

# HOUSE BILL REPORT

## E2SHB 1715

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### As Amended by the Senate

**Title:** An act relating to enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.

**Brief Description:** Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey).

### Brief History:

#### Committee Activity:

Community Safety, Justice, & Reentry: 2/9/23, 2/13/23, 2/16/23 [DPS];  
Appropriations: 2/22/23, 2/24/23 [DP2S(w/o sub CSJR)].

#### Floor Activity:

Passed House: 3/7/23, 69-25.  
Senate Amended.  
Passed Senate: 4/10/23, 38-11.  
House Refused to Concur.  
Senate Receded.  
Senate Amended.  
Passed Senate: 4/22/23, 42-7.

### Brief Summary of Engrossed Second Substitute Bill

- Requires the adoption of rules on electronic monitoring with victim notification technology.
- Requires the development of plans to expand access to attorneys for victims of domestic violence in state and tribal courts.
- Makes changes to civil protection orders.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

- Makes changes to provisions regarding crimes of domestic violence.
- Makes changes to the firearms or dangerous weapons surrender process.
- Makes changes to the Address Confidentiality Program and personal financial affairs reports filed with the Public Disclosure Commission.
- Creates a grant program for a statewide prosecutor for domestic violence cases.
- Creates a pilot program for domestic violence high-risk teams.
- Expands training for law enforcement and judicial officers regarding domestic violence.

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## HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse and Ramos.

**Minority Report:** Do not pass. Signed by 1 member: Representative Graham.

**Staff:** Jim Morishima (786-7191).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Davis, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler and Dye.

**Minority Report:** Without recommendation. Signed by 7 members: Representatives Corry, Assistant Ranking Minority Member; Connors, Couture, Rude, Sandlin, Schmick and Steele.

**Staff:** Yvonne Walker (786-7841).

## **Background:**

### Civil Protection Orders.

There are different types of civil protection orders that a court may issue to protect a person from the behavior of another. Separate types of protection orders exist for domestic violence, sexual assault, harassment, stalking, and vulnerable adult abuse. Also, a court may issue an extreme risk protection order to prohibit a person who poses a significant risk of harm to self or others from possessing, purchasing, accessing, or receiving a firearm.

### *Temporary Orders.*

For most types of protection orders, where it appears that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately, the court may grant an *ex parte* temporary protection order, pending a full hearing. After a hearing, the court may issue a full protection order.

### *Service of the Order.*

After a court grants an order, if service of the order by law enforcement is required, the court must forward the order and supporting materials to the relevant law enforcement agency before the next judicial day. The law enforcement agency must give precedence to serving the order over other documents that are not of a similar emergency nature. When personal service is required, the law enforcement agency must attempt to serve the order within 24 hours when practicable, but not more than five days after receiving the order.

### *Judicial Officer Training.*

Judicial officers are encouraged to complete training on the unique nature of protection order proceedings, including evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and the requirements for the surrender of weapons. The trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve.

### Crimes of Domestic Violence.

A person arrested for an offense involving domestic violence must appear in front of a magistrate within one judicial day after arrest. If the defendant is released before arraignment or trial, the court may prohibit the defendant from having contact with the victim. In issuing the order, the court must consider ordering the defendant to surrender all firearms, dangerous weapons, or any concealed pistol license.

At arraignment, the court must determine whether a no-contact order should be issued or extended. In issuing the order, the court may order the defendant to immediately surrender all firearms and any concealed pistol license to law enforcement upon release. The court may also require the defendant to submit to electronic monitoring. Upon conviction, the defendant may be ordered to reimburse the agency that provides the electronic monitoring.

#### Surrender of Firearms or Dangerous Weapons.

##### *Orders to Surrender Firearms or Dangerous Weapons.*

A court may order a person to surrender firearms, dangerous weapons, or a concealed pistol license as part of a protection order or no-contact order. In some instances, such an order is mandatory. The order may last for any period of time up to the duration of the order.

Law enforcement must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms. A law enforcement officer serving an order that includes the surrender of firearms, dangerous weapons, or a concealed pistol license must inform the respondent that the order is effective immediately, conduct a search as permitted by law, and take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered via lawful search.

##### *Compliance Hearings.*

A court must conduct a compliance hearing as soon as possible after receiving notice from enforcement of proof of service. At the hearing, the respondent must appear and provide proof of compliance with the court order. A compliance review hearing is not necessary if there is a sufficient showing (through attestation by the respondent, law enforcement verification, and other relevant evidence) that the person has timely and completely complied with the order.

A person in noncompliance with an order to surrender firearms, dangerous weapons, or a concealed pistol license is subject to contempt of court sanctions.

##### *Timing of Surrender.*

If the respondent was present at the hearing, the surrender must occur on the same day as the hearing. If the respondent was not present at the hearing, and personal service by a law enforcement officer is not possible, surrender must occur within 24 hours of alternate service. A party ordered to surrender firearms, dangerous weapons, or a concealed pistol license must file with the court proof of surrender and receipt or a declaration of non-surrender within five days of the entry of the order.

##### *Notification.*

Law enforcement agencies must develop a notification protocol that allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement returns a privately owned firearm to the individual from whom it was obtained. The notification may be made by telephone, email, text message, or another method that allows notification to be provided without unnecessary delay. The notification must occur within one business day of a law enforcement agency determining the firearm must be returned. The law enforcement agency may hold the firearm in custody for 72 hours after the notification has been provided.

### Residential Protections.

#### *The Address Confidentiality Program.*

The Address Confidentiality Program is a program through which a victim of domestic violence, sexual assault, trafficking, or stalking may apply to the Secretary of State to utilize an address designated by the Secretary of State in government records. The program may also be utilized by family members residing with the applicant.

#### *Personal Financial Affairs Reporting for Government Officials.*

Elected officials, certain appointed state officials, charter school directors, and professional staff in the Legislature and the Governor's office must file an annual statement of financial affairs with the Public Disclosure Commission, otherwise known as an F-1. Although a filer's residential address is not included on an F-1 form, the addresses of properties owned by the filer or a family member are included. Judges, prosecutors, sheriffs, and their immediate family members are allowed to provide alternate descriptions of real property on their F-1 forms.

### Law Enforcement Training.

As part of the basic law enforcement curriculum, the Criminal Justice Training Commission (CJTC) must include at least 20 hours of training on the law enforcement response to domestic violence. The training must include material on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding that minimize the risk of officer injury and promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance and services for victims and children, verification and enforcement of court orders, and liability. The CJTC must also develop and update an in-service training program to familiarize law enforcement officers with domestic violence laws.

### The Automated Notification Systems.

The Washington Association of Sheriffs and Police Chiefs (WASPC) operates the

Statewide Automated Protected Person Notification System to automatically notify a registered person via the person's choice of telephone or email when a respondent subject to a court order has attempted to purchase or acquire a firearm and been denied based on a background check or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The WASPC also operates the Statewide Automated Victim Information and Notification System to notify a victim upon the occurrence of specified events involving an offender housed in any state, city, or county correctional facility.

### **Summary of Engrossed Second Substitute Bill:**

#### Electronic Monitoring with Victim Notification Technology.

The Criminal Justice Training Commission (CJTC) must adopt rules on electronic monitoring with victim notification technology (EMVNT) by December 1, 2023. The CJTC must solicit input from courts, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, domestic violence victims, and domestic violence agencies. The rules must:

- establish standards for the operation of EMVNT by monitoring agencies, with the goal of implementing best practices to improve victim safety;
- establish protocols for implementing court orders that include EMVNT, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and
- establish any additional requirements necessary to promote compliance with statutory electronic monitoring requirements, which may include training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

The CJTC must also develop a model policy on EMVNT based on best practices where the technology is currently being used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

#### Access to Legal Counsel.

By September 30, 2024, the Office of Civil Legal Aid (OCLA) must propose a plan to standardize and expand statewide access to civil legal assistance for survivors of domestic violence in protection order proceedings initiated in superior and district courts and in family law proceedings. The plan must focus on:

- how deployment of publicly funded attorneys could integrate with existing networks of community and non-profit organizations already providing support for domestic violence survivors;
- strategies for expanding the number of private attorneys available to provide effective civil legal representation to domestic violence survivors;

- strategies for incorporating high-quality, culturally responsive, equity and trauma-informed assistance by non-attorneys into delivery systems;
- a proposed implementation schedule and priorities;
- provisions to ensure effective training, support, technical, and other assistance to ensure equity and trauma-informed legal assistance targeted to survivors at greatest risk of lethal and other aggravated harms;
- any statutory changes necessary to implement the plan; and
- any other information deemed appropriate by the OCLA.

Subject to appropriated funds, the OCLA must coordinate with the Indian Policy Advisory Council and representatives of tribal justice systems to develop a plan and implementation schedule to provide indigenous-informed, culturally competent legal support to survivors in tribal court domestic violence protection proceedings. The OCLA must submit its plan to the Legislature by December 1, 2024.

#### Civil Proceedings.

##### *Temporary Orders.*

In any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons stays in effect during the period within which the petitioner may file a motion for reconsideration or revision. If the petitioner files such a motion, the order to surrender and prohibit weapons stays in effect until the motion is resolved.

The court must notify the petitioner verbally and provide the petitioner with written information at the hearing explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner.

##### *Service of the Order.*

The first attempt at service of an order must occur within 24 hours unless an emergency situation renders service infeasible.

##### *Judicial Officer Training.*

The training that judicial officers are encouraged to complete must include material on domestic violence homicide prevention and best practices for the surrender of weapons. The Administrative Office for the Courts (AOC) must develop training in all required topics, which must be provided free of charge to judicial officers.

#### Crimes of Domestic Violence.

In a domestic violence proceeding, a court may not deny a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of electronic monitoring.

#### Surrender of Firearms or Dangerous Weapons.

##### *Criminal Sentencing.*

In any criminal proceeding, when determining conditions of release, a judicial officer must consider the defendant's firearms history.

##### *Compliance Hearings.*

Prosecutors may submit written information for purposes of verifying compliance with an order to surrender firearms or dangerous weapons. If the court finds that a person is in noncompliance with an order to surrender firearms or dangerous weapons, it may issue an arrest warrant.

##### *Timing of Surrender.*

A person ordered to surrender firearms, dangerous weapons, or a concealed pistol license as part of a criminal proceeding must file with the court proof of surrender and receipt or a declaration of non-surrender prior to release from confinement or before the conclusion of the hearing, instead of within five days.

##### *Notification.*

Subject to appropriated funds, the Washington Association of Sheriffs and Police Chiefs (WASPC) must create and maintain an electronic portal for law enforcement to enter when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements to be notified when a surrendered firearm is returned. The portal must collect the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned. Once the portal is available, law enforcement must utilize it prior to returning a firearm.

Prosecutors may submit written information for purposes of verifying compliance.

#### Residential Protections.

##### *Domestic Violence Proceedings.*



In a domestic violence action, the ability for a court to reveal the location of the victim to the attorney of the defendant is eliminated.

*The Address Confidentiality Program.*

The Address Confidentiality Program is expanded to include all persons residing with the applicant.

*Personal Financial Affairs Reporting for Government Officials.*

The type of individuals who are allowed to provide alternate descriptions of real property on their personal financial affairs forms are expanded to include participants in the Address Confidentiality Program.

Statewide Resource Prosecutor.

Subject to appropriated funds, the CJTC must administer a grant program to establish a statewide resource prosecutor for domestic violence cases. The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient must hire a resource prosecutor to:

- provide technical assistance and research to prosecutors to prosecute domestic violence cases;
- provide training on implementation and enforcement of orders to surrender and prohibit weapons, extreme risk protection orders, first appearances, case resolution, duties regarding recovery of firearms at the scene of domestic violence incidents, service of orders to surrender weapons, service of extreme risk protection orders, and firearm rights restoration petitions for domestic violence perpetrators;
- provide additional training and resources to prosecutors to support a trauma-informed, victim-centered approach to prosecuting domestic violence cases;
- meet regularly with law enforcement agencies and prosecutors to explain legal issues and prosecutorial approaches to domestic violence cases and provide and receive feedback to improve case outcomes;
- consult with the CJTC regarding the development and implementation of best practices for prosecuting domestic violence cases; and
- comply with other requirements established by the CJTC.

The CJTC may establish additional appropriate conditions for the grant and may adopt necessary policies and procedures to implement and administer the grant program, including monitoring the use of grant funds and compliance with grant requirements.

Domestic Violence High-Risk Teams.

Subject to appropriated funds, the Department of Commerce must administer a pilot program to implement domestic violence high-risk teams. A domestic violence program

must be the lead or co-lead of the high-risk teams. The high-risk teams must include:

- early identification of the most dangerous cases through evidence-based lethality assessments;
- increased access to supportive services for high-risk victims;
- increased perpetrator monitoring and accountability; and
- a coordinated response to high-risk cases through a multidisciplinary team.

### Law Enforcement Training.

The domestic violence training that is part of the basic law enforcement curriculum is expanded to include domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims, and understanding the risks of traumatic brain injury posed by domestic violence. Additionally, the investigation and interviewing skills that are part of the training must be trauma-informed.

The in-service training program is expanded to include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to, and services for, victims and children.

Subject to appropriated funds, the CJTC must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

The training must:

- be based on research-based practices and standards;
- offer participants an opportunity to practice interview skills and receive feedback from instructors;
- minimize the trauma of all persons who are interviewed during investigations;
- provide methods of reducing the number of investigative interviews necessary whenever possible;
- assure, to the extent possible, that investigative interviews are thorough, objective, and complete;
- recognize needs of special populations;
- recognize the nature and consequences of domestic violence victimization;
- require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances;
- address record retention and retrieval;

- address documentation of investigative interviews; and
- educate investigators on the best practices for notifying victims of significant events in the investigative process.

In developing the training, the CJTC must seek advice from the Washington Association of Sheriffs and Police Chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The CJTC must consult with the Washington Association of Prosecuting Attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

The CJTC must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

#### Statewide Automated Notification Systems.

The AOC must work with the WASPC to develop and maintain an interface to the Statewide Automated Victim Information and Notification System and the Statewide Automated Protected Person Notification System. The statewide automated protected person notification system must interface with the Washington State Patrol, the AOC, and any court not contributing data to the AOC in real time.

#### **EFFECT OF SENATE AMENDMENT(S):**

##### The Senate amendment does the following:

- changes the rules on electronic monitoring with victim notification technology (EMVNT) from rules to model standards;
- changes the responsibility for developing the standards on EMVNT from the Criminal Justice Training Commission (CJTC) to the Board for Judicial Administration (Board) and makes the work subject to appropriated funds;
- adds the Department of Corrections (DOC) to the list of entities with whom the Board must consult when adopting rules on EMVNT;
- replaces the goal of implementing best practices to improve victim safety with the goal of improving victim safety in the EMVNT standards;
- removes the requirement that the Office of Civil Legal Aid (OCLA) propose a plan to standardize and expand access to legal assistance for survivors of domestic violence in protection order proceedings;
- removes the requirement that the OCLA develop a plan to provide support to domestic violence survivors in tribal court;
- makes the new training requirements for the Administrative Office for the Courts (AOC) and the CJTC subject to appropriated funds;
- expands the persons with whom the CJTC must consult when developing training to include survivors of domestic violence;

- extends the deadline for developing the CJTC training from July 1, 2026, to July 1, 2027;
- requires civil no-contact orders to be served as soon as possible if an emergency situation arises that prevents service within 24 hours;
- adds intent language to the provisions regarding reconsideration or revision of an order denying a permanent no-contact order;
- requires a petitioner to be notified verbally about the procedure for reconsideration or revision only if the petitioner is present;
- expands the persons notified when a firearm is returned to include any protected person or identified victim of the crime that resulted in the firearm surrender;
- removes the requirement that the Washington Association of Sheriffs and Police Chiefs create an electronic portal for law enforcement to enter when any respondent subject to a protection order meets the requirements for the return of a firearm or weapon;
- removes the requirement that the Statewide Automated Protected Person Notification System interface with the Washington State Patrol (WSP), the AOC, and any court not contributing data to the AOC in real time;
- removes the requirement that the AOC and WSP create an interface to the Statewide Automated Victim Information and Notification System and the Statewide Automated Protected Person Notification System;
- requires at least five days to have elapsed before a firearm may be returned in all cases, instead of only in connection with a domestic violence call;
- requires a compliance review hearing in any case where the court has indication that the respondent has possession, control, or control over firearms, dangerous weapons, or a concealed pistol license;
- allows the hearing to be waived or held at a later date if the person makes a sufficient showing that the firearms, weapons, or concealed pistol license has been surrendered and the court is able to make a finding of compliance;
- requires service of notice of a firearms surrender review hearing to be prioritized by law enforcement to minimize the time during which the respondent could access their firearms, dangerous weapons, or concealed pistol license;
- allows a court, when making findings on firearms surrender compliance, to consider any available Department of Licensing and WSP firearm records; for criminal cases, the police report and any document of firearms; and for civil protection orders, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearms surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license in the person's custody, control, or possession;
- allows, if the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney to request the compliance hearing to be held if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or

- is otherwise out of compliance with the court's order;
- allows a court to impose additional sanctions for failure to appear at contempt proceedings regarding failure to comply with an order to surrender firearms, dangerous weapons, or a concealed pistol license;
  - allows a city or county prosecutor (or both) to attend any hearing that concerns an order to surrender or prohibit weapons, instead of only such hearings in connection with another type of protection order;
  - states that the act of voluntarily surrendering firearms or weapons, providing relevant testimony, or complying with an order to surrender and prohibit weapons, and any information directly or indirectly derived from such act or testimony, may not be used against the person subject to the order in certain criminal prosecutions or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order;
  - requires an order to surrender and prohibit weapons to include language consistent with this immunity;
  - allows a court, when a person subject to an order invokes the privilege against self-incrimination, to afford the person an opportunity to demonstrate that compliance with the surrender provision would expose the person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding;
  - allows the court to conduct this part of the proceeding *ex parte* or to receive evidence in camera, after the court conducts an analysis under *State v. Bone Club* and concludes that the courtroom may be closed;
  - requires the court, if the person establishes a realistic threat of self-incrimination, to allow the prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination;
  - requires the immunity to be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered;
  - limits the ability to extend the immunity further only to the prosecutor;
  - requires the court order, if the prosecutor declines to extend immunity such that the person subject to the order is unable to comply with the surrender provisions without facing a realistic threat of self-incrimination, to provide for the surrender of every firearm, dangerous weapon, and concealed weapon that does not implicate a realistic threat of self-incrimination;
  - requires the order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons, or concealed pistol license, to remain in effect;
  - clarifies that the person subject to the order is required to fully comply with the order issued by the court and that the burden remains on the person subject to the order to prove compliance;
  - alters the Administrative Office of the Courts' (AOC's) annual reporting requirements relating to orders to surrender and prohibit weapons;
  - removes the ability of a person ordered to surrender firearms or dangerous weapons

- to file a declaration of non-surrender with the clerk of the court;
- allows a person ordered to surrender firearms or dangerous weapons to file a declaration that the person has no firearms, dangerous weapons, or concealed pistol license or other evidence sufficient to establish full and timely compliance with the order;
  - requires verification of compliance to be provided to the court within 24 hours of service of the order, unless the order is pursuant to a criminal proceeding, in which case the verification must be provided before release from custody or the conclusion of the sentencing hearing;
  - requires, if such verification is not possible, arrangements for surrender to be made and approved by the court prior to the person's release from custody or before the conclusion of the sentencing hearing and the court to order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, and concealed pistol license are located so that they are surrendered directly to the law enforcement officer;
  - requires surrender to occur in a safe manner and requires law enforcement to provide proof of compliance to the court within 24 hours of the person's release from custody or conclusion of the sentencing hearing;
  - requires the AOC to develop and distribute new or updated forms necessary to comply with the act;
  - requires extreme risk protection orders to order the respondent to surrender firearms subject to the respondent's immediate possession and control;
  - allows a court issuing an extreme risk protection order to authorize the search for and seizure of any firearm, dangerous weapon, or concealed pistol license, if there is probable cause to find that the person subject to the court's order is violating the order by refusing to comply after being served with the order;
  - requires the court's order to state with specificity the location and scope of the search and seizure;
  - requires a court to order the surrender of firearms when a person has used, displayed, or threatened to use a firearm or dangerous weapon or is ineligible to possess a firearm when the court is entering an order pertaining to trafficking, sexual assault, promoting prostitution, or driving under the influence;
  - requires the court to order the party to surrender all firearms or dangerous weapons in the party's custody or control, in addition to firearms or dangerous weapons in the person's possession or immediate possession or control;
  - allows the court to authorize the search for and seizure of any firearm, dangerous weapon, or concealed pistol license, if there is probable cause to find that the party subject to the court's order is violating the order by refusing to comply after being served with the order and requires the court order to state with specificity the location and scope of the search and seizure;
  - adds notifications regarding firearms and dangerous weapons to the list of notifications that must be included in the interface developed by the AOC;
  - removes the grant program for establishing the statewide resource prosecutor for domestic violence cases; and

- requires the University of Washington, subject to appropriated funds, to develop a plan to establish a Center of Excellence in Research, Policy, and Practice to Reduce Domestic Violence and requires implementation of the plan to begin by July 1, 2024.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on April 6, 2023.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Community Safety, Justice, & Reentry):**

(In support) Victims of domestic violence often live in terror. Perpetrators have no problem finding legal assistance, but victims find it difficult to find attorneys. Obtaining a protection order can be expensive. Transmission of orders can be delayed because of holidays. Washington's toughness on domestic violence ends after the arrest, but the arrest is only the tip of the iceberg.

Protection orders are not force fields. Perpetrators violate protection orders all the time and inflict horrific violence, causing victims to flee. All that time, the perpetrator is free to terrorize, while the victim is hiding for his or her life.

Certain regions of the state have high rates of domestic violence. Rates of domestic violence increased due to COVID-19. The presence of a gun drastically increases lethality. Domestic violence leads to children with adverse childhood experiences, which can have long-term effects.

This bill is the most thorough, original, and comprehensive legislation out there on domestic violence. It plugs the holes and offers new tools to hold people accountable. The bill will make domestic violence prevention a priority in Washington and will help build the needed safety net.

The electronic monitoring provisions will help victims get their lives back by containing perpetrators. Perpetrators can be excluded from zones and the victim can be notified when the zones are violated. Electronic monitoring is the most effective way to prevent homicide and gives victims and their families peace of mind.

The domestic violence hotline and lethality assessments are the most exciting part of this bill. Lethality assessments are already being used in Washington, but inconsistently. Centralizing how they should be used in court rule is a good idea. Lethality assessments are also being used in other states. The assessments are developed by researchers and professors and identify highest-risk victims. This can be done at the scene. The assessment informs all of the other parts of the system, including electronic monitoring. The high-risk

teams are an essential part of this bill.

Almost all domestic violence survivors have to navigate the system alone and face civil legal problems. Abusers misuse the civil legal system to maintain control over the victim. Victims also face economic issues caused by the perpetrator. More civil attorneys are needed for victims. Legal assistance is necessary to enforce the laws the state has enacted.

The Center of Excellence at the University of Washington is an important part of this bill. Research is critical. Effective treatment methods should be explored and should be payable by insurance.

This bill is not perfect, but the intent is. The bill is a good first step. There are constitutional and staffing concerns with the firearms provisions.

(Opposed) None.

(Other) There should be a comprehensive and robust discussion of these issues. Many of the provisions of the bill can be improved upon. The notification requirements and processes in the bill should be streamlined within law enforcement resources.

#### **Staff Summary of Public Testimony (Appropriations):**

(In support) Our domestic violence system is thoroughly broken. The challenge that many survivors and their children encounter is that many shelters are full or there is a long waitlist, or the entire process is complicated. This bill works to close gaps in a system that creates incredible injustices that leaves many survivors to fall through the cracks. There are approximately 61,000 crimes of domestic violence that annually occur in Washington. There are over 20,000 individuals that petition for civil court protection every year. Of the total number of women that are murdered by a domestic partner, only 4 percent were engaged in a community-based agency.

One provision of this bill attempts to address the systemic lack of necessary legal assistance for domestic violence survivors who are forced daily to navigate the protection order system alone. It is not usual that perpetrators charged with domestic violence crimes receive court appointed counsel. However, the vast majority of their victims stand before the court without the necessary legal help to secure protection for themselves when they are most vulnerable.

This bill incorporates the best practices available nationally and takes them to a new level, especially in its response to lethality. A lethality assessment in all domestic violence cases is the first step in saving lives and improving the system. The next important step is having cases handled by a high-risk team.

(Opposed) The intent behind this bill is good but the logic behind the Domestic Violence



Lethality Hotline seems to be that the lack luster response to domestic violence by police, prosecutors, and the judiciary is because they just do not know it can be dangerous. That is not the case. There is fear this law will result in minimalizing cases that do not appear to be potentially lethal thus endangering victims who seek help from police before things get deadly.

People commonly believe the safest response to domestic violence is to get abusers prosecuted and grant survivors a protection order. Although this may help some, these actions can also lead to an increase in lethality. Rather than relying on law enforcement and the criminal justice system, what survivors need the most is to make family law more equitable. In addition, survivors want and need their partners to continue to be productive community members, they just want the violence to stop.

Domestic violence advocacy programs already do a great job in helping survivors understand their risk and plan for their safety every day. However, Washington has not increased funding for victim services in over 20 years. As a result, domestic violence agencies are struggling and overwhelmed with clients. Sustainable funding is needed for high-trauma services. The expensive mandates on law enforcement and other systems proposed in this bill is not the answer. This bill would also be difficult to implement in small rural communities.

The most effective domestic violence laws are rooted in collaboration among stakeholders, policy makers, and those who will be most impacted by implementation such as survivors. This bill would further deplete existing services and resources. The current fiscal note is grossly understated.

(Other) Domestic violence cases are difficult, complex cases and there is support for a comprehensive and robust discussion in how to protect victims of violence. Furthermore, there is a provision in the bill that provides a statewide resource prosecutor to handle matters dealing with domestic violence. A statewide resource prosecutor would provide a bridge between the training law enforcement receive and the in- court experiences of prosecutors. It would also provide a bridge to manage some of the technology that is currently available and some of the victim notification pieces. This is a resource and a model that is used across the country. However, there are several provisions in the bill that can still be improved upon.

**Persons Testifying (Community Safety, Justice, & Reentry):** (In support)

Representative Lauren Davis, prime sponsor; David Martin, King County Prosecuting Attorney Office; Jim Bamberger, Office of Civil Legal Aid; Taylot Knight, Clark County Prosecuting Attorney's Office Domestic Violence Prosecution Center; and Annie Murphey, Spokane Regional Domestic Violence Coalition.

(Other) Rick Torrance, Department of Commerce-Office of Crime Victims Advocacy; and Taylor Gardner, Washington Association of Sheriffs and Police Chiefs.

**Persons Testifying (Appropriations):** (In support) Representative Lauren Davis, prime sponsor; Nina Martinez, Latino Civic Alliance; Diane Rosenfeld, Harvard Law School Gender Violence Program; Annie Murphey, Spokane Regional Domestic Violence Coalition; and Jim Bamberger, Office of Civil Legal Aid.

(Opposed) Margaret Hobart; Kris Camenzind, Hope Alliance; Ann Simpson, Mariposa House; Natalie Burton; Suzi Fode, New Hope; and Nan Stoops, Washington State Coalition Against Domestic Violence.

(Other) Taylor Gardner, Washington Association of Sheriffs and Police Chiefs; and Russell Brown, Washington Association of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying (Community Safety, Justice, & Reentry):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.