

E2SHB 1715 - S AMD 467

By Senator Dhingra

ADOPTED AS AMENDED 04/22/2023

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 2.56
5 RCW to read as follows:

6 (1) Subject to funds appropriated for this specific purpose, by
7 June 1, 2024, the Washington courts' board for judicial
8 administration must develop model standards:

9 (a) Establishing best practices for the operation of electronic
10 monitoring with victim notification technology by monitoring
11 agencies, with the goal of improving victim safety;

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

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

22 (2) In developing the standards required under this section, the
23 Washington courts' board for judicial administration must solicit
24 input from courts of general and limited jurisdiction, local
25 governments, monitoring agencies, and statewide associations
26 representing law enforcement leaders, prosecutors, the department of
27 corrections, domestic violence victims, and domestic violence
28 agencies.

29 (3) Subject to funds appropriated for this specific purpose, the
30 Washington courts' board for judicial administration must develop a
31 model policy on electronic monitoring with victim notification

1 technology based on best practices where the technology is being
2 currently used in Washington. Each law enforcement agency in the
3 state must adopt its own policy based on the model policy.

4 (4) For the purposes of this section:

5 (a) "Electronic monitoring" has the meaning provided in RCW
6 9.94A.030; and

7 (b) "Monitoring agency" has the meaning provided in RCW
8 9.94A.736.

9 **Part II. Civil Proceedings**

10 **Sec. 201.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to
11 read as follows:

12 When service is to be completed under this chapter by a law
13 enforcement officer:

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

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

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

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

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

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

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

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

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

4 **Sec. 202.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to
5 read as follows:

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

21 (2) Subject to funds appropriated for this specific purpose, the
22 administrative office of the courts shall develop training for
23 judicial officers on the topics listed in subsection (1) of this
24 section, which must be provided free of charge to judicial officers.

25 NEW SECTION. **Sec. 203.** A new section is added to chapter 7.105
26 RCW to read as follows:

27 (1) The legislature recognizes the inherent volatility and danger
28 associated with domestic violence, particularly when the court has
29 made a finding that an ex parte order to surrender and prohibit
30 weapons is necessary. The risk of domestic violence homicide is most
31 acute when a victim is ending the relationship and throughout legal
32 proceedings. The presence of a firearm in a domestic violence
33 situation increases the risk of homicide by 11 times. The legislature
34 acknowledges the potential for judicial or administrative error in
35 hearings on full protection orders and the significant consequences
36 that can result from such errors. In recognition of the potential for
37 error, the legislature has previously established in RCW 2.24.050
38 that decisions of court commissioners are subject to revision and the

1 courts have created processes for reconsideration of rulings.
2 Therefore, in any proceeding in which the court enters a temporary
3 protection order that includes a temporary order to surrender and
4 prohibit weapons, and after the hearing the court denies the petition
5 for a full protection order, the order to surrender and prohibit
6 weapons must remain in effect until the period for a petitioner to
7 file a motion for reconsideration or revision has passed. If a motion
8 for reconsideration or revision is filed, the order to surrender and
9 prohibit weapons must remain in effect until the motion for
10 reconsideration or revision is resolved.

11 (2) At the hearing in which the court denies the petition for a
12 full protection order, if the petitioner is present, the court must
13 notify the petitioner verbally of the procedures and timelines for
14 filing a motion for reconsideration or a motion for revision. The
15 court must provide the petitioner with written information explaining
16 the procedures and timelines for filing a motion for reconsideration
17 or a motion for revision. The information must also include contact
18 information for civil legal aid organizations that may assist the
19 petitioner with a motion for reconsideration or a motion for
20 revision.

21 (3) Subsections (1) and (2) of this section do not apply if
22 allowing the order to surrender and prohibit weapons to remain in
23 effect would be manifestly unjust including, but not limited to,
24 situations where the court finds the temporary protection order was
25 entirely without merit, the petitioner was engaged in abusive use of
26 litigation, or the petitioner was exerting coercive control, as
27 defined in RCW 7.105.010, over the respondent.

28 **Part III. Domestic Violence Protections**

29 **Sec. 301.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
30 read as follows:

31 (1) All training relating to the handling of domestic violence
32 complaints by law enforcement officers must stress enforcement of
33 criminal laws in domestic situations, availability of community
34 resources, and protection of the victim. Law enforcement agencies and
35 community organizations with expertise in the issue of domestic
36 violence shall cooperate in all aspects of such training.

37 (2) The criminal justice training commission shall implement by
38 July 28, 2019, a course of instruction for the training of law

1 enforcement officers in Washington in the handling of domestic
2 violence complaints. The basic law enforcement curriculum of the
3 criminal justice training commission must include at least twenty
4 hours of basic training instruction on the law enforcement response
5 to domestic violence. The course of instruction, the learning and
6 performance objectives, and the standards for the training must be
7 developed by the commission and focus on enforcing the criminal laws,
8 safety of the victim, and holding the perpetrator accountable for the
9 violence. The curriculum must include training on the extent and
10 prevalence of domestic violence, the importance of criminal justice
11 intervention, techniques for responding to incidents that minimize
12 the likelihood of officer injury and that promote victim safety,
13 investigation and interviewing skills, evidence gathering and report
14 writing, assistance to and services for victims and children,
15 verification and enforcement of court orders, liability, and any
16 additional provisions that are necessary to carry out the intention
17 of this subsection.

18 (3) The criminal justice training commission shall develop and
19 update annually an in-service training program to familiarize law
20 enforcement officers with domestic violence laws. The program must
21 include techniques for handling incidents of domestic violence that
22 minimize the likelihood of injury to the officer and that promote the
23 safety of all parties. The commission shall make the training program
24 available to all law enforcement agencies in the state.

25 (4) Development of the training in subsections (2) and (3) of
26 this section must be conducted in conjunction with agencies having a
27 primary responsibility for serving victims of domestic violence with
28 emergency shelter and other services, and representatives to the
29 statewide organization providing training and education to these
30 organizations and to the general public.

31 (5) Subject to funds appropriated for this specific purpose:

32 (a) The curriculum required in subsection (2) of this section
33 must include trauma-informed investigation and interviewing skills,
34 domestic violence homicide prevention, the intersection of firearms
35 and domestic violence, best practices for serving and enforcing
36 protection orders, and assistance to and services for victims and
37 children; and

38 (b) The in-service training program required in subsection (3) of
39 this section must include training on domestic violence homicide
40 prevention, the intersection of firearms and domestic violence, best

1 practices for serving and enforcing protection orders, and assistance
2 to and services for victims and children.

3 **Sec. 302.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to
4 read as follows:

5 (1) Because of the serious nature of domestic violence, the court
6 in domestic violence actions:

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

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

11 (c) Shall waive any requirement that the victim's location be
12 disclosed to any person, other than the attorney of a criminal
13 defendant, upon a showing that there is a possibility of further
14 violence: PROVIDED, That the court may order a criminal defense
15 attorney not to disclose to (~~his or her~~) the attorney's client the
16 victim's location; and

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

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

22 (2) (a) Because of the likelihood of repeated violence directed at
23 those who have been victims of domestic violence in the past, when
24 any person charged with or arrested for a crime involving domestic
25 violence is released from custody before arraignment or trial on bail
26 or personal recognizance, the court authorizing the release may
27 prohibit that person from having any contact with the victim. The
28 jurisdiction authorizing the release shall determine whether that
29 person should be prohibited from having any contact with the victim.
30 If there is no outstanding restraining or (~~protective~~) protection
31 order prohibiting that person from having contact with the victim,
32 the court authorizing release may issue, by telephone, a no-contact
33 order prohibiting the person charged or arrested from having contact
34 with the victim or from knowingly coming within, or knowingly
35 remaining within, a specified distance of a location.

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

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

8 (3)(a) At the time of arraignment the court shall determine
9 whether a no-contact order shall be issued or extended. So long as
10 the court finds probable cause, the court may issue or extend a no-
11 contact order even if the defendant fails to appear at arraignment.
12 The no-contact order shall terminate if the defendant is acquitted or
13 the charges are dismissed.

14 (b) In issuing the order, the court shall consider all
15 information documented in the incident report concerning the person's
16 possession of and access to firearms and whether law enforcement took
17 temporary custody of firearms at the time of the arrest. The court
18 may as a condition of release prohibit the defendant from possessing
19 or accessing firearms and order the defendant to immediately
20 surrender all firearms and any concealed pistol license to a law
21 enforcement agency upon release.

22 (c) If a no-contact order is issued or extended, the court may
23 also include in the conditions of release a requirement that the
24 defendant submit to electronic monitoring as defined in RCW
25 9.94A.030. If electronic monitoring is ordered, the court shall
26 specify who shall provide the monitoring services, and the terms
27 under which the monitoring shall be performed. Upon conviction, the
28 court may require as a condition of the sentence that the defendant
29 (~~reimburse the providing agency for~~) pay the costs of the
30 electronic monitoring. If a defendant enters into a deferred
31 prosecution or stipulated order of continuance, the applicable order
32 or agreement may require the defendant pay the costs of the
33 electronic monitoring.

34 (4)(a) Willful violation of a court order issued under subsection
35 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

36 (b) The written order releasing the person charged or arrested
37 shall contain the court's directives and shall bear the legend:
38 "Violation of this order is a criminal offense under chapter 7.105
39 RCW and will subject a violator to arrest; any assault, drive-by
40 shooting, or reckless endangerment that is a violation of this order

1 is a felony. You can be arrested even if any person protected by the
2 order invites or allows you to violate the order's prohibitions. You
3 have the sole responsibility to avoid or refrain from violating the
4 order's provisions. Only the court can change the order."

5 (c) A certified copy of the order shall be provided to the
6 victim.

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

10 (6) Whenever a no-contact order is issued, modified, or
11 terminated under subsection (2) or (3) of this section, the clerk of
12 the court shall forward a copy of the order on or before the next
13 judicial day to the appropriate law enforcement agency specified in
14 the order. Upon receipt of the copy of the order the law enforcement
15 agency shall enter the order for one year or until the expiration
16 date specified on the order into any computer-based criminal
17 intelligence information system available in this state used by law
18 enforcement agencies to list outstanding warrants. Entry into the
19 computer-based criminal intelligence information system constitutes
20 notice to all law enforcement agencies of the existence of the order.
21 The order is fully enforceable in any jurisdiction in the state. Upon
22 receipt of notice that an order has been terminated under subsection
23 (3) of this section, the law enforcement agency shall remove the
24 order from the computer-based criminal intelligence information
25 system.

26 (7) All courts shall develop policies and procedures by January
27 1, 2011, to grant victims a process to modify or rescind a no-contact
28 order issued under this chapter. The administrative office of the
29 courts shall develop a model policy to assist the courts in
30 implementing the requirements of this subsection.

31 **Part IV. Firearms and Dangerous Weapons**

32 **Sec. 401.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to
33 read as follows:

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

36 (i) Allows a family or household member or intimate partner to
37 use an incident or case number to request to be notified when a law
38 enforcement agency returns a privately owned firearm to the

1 individual from whom it was obtained or to an authorized
2 representative of that person; and

3 (ii) Requires notification to any person identified in a no-
4 contact order, restraining order, or protection order and any
5 identified victim of the crime that resulted in the firearm
6 surrender.

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

10 ~~((b))~~ (ii) If a law enforcement agency is in possession of more
11 than one privately owned firearm from ~~((a—single person))~~ an
12 individual, notification relating to the return of one firearm shall
13 be considered notification for all privately owned firearms for that
14 person.

15 (2) A law enforcement agency shall not provide notification to
16 any party other than ~~((a family or household member or intimate~~
17 ~~partner who has an incident or case number and who has requested to~~
18 ~~be notified pursuant to this section or))~~ another criminal justice
19 agency or as authorized or required under subsection (1) of this
20 section.

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

25 (4) An appointed or elected official, public employee, or public
26 agency as defined in RCW 4.24.470, or combination of units of local
27 government and its employees, as provided in RCW 36.28A.010, are
28 immune from civil liability for damages for any release of
29 information or the failure to release information related to this
30 section, so long as the release or failure was without gross
31 negligence.

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

35 **Sec. 402.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to
36 read as follows:

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

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

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

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

8 (d) Ensure that (~~twenty-four hours~~) five business days have
9 elapsed from the time the firearm was obtained by law enforcement (~~(7~~
10 ~~unless the firearm was seized in connection with a domestic violence~~
11 ~~call pursuant to RCW 10.99.030, in which case the law enforcement~~
12 ~~agency must ensure that five business days have elapsed from the time~~
13 ~~the firearm was obtained)~~); and

14 (e) If a family or household member or intimate partner has
15 requested notification under RCW 9.41.340(1)(a)(i), or notification
16 to an identified victim or protected person is required per RCW
17 9.41.340(1)(a)(ii), provide notice to the appropriate person within
18 one business day of verifying that the requirements in (a) through
19 (c) of this subsection have been met.

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

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

30 (ii) Notification may be made via email, text message, mail
31 service, or personal service. For methods other than personal
32 service, service shall be considered complete once the notification
33 is sent.

34 (~~(3) If (a family or household member or intimate partner has~~
35 ~~requested to be notified pursuant to RCW 9.41.340)~~) notification is
36 required under RCW 9.41.340(1)(a)(i) or (ii), a law enforcement
37 agency must (~~(3~~

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

1 ~~(b) Hold~~) hold the firearm in custody for ~~((seventy-two hours))~~
2 five business days from the time notification has been provided or
3 information has been entered.

4 (4) (a) A law enforcement agency may not return a concealed pistol
5 license that has been surrendered to, or impounded by, the law
6 enforcement agency for any reason to the licensee until the law
7 enforcement agency determines the licensee is eligible to possess a
8 firearm under state and federal law and meets the other eligibility
9 requirements for a concealed pistol license under RCW 9.41.070.

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

14 (5) The provisions of chapter 130, Laws of 2015 and subsection
15 (4) of this section shall not apply to circumstances where a law
16 enforcement officer has momentarily obtained a firearm or concealed
17 pistol license from an individual and would otherwise immediately
18 return the firearm or concealed pistol license to the individual
19 during the same interaction.

20 **Sec. 403.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to
21 read as follows:

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

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

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

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

33 (4) Upon the sworn statement or testimony of the petitioner or of
34 any law enforcement officer alleging that the respondent has failed
35 to comply with the surrender of firearms or dangerous weapons as
36 required by an order issued under RCW 9.41.800 or 10.99.100, the
37 court shall determine whether probable cause exists to believe that
38 the respondent has failed to surrender all firearms and dangerous
39 weapons in their possession, custody, or control. If probable cause
40 exists that a crime occurred, the court shall issue a warrant

1 describing the firearms or dangerous weapons and authorizing a search
2 of the locations where the firearms and dangerous weapons are
3 reasonably believed to be and the seizure of all firearms and
4 dangerous weapons discovered pursuant to such search.

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

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

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

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

20 (6) (a) Courts shall develop procedures to verify timely and
21 complete compliance with orders to surrender and prohibit weapons
22 under RCW 9.41.800 or 10.99.100, including compliance review hearings
23 to be held as soon as possible upon receipt from law enforcement of
24 proof of service. ~~((A compliance review hearing is not required if
25 the court can otherwise enter findings on the record or enter written
26 findings that the proof of surrender or declaration of nonsurrender))~~
27 For any case where the court has indication that the respondent has
28 in the respondent's possession, custody, or control firearms,
29 dangerous weapons, or a concealed pistol license, a compliance review
30 hearing shall be held. A compliance review hearing may be waived by
31 the court or held at a later date if the information attested to by
32 the person subject to the order, along with verification from law
33 enforcement and any other relevant evidence, makes a sufficient
34 showing that the person has timely and completely surrendered all
35 firearms and dangerous weapons in the person's custody, control, or
36 possession, and any concealed pistol license issued under RCW
37 9.41.070, to a law enforcement agency, and the court is able to make
38 a finding of compliance. If the court does not have a sufficient
39 record before it on which to make such a finding, the court must set
40 a review hearing to occur as soon as possible ~~((at which the))~~ and

1 service by law enforcement shall be prioritized to minimize the time
2 during which the respondent could access their firearms, dangerous
3 weapons, or concealed pistol license. The respondent must be present
4 and provide proof of compliance with the court's order. Courts shall
5 make available forms that petitioners may complete and submit to the
6 court in response to a respondent's declaration of whether the
7 respondent has surrendered weapons.

8 (b) In making its findings regarding compliance, the court should
9 also consider any available department of licensing and Washington
10 state patrol firearm records; for criminal cases, the police report
11 and any documentation of firearms, or their recovery pursuant to RCW
12 10.99.030(3)(a); and for civil protection order cases, the protection
13 order narrative, any sections of the protection order petition that
14 specifically reference or inquire about firearms and other dangerous
15 weapons, any attachments to the protection order petition, any
16 affidavits from law enforcement or the petitioner in response to a
17 respondent's declaration regarding firearm surrender, or other
18 relevant evidence regarding firearms, dangerous weapons, or a
19 concealed pistol license in the person's custody, control, or
20 possession.

21 (c) If the court is considering waiving or delaying the
22 compliance review hearing, the petitioner, law enforcement, or the
23 state or city attorney may request that the compliance hearing be
24 held, if there is reasonable suspicion to believe that the respondent
25 has not surrendered all firearms, dangerous weapons, and any
26 concealed pistol license, or is otherwise out of compliance with the
27 court's order.

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

1 and show cause why the respondent should not be held in contempt of
2 court.

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

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

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

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

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

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

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

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

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

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

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

21 (9) (a) (~~((An order to surrender and prohibit weapons issued~~
22 ~~pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily
23 surrendering firearms or weapons, ((~~or~~)) providing testimony relating
24 to the surrender of firearms or weapons, ((~~pursuant to such an~~
25 ~~order,)) or complying with an order to surrender and prohibit weapons~~
26 issued pursuant to RCW 9.41.800 or 10.99.100, and any information
27 directly or indirectly derived from such act or testimony, may not be
28 used against the ((~~respondent~~)) person subject to the order in any
29 criminal prosecution under this chapter, chapter 7.105 RCW, or RCW
30 9A.56.310, or in any criminal prosecution pursuant to which such
31 order to surrender and prohibit weapons was issued, except a
32 prosecution for perjury, giving a false statement, or otherwise
33 failing to comply with the order. Every such order issued subsequent
34 to the effective date of this section shall contain language
35 consistent with the statutory immunity set forth in this subsection.

36 (b) If a person subject to such an order invokes the privilege
37 against self-incrimination at the time of issuance of the order or at
38 a subsequent hearing, the court may afford the person subject to the
39 order an opportunity to demonstrate that compliance with the
40 surrender provision of the order would expose that person to a

1 realistic threat of self-incrimination in a subsequent or pending
2 criminal proceeding. The court may conduct this portion of the
3 proceeding ex parte or receive evidence in camera, without the
4 presence of the prosecuting attorney, after the court conducts an
5 analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that
6 the courtroom may be closed.

7 (c) If the person subject to the order establishes such a
8 realistic threat of self-incrimination regarding possible criminal
9 prosecution that is not addressed by the immunity from prosecution
10 set forth in (a) of this subsection, the court shall afford the
11 relevant prosecuting attorney an opportunity to offer an immunity
12 agreement tailored specifically to the firearms or weapons implicated
13 by the potential self-incrimination. To achieve the purposes of this
14 section, any immunity offered should be narrowly tailored to address
15 any realistic threat of self-incrimination while ensuring that any
16 other firearms not implicated are surrendered.

17 (d) Any immunity from prosecution beyond the immunity set forth
18 in (a) of this subsection, may only be extended by the prosecuting
19 attorney. If the prosecuting attorney declines to extend immunity
20 such that the person subject to the order cannot fully comply with
21 its surrender provision without facing a realistic threat of self-
22 incrimination, the court's order must provide for the surrender of
23 every firearm, dangerous weapon, and concealed pistol license that
24 does not implicate a realistic threat of self-incrimination. The
25 order's prohibitions regarding accessing, purchasing, receiving, or
26 attempting to purchase or receive, any firearms or other dangerous
27 weapons, or concealed pistol license, remain in effect.

28 (e) Nothing in this section shall be interpreted as diminishing
29 the requirement that the person subject to the order fully comply
30 with the order issued by the court. The burden remains on the person
31 subject to the order to prove compliance.

32 ~~((b))~~ (10) To provide relevant information to the court to
33 determine compliance with the order, the court may allow the
34 prosecuting attorney or city attorney to question the respondent
35 regarding compliance.

36 ~~((10))~~ (11) All law enforcement agencies must have policies and
37 procedures to provide for the acceptance, storage, and return of
38 firearms, dangerous weapons, and concealed pistol licenses that a
39 court requires must be surrendered under RCW 9.41.800. A law
40 enforcement agency holding any firearm or concealed pistol license

1 that has been surrendered under RCW 9.41.800 shall comply with the
2 provisions of RCW 9.41.340 and 9.41.345 before the return of the
3 firearm or concealed pistol license to the owner or individual from
4 whom it was obtained.

5 ~~((11))~~ (12) The administrative office of the courts shall
6 create a statewide pattern form to assist the courts in ensuring
7 timely and complete compliance in a consistent manner with orders
8 issued under this chapter. The administrative office of the courts
9 shall report annually on the number of ex parte and full orders
10 issued under this chapter by each court, ~~((the degree of compliance,~~
11 ~~and the number of firearms obtained, and may make recommendations~~
12 ~~regarding additional procedures))~~ and, if available, the type of
13 protection order, no-contact order, restraining order, or criminal
14 charge with which the order was issued, the duration of the order,
15 the period of time from issuance of the order until the court's
16 finding of compliance, any violations, the nature of the violations,
17 any sanctions imposed, the number of firearms obtained pursuant to
18 each order, whether subsequent orders were issued involving the same
19 respondent, and may make recommendations regarding additional
20 procedures, training, or data collection and reporting to enhance
21 compliance and victim safety.

22 **Sec. 404.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to
23 read as follows:

24 ~~((A party ordered))~~ (1) To prove full compliance with the court's
25 order to surrender firearms, dangerous weapons, and ((his or her))
26 any concealed pistol license under RCW 9.41.800 the person subject to
27 the order must file with the clerk of the court ((a)): (a) A
28 completed proof of surrender and receipt form ((or a declaration of
29 nonsurrender form within five judicial days of the entry of the
30 order)); (b) a declaration that the person has no firearms, dangerous
31 weapons, or concealed pistol license; or (c) other evidence
32 sufficient to establish full and timely compliance with the order.

33 (2) The verification of compliance required in subsection (1) of
34 this section must be provided to the court within 24 hours of service
35 of the order, unless the order is pursuant to a criminal proceeding.
36 In a criminal proceeding, if the person subject to the order is in
37 custody, proof of compliance must be provided to the court before the
38 person subject to the order is released from custody; otherwise,
39 proof of compliance must be provided before the conclusion of the

1 sentencing hearing. If the court finds that surrender of all
2 firearms, dangerous weapons, and any concealed pistol license is not
3 possible prior to release or prior to the conclusion of the hearing,
4 then arrangements for surrender shall be made and approved by the
5 court before the person's release from custody or before the
6 conclusion of the sentencing hearing, and the court shall order a law
7 enforcement officer to accompany the person to the location where the
8 firearms, dangerous weapons, and concealed pistol license are located
9 so that they are surrendered directly to the law enforcement officer.
10 Surrender to local law enforcement shall occur in a safe manner and
11 proof of compliance provided by law enforcement to the court within
12 24 hours of either the person's release from custody or the
13 conclusion of the sentencing hearing.

14 (3) By December 30, 2023, the administrative office of the courts
15 shall develop and distribute any new or updated forms necessary to
16 implement subsections (1) and (2) of this section, and other sections
17 of this act where a form needs to be created or updated.

18 **Sec. 405.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to
19 read as follows:

20 (1) Upon the issuance of any extreme risk protection order under
21 this chapter, including a temporary extreme risk protection order,
22 the court shall:

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

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

31 (2) Law enforcement, the prosecutor, or the petitioner may, at
32 the same time the court issues an order under this chapter requiring
33 the surrender of firearms, also request issuance of an anticipatory
34 search warrant authorizing the search for and seizure of any firearms
35 and concealed pistol license in the respondent's possession, custody,
36 or control. The court may issue such a warrant if there is probable
37 cause to find that the respondent would be in violation of the
38 court's order if the respondent refuses to surrender all firearms and
39 concealed pistol license in the respondent's possession, custody, or

1 control after being served with the order. The court's order
2 authorizing such a warrant must describe the firearms, the locations
3 where the firearms and concealed pistol license are reasonably
4 believed to be, and the scope of the search and seizure authorized.

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

38 (~~(3)~~) (4) At the time of surrender, a law enforcement officer
39 taking possession of a firearm or concealed pistol license shall
40 issue a receipt identifying all firearms that have been surrendered

1 and provide a copy of the receipt to the respondent. Within 72 hours
2 after service of the order, the officer serving the order shall file
3 the original receipt with the court and shall ensure that (~~his or~~
4 ~~her~~) the officer's law enforcement agency retains a copy of the
5 receipt.

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

17 (~~(5)~~) (6) If a person other than the respondent claims title to
18 any firearms surrendered pursuant to this section, and that person is
19 determined by the law enforcement agency to be the lawful owner of
20 the firearm, the firearm must be returned to that person, provided
21 that:

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

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

29 (c) The firearm is not otherwise unlawfully possessed by the
30 owner.

31 (~~(6)~~) (7) Upon the issuance of a one-year extreme risk
32 protection order, the court shall order a new compliance review
33 hearing date and require the respondent to appear not later than
34 three judicial days from the issuance of the order. The court shall
35 require a showing that the respondent has surrendered any firearms in
36 the respondent's custody, control, or possession, and any concealed
37 pistol license issued under RCW 9.41.070 to a law enforcement agency.
38 The compliance review hearing is not required upon a satisfactory
39 showing on which the court can otherwise enter findings on the record
40 that the respondent has timely and completely surrendered all

1 firearms in the respondent's custody, control, or possession, and any
2 concealed pistol license issued under RCW 9.41.070 to a law
3 enforcement agency, and is in compliance with the order. If the court
4 does not have a sufficient record before it on which to make such a
5 finding, the court must set a review hearing to occur as soon as
6 possible, at which the respondent must be present and provide proof
7 of compliance with the court's order.

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

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

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

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

37 (ii) The court shall take judicial notice of the receipt filed
38 with the court by the law enforcement agency pursuant to subsection
39 ~~((3))~~ (4) of this section. The court shall also provide sufficient

1 notice to the law enforcement agency of the hearing. Upon receiving
2 notice pursuant to this subsection, a law enforcement agency must:

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

7 (B) Provide the court with verification that any concealed pistol
8 license issued to the respondent has been surrendered and that a law
9 enforcement agency with authority to revoke the license has been
10 notified.

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

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

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

24 ~~((+8))~~ (9)(a) To help ensure that accurate and comprehensive
25 information about firearms compliance is provided to judicial
26 officers, a representative from either the prosecuting attorney's
27 office or city attorney's office, or both, from the relevant
28 jurisdiction may appear and be heard or submit written information at
29 any hearing that concerns compliance with an extreme risk protection
30 order.

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

36 ~~((+9))~~ (10)(a) An extreme risk protection order must state that
37 the act of voluntarily surrendering firearms, or providing testimony
38 relating to the surrender of firearms, pursuant to such an order, may
39 not be used against the respondent in any criminal prosecution under
40 this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

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

5 ~~((10))~~ (11) All law enforcement agencies must develop and
6 implement policies and procedures regarding the acceptance, storage,
7 and return of firearms required to be surrendered under this chapter.
8 Any surrendered firearms must be handled and stored properly to
9 prevent damage or degradation in appearance or function, and the
10 condition of the surrendered firearms documented, including by
11 digital photograph. A law enforcement agency holding any surrendered
12 firearm or concealed pistol license shall comply with the provisions
13 of RCW 9.41.340 and 9.41.345 before the return of the firearm or
14 concealed pistol license to the owner or individual from whom it was
15 obtained.

16 **Sec. 406.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to
17 read as follows:

18 The judicial officer in any felony, misdemeanor, or gross
19 misdemeanor case must, in determining whether there are conditions of
20 release that will reasonably assure the safety of any other person
21 and the community, take into account the available information
22 concerning:

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

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

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

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

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

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

38 (d) The defendant's firearms history, including purchase history,
39 any concealed pistol license history, and the requirements of RCW

1 9.41.800 regarding issuance of an order to surrender and prohibit
2 weapons.

3 **Part V. Residential Protections**

4 **Sec. 501.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
5 read as follows:

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

23 (i) A sworn statement, under penalty of perjury, by the applicant
24 that the applicant has good reason to believe (A) that the applicant,
25 or the minor or incapacitated person on whose behalf the application
26 is made, is a victim of domestic violence, sexual assault,
27 trafficking, or stalking and that the applicant fears for (~~his or~~
28 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's
29 children's safety, or the safety of the minor or incapacitated person
30 on whose behalf the application is made(~~+~~) (B) that the applicant,
31 as an election official as described in RCW 9A.90.120, is a target
32 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)
33 or (iv); or (C) that the applicant, as a criminal justice participant
34 as defined in RCW 9A.46.020, is a target for threats or harassment
35 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the
36 applicant, as a criminal justice participant as defined in RCW
37 9A.90.120 is a target for threats or harassment prohibited under RCW
38 9A.90.120(2)(b) (iii) or (iv);

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

7 (iii) A designation of the secretary of state as agent for
8 purposes of service of process and for the purpose of receipt of
9 mail;

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

16 (v) The signature of the applicant and of any individual or
17 representative of any office designated in writing under RCW
18 40.24.080 who assisted in the preparation of the application, and the
19 date on which the applicant signed the application.

20 (2) Applications shall be filed with the office of the secretary
21 of state.

22 (3) Upon filing a properly completed application, the secretary
23 of state shall certify the applicant as a program participant.
24 Applicants shall be certified for four years following the date of
25 filing unless the certification is withdrawn or invalidated before
26 that date. The secretary of state shall by rule establish a renewal
27 procedure.

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

39 (i) Applicant's full legal name;

1 (ii) Applicant's Washington driver's license or identicard
2 number;

3 (iii) Applicant's date of birth;

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

6 (v) Hull identification number or vessel document number and
7 vessel decal number for each vessel solely or jointly registered to
8 the applicant.

9 (b) Upon certification of the applicants, the secretary of state
10 shall transmit completed and signed directives to the department of
11 licensing.

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

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

17 (5) A person who knowingly provides false or incorrect
18 information upon making an application or falsely attests in an
19 application that disclosure of the applicant's address would endanger
20 (a) the applicant's safety or the safety of the applicant's children
21 or the minor or incapacitated person on whose behalf the application
22 is made, (b) the safety of any election official as described 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 (c) the safety of any criminal
25 justice participant as defined in RCW 9A.46.020 who is a target for
26 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
27 (iv) or of any criminal justice participant as defined in RCW
28 9A.90.120 who is a target for threats or harassment prohibited under
29 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing
30 with him or her, shall be punished under RCW 40.16.030 or other
31 applicable statutes.

32 **Sec. 502.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to
33 read as follows:

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

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

38 (b) Each bank account, savings account, and insurance policy in
39 which a direct financial interest was held that exceeds twenty

1 thousand dollars at any time during the reporting period; each other
2 item of intangible personal property in which a direct financial
3 interest was held that exceeds two thousand dollars during the
4 reporting period; the name, address, and nature of the entity; and
5 the nature and highest value of each direct financial interest during
6 the reporting period;

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

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

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

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

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

40 (i) With respect to a governmental unit in which the official seeks

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

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

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

1 (j) A list, including legal or other sufficient descriptions as
2 prescribed by the commission, of all real property in the state of
3 Washington, the assessed valuation of which exceeds ten thousand
4 dollars in which a direct financial interest was held. If a
5 description of the property has been included in a report previously
6 filed, the property may be listed, for purposes of this subsection
7 (1)(j), by reference to the previously filed report;

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

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

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

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

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

31 (i) The city or town;

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

34 (iii) Such other identifying information the commission
35 prescribes by rule for the mailing address where the property is
36 located.

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

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

4 (b)

5 Code A	Less than thirty thousand dollars;
6 Code B	At least thirty thousand dollars, but less 7 than sixty thousand dollars;
8 Code C	At least sixty thousand dollars, but less 9 than one hundred thousand dollars;
10 Code D	At least one hundred thousand dollars, but 11 less than two hundred thousand dollars;
12 Code E	At least two hundred thousand dollars, but 13 less than five hundred thousand dollars;
14 Code F	At least five hundred thousand dollars, but 15 less than seven hundred and fifty 16 thousand dollars;
17 Code G	At least seven hundred fifty thousand 18 dollars, but less than one million dollars; 19 or
20 Code H	One million dollars or more.

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

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

30 **Sec. 503.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to
31 read as follows:

32 (1) Any court when entering an order authorized under chapter
33 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040,
34 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((~~or~~)) 26.26A.470, or
35 46.61.5055 shall, upon a showing by a preponderance of the evidence,
36 that a party has: Used, displayed, or threatened to use a firearm or

1 other dangerous weapon in a felony, or is ineligible to possess a
2 firearm under the provisions of RCW 9.41.040:

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

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

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

10 (d) Prohibit the party from obtaining or possessing a concealed
11 pistol license;

12 (e) Other than for ex parte temporary protection orders, unless
13 the ex parte temporary protection order was reissued after the party
14 received noticed and had an opportunity to be heard, direct law
15 enforcement to revoke any concealed pistol license issued to the
16 party.

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

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

25 (b) Restrains the party from harassing, stalking, or threatening
26 an intimate partner of the party, the protected person, or child of
27 the intimate partner, party, or protected person, or engaging in
28 other conduct that would place an intimate partner or protected
29 person in reasonable fear of bodily injury to the intimate partner,
30 protected person, or child; and

31 (c) (i) Includes a finding that the party represents a credible
32 threat to the physical safety of the intimate partner, protected
33 person, or child; or

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

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

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

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

6 (D) Prohibit the party from obtaining or possessing a concealed
7 pistol license.

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

14 (4) In addition to the provisions of subsections (1) and (3) of
15 this section, the court may enter an order requiring a party to
16 comply with the provisions in subsection (1) of this section if it
17 finds that the possession of a firearm or other dangerous weapon by
18 any party presents a serious and imminent threat to public health or
19 safety, or to the health or safety of any individual.

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

22 (6) The court shall require the party to surrender all firearms
23 and other dangerous weapons in (~~his or her immediate~~) the party's
24 custody, control, or possession (~~or control~~), or subject to (~~his~~
25 ~~or her~~) the party's immediate possession or control, and any
26 concealed pistol license issued under RCW 9.41.070, to the local law
27 enforcement agency. (~~Law enforcement officers shall use law~~
28 ~~enforcement databases to assist in locating the party in situations~~
29 ~~where the protected person does not know where the party lives or~~
30 ~~where there is evidence that the party is trying to evade service.))
31 The court may, at the same time it issues an order pursuant to this
32 section, also issue an anticipatory search warrant authorizing the
33 search for and seizure of any firearm, dangerous weapon, or concealed
34 pistol license in the party's custody, control, or possession, or
35 subject to the party's immediate possession or control, if there is
36 probable cause to find that the party subject to the court's order
37 issued under this section would be in violation of the order if the
38 party refuses to surrender all firearms, dangerous weapons, and
39 concealed pistol license after being served with the order. The
40 court's order authorizing such a warrant must describe the firearms~~

1 and dangerous weapons and the locations where the firearms, dangerous
2 weapons, and concealed pistol license are reasonably believed to be
3 and the scope of the search and seizure authorized.

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

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

10 (b) Law enforcement must immediately ensure entry of the order to
11 surrender and prohibit weapons and the revocation of any concealed
12 pistol license is made into the appropriate databases making the
13 party ineligible to possess firearms and a concealed pistol license;
14 and

15 (c) Law enforcement officers shall use law enforcement databases
16 to assist in locating the party in situations where the protected
17 person does not know where the party lives or where there is evidence
18 that the party is trying to evade service.

19 **Part VI. Statewide Resources**

20 NEW SECTION. Sec. 601. A new section is added to chapter 43.330
21 RCW to read as follows:

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

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

28 (b) Increased access to supportive services for high-risk
29 victims;

30 (c) Increased perpetrator monitoring and accountability; and

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

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

35 NEW SECTION. Sec. 602. A new section is added to chapter 28B.20
36 RCW to read as follows:

1 (1) Subject to funds appropriated for this specific purpose, the
2 University of Washington shall develop a plan to establish a center
3 of excellence in research, policy, and practice to reduce domestic
4 violence.

5 (2) The plan must be developed with relevant disciplines across
6 the schools of the University of Washington. The school of public
7 health shall lead the development of the plan. The development of the
8 plan must include, but not be limited to, the schools of social work,
9 law, medicine, and nursing, and the Alene Moris women's center.

10 (3) The University of Washington must develop a report
11 summarizing the plan, which must evaluate, but not be limited to, the
12 following topics:

13 (a) Conducting scientifically rigorous intimate partner violence
14 research that informs policy and practice in Washington;

15 (b) Disseminating existing research findings and best practices
16 in order to proliferate evidence-based intimate partner violence
17 policy and practice;

18 (c) Promoting effective strategies to reduce the incidence of
19 domestic violence and domestic violence homicide; and

20 (d) Engaging in strategic planning efforts with relevant
21 stakeholders to develop policy recommendations to improve the state's
22 response to domestic violence.

23 (4) In developing the plan, the University of Washington shall
24 establish an external stakeholder group that shall ensure that all
25 work conducted by the center is informed by survivors of domestic
26 violence, including Black, indigenous, and survivors of color, and
27 LGBTQ survivors, to ensure that research interventions are holistic,
28 trauma-informed, and antiracist and policy recommendations are
29 appropriate and effective for Washington's diverse communities. The
30 University of Washington shall include, but not be limited to,
31 survivors of intimate partner violence, including low-income
32 communities, immigrants, refugee communities, people with religious
33 diversity, people with physical disabilities, children and other
34 family members of survivors, representatives from systems that
35 interact with survivors and perpetrators, and representatives from
36 communities disproportionately impacted by intimate partner violence
37 in order to guide development of the plan's overarching goals and
38 strategic vision. The University of Washington shall provide stipends
39 to stakeholder participants to the extent necessary to maximize
40 participation.

1 (5) The University of Washington shall provide a report to the
2 relevant committees of the legislature with its findings and
3 recommendations as soon as practicable, but no later than January 15,
4 2024.

5 (6) Subject to funds appropriated for this specific purpose, the
6 University of Washington shall begin implementation of the plan by
7 July 1, 2024.

8 **Part VII. Law Enforcement**

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

11 (1) Subject to the availability of amounts appropriated for this
12 specific purpose, the commission must provide ongoing specialized,
13 intensive, and integrative training for persons responsible for
14 investigating domestic violence cases involving intimate partners.
15 The training must be based on a victim-centered, trauma-informed
16 approach to responding to domestic violence. Among other subjects,
17 the training must include content on the neurobiology of trauma and
18 trauma-informed interviewing, counseling, and investigative
19 techniques.

20 (2) The training must: Be based on research-based practices and
21 standards; offer participants an opportunity to practice interview
22 skills and receive feedback from instructors; minimize the trauma of
23 all persons who are interviewed during investigations; provide
24 methods of reducing the number of investigative interviews necessary
25 whenever possible; assure, to the extent possible, that investigative
26 interviews are thorough, objective, and complete; recognize needs of
27 special populations; recognize the nature and consequences of
28 domestic violence victimization; require investigative interviews to
29 be conducted in a manner most likely to permit the interviewed
30 persons the maximum emotional comfort under the circumstances;
31 address record retention and retrieval; address documentation of
32 investigative interviews; and educate investigators on the best
33 practices for notifying victims of significant events in the
34 investigative process.

35 (3) In developing the training, the commission must seek advice
36 from the Washington association of sheriffs and police chiefs,
37 organizations representing victims of domestic violence, survivors of
38 domestic violence, and experts on domestic violence and the

1 neurobiology of trauma. The commission must consult with the
2 Washington association of prosecuting attorneys in an effort to
3 design training containing consistent elements for all professionals
4 engaged in interviewing and interacting with domestic violence
5 victims in the criminal legal system.

6 (4) The commission must develop the training and begin offering
7 it by January 1, 2025. Officers assigned to regularly investigate
8 domestic violence must complete the training within one year of being
9 assigned or by July 1, 2027, whichever is later.

10 **Sec. 702.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
11 read as follows:

12 A police officer having probable cause to believe that a person
13 has committed or is committing a felony shall have the authority to
14 arrest the person without a warrant. A police officer may arrest a
15 person without a warrant for committing a misdemeanor or gross
16 misdemeanor only when the offense is committed in the presence of an
17 officer, except as provided in subsections (1) through (11) of this
18 section.

19 (1) Any police officer having probable cause to believe that a
20 person has committed or is committing a misdemeanor or gross
21 misdemeanor, involving physical harm or threats of harm to any person
22 or property or the unlawful taking of property or involving the use
23 or possession of cannabis, or involving the acquisition, possession,
24 or consumption of alcohol by a person under the age of twenty-one
25 years under RCW 66.44.270, or involving criminal trespass under RCW
26 9A.52.070 or 9A.52.080, shall have the authority to arrest the
27 person.

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

32 (a) A domestic violence protection order, a sexual assault
33 protection order, a stalking protection order, or a vulnerable adult
34 protection order has been issued, of which the person has knowledge,
35 under chapter 7.105 RCW, or an order has been issued, of which the
36 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
37 9A.88, 10.99, 26.09, (~~26.10,~~) 26.26A, 26.26B, or 74.34 RCW, or any
38 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the
39 person and the person has violated the terms of the order restraining

1 the person from acts or threats of violence, or restraining the
2 person from going onto the grounds of, or entering, a residence,
3 workplace, school, or day care, or prohibiting the person from
4 knowingly coming within, or knowingly remaining within, a specified
5 distance of a location, a protected party's person, or a protected
6 party's vehicle, or requiring the person to submit to electronic
7 monitoring, or, in the case of an order issued under RCW 26.44.063,
8 imposing any other restrictions or conditions upon the person;

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

15 (c) A foreign protection order, as defined in RCW 26.52.010, or a
16 Canadian domestic violence protection order, as defined in RCW
17 26.55.010, has been issued of which the person under restraint has
18 knowledge and the person under restraint has violated a provision of
19 the foreign protection order or the Canadian domestic violence
20 protection order prohibiting the person under restraint from
21 contacting or communicating with another person, or excluding the
22 person under restraint from a residence, workplace, school, or day
23 care, or prohibiting the person from knowingly coming within, or
24 knowingly remaining within, a specified distance of a location, a
25 protected party's person, or a protected party's vehicle, or a
26 violation of any provision for which the foreign protection order or
27 the Canadian domestic violence protection order specifically
28 indicates that a violation will be a crime; or

29 (d) The person is eighteen years or older and within the
30 preceding four hours has assaulted a family or household member or
31 intimate partner as defined in RCW 10.99.020 and the officer
32 believes: (i) A felonious assault has occurred; (ii) an assault has
33 occurred which has resulted in bodily injury to the victim, whether
34 the injury is observable by the responding officer or not; or (iii)
35 that any physical action has occurred which was intended to cause
36 another person reasonably to fear imminent serious bodily injury or
37 death. Bodily injury means physical pain, illness, or an impairment
38 of physical condition. When the officer has probable cause to believe
39 that family or household members or intimate partners have assaulted
40 each other, the officer is not required to arrest both persons. The

1 officer shall arrest the person whom the officer believes to be the
2 primary (~~physical~~) aggressor. In making this determination, the
3 officer shall make every reasonable effort to consider: (A) The
4 intent to protect victims of domestic violence under RCW 10.99.010;
5 (B) the comparative extent of injuries inflicted or serious threats
6 creating fear of physical injury; and (C) the history of domestic
7 violence of each person involved, including whether the conduct was
8 part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

26 (4) A law enforcement officer investigating at the scene of a
27 motor vehicle accident may arrest the driver of a motor vehicle
28 involved in the accident if the officer has probable cause to believe
29 that the driver has committed, in connection with the accident, a
30 violation of any traffic law or regulation.

31 (5) (a) A law enforcement officer investigating at the scene of a
32 motor vessel accident may arrest the operator of a motor vessel
33 involved in the accident if the officer has probable cause to believe
34 that the operator has committed, in connection with the accident, a
35 criminal violation of chapter 79A.60 RCW.

36 (b) A law enforcement officer investigating at the scene of a
37 motor vessel accident may issue a citation for an infraction to the
38 operator of a motor vessel involved in the accident if the officer
39 has probable cause to believe that the operator has committed, in

1 connection with the accident, a violation of any boating safety law
2 of chapter 79A.60 RCW.

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

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

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

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

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

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

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

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

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

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

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

4 (16)(a) Except as provided in (b) of this subsection, a police
5 officer shall arrest and keep in custody, until release by a judicial
6 officer on bail, personal recognizance, or court order, a person
7 without a warrant when the officer has probable cause to believe that
8 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
9 local ordinance and the police officer: (i) Has knowledge that the
10 person has a prior offense as defined in RCW 46.61.5055 within ten
11 years; or (ii) has knowledge, based on a review of the information
12 available to the officer at the time of arrest, that the person is
13 charged with or is awaiting arraignment for an offense that would
14 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
15 conviction.

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

19 **Part VIII. Miscellaneous**

20 NEW SECTION. **Sec. 801.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 802.** If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 2023, in the omnibus appropriations act, this
27 act is null and void."

E2SHB 1715 - S AMD 467
By Senator Dhingra

ADOPTED AS AMENDED 04/22/2023

28 On page 1, line 3 of the title, after "partners;" strike the
29 remainder of the title and insert "amending RCW 7.105.155, 7.105.255,
30 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804,
31 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, and 10.31.100;

1 adding a new section to chapter 2.56 RCW; adding a new section to
2 chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding
3 a new section to chapter 28B.20 RCW; adding a new section to chapter
4 43.101 RCW; and creating a new section."

EFFECT: • Makes the electronic monitoring standards and model policy developed by the Board for Judicial Administration subject to funds appropriated for the specific purpose.

• Removes the plan for civil legal support in tribal courts.

• Makes the judicial training developed by the Administrative Office of the Courts (AOC) subject to funds appropriated for the specific purpose.

• Makes the Criminal Justice Training Commission (CJTC) training provisions subject to funds appropriated for the specific purpose.

• Allows, rather than requires, courts to examine certain information in compliance hearings.

• Clarifies the authority for the issuance of anticipatory search warrants.

• Makes technical changes to the address confidentiality section.

• Requires, subject to funds appropriated for the specific purpose, the creation of a plan to establish a University of Washington Center of Excellence:

o Requires the plan to be completed as soon as practicable, but no later than January 15, 2024;

o Requires the University of Washington (UW), subject to funds appropriated for the specific purpose, to begin implementation of the plan by July 1, 2024; and

o Requires the UW to provide stipends to maximize participation.

• Removes the remaining provisions relating to the "portal."

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