or household member or  
12 intimate partner as defined in RCW 10.99.020 and the officer  
13 believes: (i) A felonious assault has occurred; (ii) an assault has  
14 occurred which has resulted in bodily injury to the victim, whether  
15 the injury is observable by the responding officer or not; or (iii)  
16 that any physical action has occurred which was intended to cause  
17 another person reasonably to fear imminent serious bodily injury or  
18 death. Bodily injury means physical pain, illness, or an impairment  
19 of physical condition. When the officer has probable cause to believe  
20 that family or household members or intimate partners have assaulted  
21 each other, the officer is not required to arrest both persons. The  
22 officer shall arrest the person whom the officer believes to be the  
23 primary (~~physical~~) aggressor. In making this determination, the  
24 officer shall make every reasonable effort to consider: (A) The  
25 intent to protect victims of domestic violence under RCW 10.99.010;  
26 (B) the comparative extent of injuries inflicted or serious threats  
27 creating fear of physical injury; and (C) the history of domestic  
28 violence of each person involved, including whether the conduct was  
29 part of an ongoing pattern of abuse.

30 (3) Any police officer having probable cause to believe that a  
31 person has committed or is committing a violation of any of the  
32 following traffic laws shall have the authority to arrest the person:

33 (a) RCW 46.52.010, relating to duty on striking an unattended car  
34 or other property;

35 (b) RCW 46.52.020, relating to duty in case of injury to, or  
36 death of, a person or damage to an attended vehicle;

37 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
38 racing of vehicles;

39 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
40 influence of intoxicating liquor or drugs;



1 (e) RCW 46.61.503 or 46.25.110, relating to persons having  
2 alcohol or THC in their system;

3 (f) RCW 46.20.342, relating to driving a motor vehicle while  
4 operator's license is suspended or revoked;

5 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
6 negligent manner.

7 (4) A law enforcement officer investigating at the scene of a  
8 motor vehicle accident may arrest the driver of a motor vehicle  
9 involved in the accident if the officer has probable cause to believe  
10 that the driver has committed, in connection with the accident, a  
11 violation of any traffic law or regulation.

12 (5) (a) A law enforcement officer investigating at the scene of a  
13 motor vessel accident may arrest the operator of a motor vessel  
14 involved in the accident if the officer has probable cause to believe  
15 that the operator has committed, in connection with the accident, a  
16 criminal violation of chapter 79A.60 RCW.

17 (b) A law enforcement officer investigating at the scene of a  
18 motor vessel accident may issue a citation for an infraction to the  
19 operator of a motor vessel involved in the accident if the officer  
20 has probable cause to believe that the operator has committed, in  
21 connection with the accident, a violation of any boating safety law  
22 of chapter 79A.60 RCW.

23 (6) Any police officer having probable cause to believe that a  
24 person has committed or is committing a violation of RCW 79A.60.040  
25 shall have the authority to arrest the person.

26 (7) An officer may act upon the request of a law enforcement  
27 officer, in whose presence a traffic infraction was committed, to  
28 stop, detain, arrest, or issue a notice of traffic infraction to the  
29 driver who is believed to have committed the infraction. The request  
30 by the witnessing officer shall give an officer the authority to take  
31 appropriate action under the laws of the state of Washington.

32 (8) Any police officer having probable cause to believe that a  
33 person has committed or is committing any act of indecent exposure,  
34 as defined in RCW 9A.88.010, may arrest the person.

35 (9) A police officer may arrest and take into custody, pending  
36 release on bail, personal recognizance, or court order, a person  
37 without a warrant when the officer has probable cause to believe that  
38 an antiharassment protection order has been issued of which the  
39 person has knowledge under chapter 7.105 RCW or former chapter 10.14  
40 RCW and the person has violated the terms of that order.

1 (10) Any police officer having probable cause to believe that a  
2 person has, within twenty-four hours of the alleged violation,  
3 committed a violation of RCW 9A.50.020 may arrest such person.

4 (11) A police officer having probable cause to believe that a  
5 person illegally possesses or illegally has possessed a firearm or  
6 other dangerous weapon on private or public elementary or secondary  
7 school premises shall have the authority to arrest the person.

8 For purposes of this subsection, the term "firearm" has the  
9 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has  
10 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

11 (12) A law enforcement officer having probable cause to believe  
12 that a person has committed a violation under RCW 77.15.160(5) may  
13 issue a citation for an infraction to the person in connection with  
14 the violation.

15 (13) A law enforcement officer having probable cause to believe  
16 that a person has committed a criminal violation under RCW 77.15.809  
17 or 77.15.811 may arrest the person in connection with the violation.

18 (14) Except as specifically provided in subsections (2), (3),  
19 (4), and (7) of this section, nothing in this section extends or  
20 otherwise affects the powers of arrest prescribed in Title 46 RCW.

21 (15) No police officer may be held criminally or civilly liable  
22 for making an arrest pursuant to subsection (2) or (9) of this  
23 section if the police officer acts in good faith and without malice.

24 (16)(a) Except as provided in (b) of this subsection, a police  
25 officer shall arrest and keep in custody, until release by a judicial  
26 officer on bail, personal recognizance, or court order, a person  
27 without a warrant when the officer has probable cause to believe that  
28 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
29 local ordinance and the police officer: (i) Has knowledge that the  
30 person has a prior offense as defined in RCW 46.61.5055 within ten  
31 years; or (ii) has knowledge, based on a review of the information  
32 available to the officer at the time of arrest, that the person is  
33 charged with or is awaiting arraignment for an offense that would  
34 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
35 conviction.

36 (b) A police officer is not required to keep in custody a person  
37 under (a) of this subsection if the person requires immediate medical  
38 attention and is admitted to a hospital.

1       **Sec. 803.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended  
2 to read as follows:

3       (1)(a) Subject to the availability of amounts appropriated for  
4 this specific purpose, the Washington association of sheriffs and  
5 police chiefs shall create and operate a statewide automated  
6 protected person notification system to automatically notify a  
7 registered person via the registered person's choice of telephone or  
8 email when a respondent subject to a court order specified in (b) of  
9 this subsection has attempted to purchase or acquire a firearm and  
10 been denied based on a background check or completed and submitted  
11 firearm purchase or transfer application that indicates the  
12 respondent is ineligible to possess a firearm under state or federal  
13 law. The system must permit a person to register for notification, or  
14 a registered person to update the person's registration information,  
15 for the statewide automated protected person notification system by  
16 calling a toll-free telephone number or by accessing a public  
17 website.

18       (b) The notification requirements of this section apply to any  
19 court order issued under chapter 7.105 RCW or former chapter 7.92  
20 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
21 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090,  
22 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign  
23 protection order filed with a Washington court pursuant to chapter  
24 26.52 RCW, and any Canadian domestic violence protection order filed  
25 with a Washington court pursuant to chapter 26.55 RCW, where the  
26 order prohibits the respondent from possessing firearms or where by  
27 operation of law the respondent is ineligible to possess firearms  
28 during the term of the order. The notification requirements of this  
29 section apply even if the respondent has notified the Washington  
30 state patrol that (~~he or she~~) the respondent has appealed a  
31 background check denial under RCW 43.43.823.

32       (c) The statewide automated protected person notification system  
33 must interface with the Washington state patrol, the administrative  
34 office of the courts, and any court not contributing data to the  
35 administrative office of the courts in real time.

36       (2) An appointed or elected official, public employee, or public  
37 agency as defined in RCW 4.24.470, or combination of units of  
38 government and its employees, as provided in RCW 36.28A.010, are  
39 immune from civil liability for damages for any release of  
40 information or the failure to release information related to the

1 statewide automated protected person notification system in this  
2 section, so long as the release or failure to release was without  
3 gross negligence. The immunity provided under this subsection applies  
4 to the release of relevant and necessary information to other public  
5 officials, public employees, or public agencies, and to the general  
6 public.

7 (3) Information and records prepared, owned, used, or retained by  
8 the Washington association of sheriffs and police chiefs pursuant to  
9 chapter 261, Laws of 2017, including information a person submits to  
10 register and participate in the statewide automated protected person  
11 notification system, are exempt from public inspection and copying  
12 under chapter 42.56 RCW.

13 NEW SECTION. **Sec. 804.** A new section is added to chapter 36.28A  
14 RCW to read as follows:

15 Subject to the availability of amounts appropriated for this  
16 specific purpose, the Washington association of sheriffs and police  
17 chiefs must create and maintain an electronic portal for law  
18 enforcement to enter when any respondent identified in a no-contact  
19 order, restraining order, or protection order has met the  
20 requirements in RCW 9.41.345. The portal shall collect the  
21 respondent's name, date of birth, protective order number, and date  
22 the respondent is eligible to have the respondent's firearms  
23 returned.

24 NEW SECTION. **Sec. 805.** A new section is added to chapter 2.56  
25 RCW to read as follows:

26 The administrative office of the courts shall work with the  
27 Washington association of sheriffs and police chiefs to develop and  
28 maintain an interface to the statewide automated victim information  
29 and notification system created under RCW 36.28A.040 and the  
30 statewide automated protected person notification system created  
31 under RCW 36.28A.410 to provide notifications per RCW 36.28A.040,  
32 36.28A.410, and 7.105.105. The interface shall provide updated  
33 information not less than once per hour, 24 hours per day, seven days  
34 per week, without exception.

35 **Part IX. Miscellaneous**

1        NEW SECTION.    **Sec. 901.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 902.**    If specific funding for the purposes of  
6 this act, referencing this act by bill or chapter number, is not  
7 provided by June 30, 2023, in the omnibus appropriations act, this  
8 act is null and void."

9        Correct the title.

EFFECT: Removes all material relating to lethality assessments, including the establishment of the Domestic Violence Lethality Hotline, the creation of a high lethality designation, and provisions in civil and criminal domestic violence proceedings involving the high lethality designation.

Removes the requirement that electronic monitoring with victim notification technology be available for all courts in all jurisdictions in Washington. Removes the requirement that local governments enter into contracts with monitoring agencies. Requires the Administrative Office of the Courts (AOC), instead of the Statewide Resource Prosecutor, to provide training on electronic monitoring with victim notification technology.

Expands the plan on access to counsel to include family law proceedings. Clarifies that the plan applies to those who are unable to afford counsel. Removes the requirement that a list of domestic violence survivor's attorneys be created.

Removes the requirement that a program be created to provide legal support for survivors in tribal courts and instead requires the creation of a plan and implementation schedule. Instead, requires that the plan and implementation schedule be developed in coordination with the Indian Policy Advisory Council and representatives of tribal justice systems.

Removes the requirement that law enforcement attempt to contact a petitioner before or after service of a protection order. Removes the prohibition against the law enforcement information sheet including the petitioner's residential address.

Removes the requirement that the AOC ensure that judicial training is regularly provided and available remotely. Removes the requirement that the AOC notify judicial officers of the training. Instead, requires the AOC to develop training and provide it free of charge to judicial officers.

Removes the requirement that a person arrested for violating a protection order must be kept in custody until released by a judicial officer.

Removes the timelines specified in the bill for motions to reconsider or revise denials of permanent protection orders involving orders to surrender or prohibit weapons.

Removes the new civil cause of action for victims of domestic violence.

Removes the topic of children exposed to violence from mandatory training requirements. Requires training relating to investigation and interviewing skills to be trauma-informed. Requires training

topics to include the impacts that trauma may have on domestic violence victims.

Removes provisions relating to intimate terrorism, including the definitions, training requirements, and criminal protections.

Requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a portal for law enforcement to enter when any respondent identified in a no-contact order, restraining order, or protection order meets the requirements for the return of surrendered firearms. Requires the portal to collect the name, date of birth, protective order number, and date the respondent is eligible to have the firearms returned.

Requires a law enforcement agency to notify, within one business day, an intimate partner, family member, or household member of the return of a firearm if the intimate partner, family member, or household member has requested such notification. Requires, once the WASPC portal is available, immediate entry of the information in the portal.

Requires the AOC to work with the WASPC to develop and maintain an interface to the statewide victim information and notification system and the statewide automated protected person notification system. Requires the notification system to provide updated information no less than once per hour, 24 hours per day, seven days a week, without exception.

Removes provisions authorizing courts to order the search and seizure of firearms and dangerous weapons. Restores current law provisions allowing surrender of firearms to be delayed until 24 hours after a respondent has been served with an order to surrender the firearms. Restores current law provisions authorizing a court not to hold a compliance hearing when there is an alternate showing that the firearms have been surrendered. Authorizes, instead of requires, the issuance of an arrest warrant when a respondent is in non-compliance with an order to surrender firearms.

Restores the current law requirement that a tenant's request to terminate a rental agreement must occur within 90 days of a reported act of domestic violence.

Eliminates the requirement that the Department of Commerce establish at least five high risk teams west of the Cascade Mountains and five high risk teams east of the Cascade Mountains.

Eliminates the requirement that the Department of Commerce establish the Office of the Statewide Domestic Violence Ombuds.

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