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**SUBSTITUTE HOUSE BILL 1715**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Community Safety, Justice, & Reentry (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)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to enacting comprehensive protections for victims  
2 of domestic violence and other violence involving family members or  
3 intimate partners; amending RCW 10.97.050, 10.21.050, 7.105.155,  
4 7.105.255, 7.105.450, 7.105.500, 4.16.040, 10.99.020, 10.99.033,  
5 10.99.040, 10.99.045, 10.99.100, 9.41.340, 9.41.345, 9.41.800,  
6 9.41.801, 9.41.804, 7.105.340, 40.24.030, 42.17A.710, 59.18.575,  
7 10.31.100, and 36.28A.410; reenacting and amending RCW 7.105.310 and  
8 10.99.030; adding a new section to chapter 10.99 RCW; adding new  
9 sections to chapter 2.56 RCW; adding new sections to chapter 43.101  
10 RCW; adding new sections to chapter 2.53 RCW; adding a new section to  
11 chapter 7.105 RCW; adding a new section to chapter 4.24 RCW; adding a  
12 new section to chapter 43.330 RCW; adding a new section to chapter  
13 43.20A RCW; adding a new section to chapter 28B.20 RCW; creating a  
14 new section; and providing an expiration date.

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

16 **Part I. Lethality Assessments**

17 NEW SECTION. **Sec. 101.** A new section is added to chapter 10.99  
18 RCW to read as follows:

19 (1) By July 1, 2024, the department must, through the contractor  
20 under subsection (2) of this section, establish the domestic violence

1 lethality hotline to provide an evidence-based standard of practice  
2 to prevent intimate partner homicide, increase victim safety, prevent  
3 children from being exposed to violence and support children who have  
4 been exposed to violence, and enhance collaboration among law  
5 enforcement, domestic violence agencies, and service providers across  
6 the state.

7 (2) The department must contract with an organization to operate  
8 the hotline. The department must select the organization through a  
9 competitive bidding process and ensure that the selected organization  
10 has demonstrated financial stability, meets the qualifications for  
11 the duties identified in this section, and does not have any  
12 conflicts of interest that would interfere with the duties identified  
13 in this section. The department may adopt rules for carrying out this  
14 section.

15 (3)(a) The organization must develop or select a lethality  
16 assessment instrument and protocol to be used to determine the  
17 likelihood that a homicide will be committed by one intimate partner  
18 against another. The lethality determination may not be based  
19 exclusively on a numeric score, but must be based on a comprehensive  
20 understanding of the situation and the professional determination of  
21 the person conducting the assessment. All lethality assessments must  
22 be rooted in evidence-based risk factors for domestic homicide.

23 (b) Beginning January 1, 2025, the hotline must provide on-call  
24 service for completing lethality assessments remotely through victim  
25 interviews facilitated by peace officers under RCW 10.99.030 and for  
26 petitioners in domestic violence protection order proceedings. The  
27 hotline must also assist victims with immediate safety planning and  
28 referrals for children exposed to violence. Upon completing a  
29 lethality assessment, the hotline must transmit a copy of the  
30 assessment to the applicable local law enforcement agency or court.  
31 Services under this subsection must be offered statewide, on-demand,  
32 24 hours per day, seven days per week.

33 (c) The organization must establish policies and procedures for  
34 conducting lethality assessments, and develop and provide training to  
35 peace officers on best practices for coordinating with the hotline,  
36 as required under RCW 10.99.030.

37 (d) Recognizing that past history of domestic violence is a  
38 significant lethality factor, law enforcement agencies and the courts  
39 must provide the hotline access to criminal history records and court

1 records to the extent necessary for the hotline to perform lethality  
2 assessments under this section.

3 (4) The organization must implement a mechanism to place a high  
4 lethality designation in law enforcement and court databases if a  
5 respondent or defendant is determined to be at high risk of intimate  
6 partner homicide under this section, including the Washington state  
7 patrol's electronic database accessible to law enforcement agencies  
8 and officers, including federally recognized Indian tribes, that have  
9 a connection to the Washington state patrol database.

10 (5) For the purposes of this section:

11 (a) "Department" means the department of social and health  
12 services; and

13 (b) "Hotline" means the domestic violence lethality hotline.

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

16 (1) The administrative office of the courts must develop a model  
17 form for courts to use when granting protection orders or no-contact  
18 orders when the respondent or defendant has a high lethality  
19 designation under section 101 of this act. The form must include all  
20 mandatory conditions for protection orders or no-contact orders with  
21 a high lethality designation.

22 (2) The administrative office of the courts must adopt rules  
23 requiring courts to rapidly transmit protection orders and no-contact  
24 orders with a high lethality designation under section 101 of this  
25 act to the department of licensing.

26 **Sec. 103.** RCW 10.97.050 and 2020 c 184 s 2 are each amended to  
27 read as follows:

28 (1) Conviction records may be disseminated without restriction.

29 (2) Any criminal history record information which pertains to an  
30 incident that occurred within the last twelve months for which a  
31 person is currently being processed by the criminal justice system,  
32 including the entire period of correctional supervision extending  
33 through final discharge from parole, when applicable, may be  
34 disseminated without restriction.

35 (3) Criminal history record information which includes  
36 nonconviction data may be disseminated by a criminal justice agency  
37 to another criminal justice agency for any purpose associated with  
38 the administration of criminal justice, or in connection with the

1 employment of the subject of the record by a criminal justice or  
2 juvenile justice agency, except as provided under RCW 13.50.260. A  
3 criminal justice agency may respond to any inquiry from another  
4 criminal justice agency without any obligation to ascertain the  
5 purpose for which the information is to be used by the agency making  
6 the inquiry.

7 (4) Criminal history record information which includes  
8 nonconviction data may be disseminated by a criminal justice agency  
9 to implement a statute, ordinance, executive order, or a court rule,  
10 decision, or order which expressly refers to records of arrest,  
11 charges, or allegations of criminal conduct or other nonconviction  
12 data and authorizes or directs that it be available or accessible for  
13 a specific purpose.

14 (5) Criminal history record information which includes  
15 nonconviction data may be disseminated to individuals and agencies  
16 pursuant to a contract with a criminal justice agency to provide  
17 services related to the administration of criminal justice. Such  
18 contract must specifically authorize access to criminal history  
19 record information, but need not specifically state that access to  
20 nonconviction data is included. The agreement must limit the use of  
21 the criminal history record information to stated purposes and insure  
22 the confidentiality and security of the information consistent with  
23 state law and any applicable federal statutes and regulations.

24 (6) Criminal history record information which includes  
25 nonconviction data may be disseminated to individuals and agencies  
26 for the express purpose of research, evaluative, or statistical  
27 activities pursuant to an agreement with a criminal justice agency.  
28 Such agreement must authorize the access to nonconviction data, limit  
29 the use of that information which identifies specific individuals to  
30 research, evaluative, or statistical purposes, and contain provisions  
31 giving notice to the person or organization to which the records are  
32 disseminated that the use of information obtained therefrom and  
33 further dissemination of such information are subject to the  
34 provisions of this chapter and applicable federal statutes and  
35 regulations, which shall be cited with express reference to the  
36 penalties provided for a violation thereof.

37 (7) Criminal history record information that includes  
38 nonconviction data may be disseminated to the domestic violence  
39 lethality hotline to the extent necessary for the hotline to perform  
40 lethality assessments under section 101 of this act.

1       (8) Every criminal justice agency that maintains and disseminates  
2 criminal history record information must maintain information  
3 pertaining to every dissemination of criminal history record  
4 information except a dissemination to the effect that the agency has  
5 no record concerning an individual. Information pertaining to  
6 disseminations shall include:

7       (a) An indication of to whom (agency or person) criminal history  
8 record information was disseminated;

9       (b) The date on which the information was disseminated;

10       (c) The individual to whom the information relates; and

11       (d) A brief description of the information disseminated.

12       The information pertaining to dissemination required to be  
13 maintained shall be retained for a period of not less than one year.

14       (~~(8)~~) (9) In addition to the other provisions in this section  
15 allowing dissemination of criminal history record information, RCW  
16 4.24.550 governs dissemination of information concerning offenders  
17 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice  
18 agencies, their employees, and officials shall be immune from civil  
19 liability for dissemination on criminal history record information  
20 concerning sex offenders as provided in RCW 4.24.550.

21       **Sec. 104.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to  
22 read as follows:

23       The judicial officer in any felony, misdemeanor, or gross  
24 misdemeanor case must, in determining whether there are conditions of  
25 release that will reasonably assure the safety of any other person  
26 and the community, take into account the available information  
27 concerning:

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

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

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

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

37       (b) Whether, at the time of the current offense or arrest, the  
38 defendant was on community supervision, probation, parole, or on

1 other release pending trial, sentencing, appeal, or completion of  
2 sentence for an offense under federal, state, or local law; (~~and~~)

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

5 (d) The defendant's firearms history, including purchase history,  
6 any concealed pistol license history, and the requirements of RCW  
7 9.41.800 regarding issuance of an order to surrender and prohibit  
8 weapons; and

9 (4) In the case of alleged intimate partner domestic violence:

10 (a) The results of any applicable and available lethality  
11 assessment; and

12 (b) Any evidence that the purpose of the alleged offense was to  
13 gain or maintain power and control over the victim as part of a  
14 broader pattern of intimate terrorism.

## 15 **Part II. Electronic Monitoring with Victim Notification Technology**

16 NEW SECTION. Sec. 201. A new section is added to chapter 43.101  
17 RCW to read as follows:

18 (1) By July 1, 2024, electronic monitoring with victim  
19 notification technology services must be available for all courts in  
20 all jurisdictions in the state.

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

22 (a) Requiring local governments to enter into contracts with a  
23 monitoring agency to provide electronic monitoring with victim  
24 notification technology services under court order, including  
25 specifying which entities are responsible for entering into those  
26 contracts;

27 (b) Establishing standards for the operation of electronic  
28 monitoring with victim notification technology by monitoring  
29 agencies, with the goal of implementing best practices to improve  
30 victim safety;

31 (c) Establishing protocols for implementing court orders that  
32 include electronic monitoring with victim notification, including  
33 protocols for the installation and removal of monitoring devices to  
34 ensure uninterrupted monitoring services following release from  
35 detention or incarceration; and

36 (d) Establishing any additional requirements necessary to promote  
37 compliance with RCW 2.56.260 and 9.94A.736, which may include, but  
38 not be limited to, training requirements for court officials, peace

1 officers, 911 dispatchers, local corrections officers and staff, and  
2 other appropriate practitioners.

3 (3) In developing the rules required under this section, the  
4 commission must solicit input from courts of general and limited  
5 jurisdiction, local governments, monitoring agencies, and statewide  
6 associations representing law enforcement leaders, prosecutors,  
7 domestic violence victims, and domestic violence agencies.

8 (4) The commission must develop a model policy on electronic  
9 monitoring with victim notification technology based on best  
10 practices where the technology is being currently used in Washington.  
11 Each law enforcement agency in the state must adopt its own policy  
12 based on the model policy.

13 (5) For the purposes of this section:

14 (a) "Electronic monitoring" has the meaning provided in RCW  
15 9.94A.030; and

16 (b) "Monitoring agency" has the meaning provided in RCW  
17 9.94A.736.

18 NEW SECTION. **Sec. 202.** A new section is added to chapter 2.56  
19 RCW to read as follows:

20 The administrative office of the courts must contract with one or  
21 more entities to:

22 (1) Provide training on electronic monitoring with victim  
23 notification technology to prosecutors, law enforcement officers,  
24 judges, domestic violence agencies, attorneys representing domestic  
25 violence survivors, and any other persons or entities deemed  
26 appropriate by the administrative office of the courts; and

27 (2) Create a website with information about electronic monitoring  
28 with victim notification technology, including recorded trainings,  
29 brochures or flyers, approved vendors, and specific instructions on  
30 how victims may advocate or request electronic monitoring with victim  
31 notification technology.

32 **Part III. Access to Counsel**

33 NEW SECTION. **Sec. 301.** (1) The office of civil legal aid shall  
34 propose a plan to standardize and expand statewide access to civil  
35 legal assistance for survivors of domestic violence as defined in RCW  
36 7.105.010 in protection order proceedings initiated in superior and

1 district courts. The plan must include the following specific areas  
2 of focus:

3 (a) Exploration of how deployment of publicly funded attorneys  
4 could integrate with existing networks of community and nonprofit  
5 organizations already providing support for domestic violence  
6 survivors;

7 (b) Strategies for expanding the number of private attorneys  
8 available to provide effective civil legal representation to domestic  
9 violence survivors;

10 (c) Strategies for incorporating high quality, culturally  
11 responsive, equity and trauma-informed assistance by nonattorneys  
12 into delivery systems where appropriate;

13 (d) A proposed implementation schedule and priorities;

14 (e) Provisions to ensure effective training, support, technical,  
15 and other assistance to ensure equity and trauma-informed legal  
16 assistance targeted to survivors at greatest risk of lethal and other  
17 aggravated harms;

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

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

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

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

26 NEW SECTION. **Sec. 302.** A new section is added to chapter 2.53  
27 RCW to read as follows:

28 The legislature recognizes the importance of connecting domestic  
29 violence survivors with civil legal counsel. To support this effort  
30 for survivors seeking private attorneys for representation, the  
31 office of civil legal aid shall contract with a statewide domestic  
32 violence survivor advocacy organization to maintain on its website a  
33 statewide list of attorneys who represent survivors of domestic  
34 violence in protection order proceedings. The list of attorneys must  
35 be organized by region of the state and include contact information  
36 for the attorneys. An initial list shall be posted by July 1, 2024,  
37 and be regularly updated thereafter.





1 (3) Where personal service is required, the first attempt at  
2 service must occur within 24 hours of receiving the order from the  
3 court (~~whenever practicable, but not more than five days after~~  
4 ~~receiving the order~~) unless an emergency situation renders the  
5 service infeasible. The law enforcement officer must give priority to  
6 orders with a high lethality designation under section 101 of this  
7 act. If the first attempt is not successful, no fewer than two  
8 additional attempts should be made to serve the order, particularly  
9 for respondents who present heightened risk of lethality or other  
10 risk of physical harm to the petitioner or petitioner's family or  
11 household members. All attempts at service must be documented on a  
12 proof of service form and submitted to the court in a timely manner;

13 (4) The law enforcement officer serving an order under this  
14 section must attempt to contact the petitioner before the attempted  
15 service so that the petitioner may provide pertinent information  
16 related to officer safety considerations, the respondent's behavior,  
17 the location and description of the respondent's firearms, and other  
18 relevant details;

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

28 (~~(5)~~) (6) If the respondent is in a protected person's presence  
29 at the time of contact for service, the law enforcement officer  
30 should take reasonable steps to separate the parties when possible  
31 prior to completing the service or inquiring about or collecting  
32 firearms. When the order requires the respondent to vacate the  
33 parties' shared residence, law enforcement shall take reasonable  
34 steps to ensure that the respondent has left the premises and is on  
35 notice that (~~his or her~~) the respondent's return is a violation of  
36 the terms of the order. The law enforcement officer shall provide the  
37 respondent with copies of all forms with the exception of the  
38 confidential information form completed by the protected party and  
39 the proof of service form;

1        ~~((6))~~ (7) Any law enforcement officer who serves a protection  
2 order on a respondent with the knowledge that the respondent requires  
3 special assistance due to a disability, brain injury, or impairment  
4 shall make a reasonable effort to accommodate the needs of the  
5 respondent to the extent practicable without compromise to the safety  
6 of the petitioner;

7        ~~((7))~~ (8) Proof of service must be submitted to the court on  
8 the proof of service form. The form must include the date and time of  
9 service and each document that was served in order for the service to  
10 be complete, along with any details such as conduct at the time of  
11 service, threats, or avoidance of service, as well as statements  
12 regarding possession of firearms, including any denials of ownership  
13 despite positive purchase history, active concealed pistol license,  
14 or sworn statements in the petition that allege the respondent's  
15 access to, or possession of, firearms; ~~((8~~

16        ~~8))~~ (9) Upon service of the order, the law enforcement officer  
17 must contact the petitioner to communicate that the order has been  
18 served, is now in effect, and can be lawfully enforced. The officer  
19 must also convey to the petitioner information regarding the  
20 respondent's behavior that may be relevant to the petitioner's safety  
21 planning;

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

29        (11) The law enforcement information sheet may not include the  
30 petitioner's residential address.

31        **Sec. 402.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to  
32 read as follows:

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

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

9 (2) The administrative office of the courts, in consultation with  
10 the supreme court gender and justice commission, should ensure the  
11 training required under this section is regularly provided and  
12 available remotely and notify judicial officers of the training.

13 **Sec. 403.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9  
14 are each reenacted and amended to read as follows:

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

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

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

33 (c) Exclude the respondent from the residence that the parties  
34 share;

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

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

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

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

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

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

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

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

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

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

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

1 (ii) The court must order the respondent to submit to electronic  
2 monitoring with victim notification technology upon the request of  
3 the petitioner if the respondent has a high lethality designation  
4 under section 101 of this act. In all other cases, electronic  
5 monitoring with victim notification technology is discretionary;

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

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

23 (o) Order use of a vehicle;

24 (p) Enter an order restricting the respondent from engaging in  
25 abusive litigation as set forth in chapter 26.51 RCW or in frivolous  
26 filings against the petitioner, making harassing or libelous  
27 communications about the petitioner to third parties, or making false  
28 reports to investigative agencies. A petitioner may request this  
29 relief in the petition or by separate motion. A petitioner may  
30 request this relief by separate motion at any time within five years  
31 of the date the protection order is entered even if the order has  
32 since expired. A stand-alone motion for an order restricting abusive  
33 litigation may be brought by a party who meets the requirements of  
34 chapter 26.51 RCW regardless of whether the party has previously  
35 sought a protection order under this chapter, provided the motion is  
36 made within five years of the date the order that made a finding of  
37 domestic violence was entered. In cases where a finding of domestic  
38 violence was entered pursuant to an order under chapter 26.09, 26.26,  
39 or 26.26A RCW, a motion for an order restricting abusive litigation  
40 may be brought under the family law case or as a stand-alone action

1 filed under this chapter, when it is not reasonable or practical to  
2 file under the family law case;

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

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

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

10 (t) Order financial relief and restrain the transfer of jointly  
11 owned assets;

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

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

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

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

36 (4) In issuing a domestic violence, sexual assault, or stalking  
37 protection order on behalf of a prevailing petitioner, the court must  
38 order the respondent to pay reasonable attorneys' fees or limited  
39 license legal technician fees when such fees are incurred by a person  
40 licensed and practicing in accordance with state supreme court



1 admission and practice rule 28, the limited practice rule for limited  
2 license legal technicians.

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

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

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

16 (c) Under no circumstances shall the court deny the petitioner  
17 the type of protection order sought in the petition on the grounds  
18 that the court finds that a different type of protection order would  
19 have a less severe impact on the respondent.

20 ~~((+5))~~ (6) The order shall specify the date the order expires,  
21 if any. For permanent orders, the court shall set the date to expire  
22 99 years from the issuance date. The order shall also state whether  
23 the court issued the protection order following personal service,  
24 service by electronic means, service by mail, or service by  
25 publication, and whether the court has approved service by mail or  
26 publication of an order issued under this section.

27 **Sec. 404.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to  
28 read as follows:

29 (1)(a) Whenever a domestic violence protection order, a sexual  
30 assault protection order, a stalking protection order, or a  
31 vulnerable adult protection order is granted under this chapter, or  
32 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,  
33 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign  
34 protection order as defined in RCW 26.52.020, or there is a Canadian  
35 domestic violence protection order as defined in RCW 26.55.010, and  
36 the respondent or person to be restrained knows of the order, a  
37 violation of any of the following provisions of the order is a gross  
38 misdemeanor, except as provided in subsections (4) and (5) of this  
39 section:

1 (i) The restraint provisions prohibiting acts or threats of  
2 violence against, or stalking of, a protected party, or the restraint  
3 provisions prohibiting contact with a protected party;

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

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

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

13 (v) A provision requiring the respondent to submit to electronic  
14 monitoring; or

15 (vi) A provision of a foreign protection order or a Canadian  
16 domestic violence protection order specifically indicating that a  
17 violation will be a crime.

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

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

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

32 (2) A law enforcement officer shall arrest without a warrant and  
33 (~~(take into)~~) keep in custody until release by a judicial officer on  
34 bail, personal recognizance, or court order, a person whom the law  
35 enforcement officer has probable cause to believe has violated a  
36 domestic violence protection order, a sexual assault protection  
37 order, a stalking protection order, or a vulnerable adult protection  
38 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,  
39 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
40 protection order as defined in RCW 26.52.020, or a Canadian domestic

1 violence protection order as defined in RCW 26.55.010, that restrains  
2 the person or excludes the person from a residence, workplace,  
3 school, or day care, or prohibits the person from knowingly coming  
4 within, or knowingly remaining within, a specified distance of a  
5 location, a protected party's person, or a protected party's vehicle,  
6 if the person restrained knows of the order. Presence of the order in  
7 the law enforcement computer-based criminal intelligence information  
8 system is not the only means of establishing knowledge of the order.  
9 A law enforcement officer is not required to keep in custody a person  
10 under this subsection if the person requires immediate medical  
11 attention and is admitted to a hospital.

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

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

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

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

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

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

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

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

1       **Sec. 405.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to  
2 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 NEW SECTION. Sec. 406. A new section is added to chapter 7.105  
12 RCW to read as follows:

13 (1) In any proceeding in which the court enters a temporary  
14 protection order that includes a temporary order to surrender and  
15 prohibit weapons, and after the hearing the court denies the petition  
16 for a full protection order, the court must stay entry of the  
17 decision and provide notice to the petitioner of the right to seek  
18 reconsideration or revision of the decision in accordance with this  
19 section.

20 (2) The court must notify the petitioner verbally and provide the  
21 petitioner with written information at the hearing in which the court  
22 denies the petition for a full protection order explaining the  
23 procedures and timelines for filing a motion for reconsideration or a  
24 motion for revision. The information must also include contact  
25 information for civil legal aid organizations that may assist the  
26 petitioner with a motion for reconsideration or a motion for  
27 revision.

28 (3) A motion for reconsideration or a motion for revision must be  
29 filed within 10 calendar days of the court's denial of the petition  
30 for a full protection order. The petitioner may not file both a  
31 motion for reconsideration and a motion for revision. The hearing on  
32 the motion must be held within 30 calendar days from the filing of  
33 the motion.

34 (4) The court's order denying entry of a full protection order  
35 must be stayed, and the temporary protection order and temporary  
36 order to surrender and prohibit weapons must remain in effect,  
37 pending reconsideration or revision, as follows:

38 (a) If the petitioner does not timely file a motion for  
39 reconsideration or motion for revision, the order denying the full

1 protection order becomes final once the filing deadline for a motion  
2 for reconsideration or motion for revision has passed; and

3 (b) If the petitioner timely files a motion for reconsideration  
4 or motion for revision, the stay of the court's order denying the  
5 full protection order remains in place until the hearing on the  
6 motion for reconsideration or motion for revision is held, but no  
7 later than 30 calendar days after the motion is filed.

8 NEW SECTION. **Sec. 407.** A new section is added to chapter 4.24  
9 RCW to read as follows:

10 (1) A victim of domestic violence may maintain, as plaintiff, an  
11 action against the perpetrator of the domestic violence if the victim  
12 was the intimate partner of the perpetrator.

13 (2) For purposes of an action maintained under this section,  
14 damages may include any damages proximately caused by the domestic  
15 violence including, but not limited to, emotional distress, health  
16 care costs, lost wages, property damage, and attorneys' fees incurred  
17 in order to obtain a protection order or no-contact order against the  
18 perpetrator. A plaintiff who prevails under this section is entitled  
19 to reasonable attorneys' fees incurred in order to bring an action  
20 under this section.

21 (3) For the purposes of this section, "domestic violence" and  
22 "intimate partner" have the meanings provided in RCW 7.105.010.

23 **Sec. 408.** RCW 4.16.040 and 2012 c 185 s 3 are each amended to  
24 read as follows:

25 The following actions shall be commenced within six years:

26 (1) An action upon a contract in writing, or liability express or  
27 implied arising out of a written agreement, except as provided for in  
28 RCW 64.04.007(2).

29 (2) An action upon an account receivable. For purposes of this  
30 section, an account receivable is any obligation for payment incurred  
31 in the ordinary course of the claimant's business or profession,  
32 whether arising from one or more transactions and whether or not  
33 earned by performance.

34 (3) An action for the rents and profits or for the use and  
35 occupation of real estate.

36 (4) An action under section 407 of this act. For purposes of this  
37 subsection, the six-year period begins to run upon the termination of  
38 the domestic violence relationship.



1 **Part V. Domestic Violence Protections**

2 **Sec. 501.** RCW 10.99.020 and 2021 c 215 s 121 are each amended to  
3 read as follows:

4 Unless the context clearly requires otherwise, the definitions in  
5 this section apply throughout this chapter.

6 (1) "Agency" means a general authority Washington law enforcement  
7 agency as defined in RCW 10.93.020.

8 (2) "Association" means the Washington association of sheriffs  
9 and police chiefs.

10 (3) "Dating relationship" has the same meaning as in RCW  
11 7.105.010.

12 (4) "Domestic violence" includes but is not limited to any of the  
13 following crimes when committed either by (a) one family or household  
14 member against another family or household member, or (b) one  
15 intimate partner against another intimate partner:

- 16 (i) Assault in the first degree (RCW 9A.36.011);
- 17 (ii) Assault in the second degree (RCW 9A.36.021);
- 18 (iii) Assault in the third degree (RCW 9A.36.031);
- 19 (iv) Assault in the fourth degree (RCW 9A.36.041);
- 20 (v) Drive-by shooting (RCW 9A.36.045);
- 21 (vi) Reckless endangerment (RCW 9A.36.050);
- 22 (vii) Coercion (RCW 9A.36.070);
- 23 (viii) Burglary in the first degree (RCW 9A.52.020);
- 24 (ix) Burglary in the second degree (RCW 9A.52.030);
- 25 (x) Criminal trespass in the first degree (RCW 9A.52.070);
- 26 (xi) Criminal trespass in the second degree (RCW 9A.52.080);
- 27 (xii) Malicious mischief in the first degree (RCW 9A.48.070);
- 28 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
- 29 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
- 30 (xv) Kidnapping in the first degree (RCW 9A.40.020);
- 31 (xvi) Kidnapping in the second degree (RCW 9A.40.030);
- 32 (xvii) Unlawful imprisonment (RCW 9A.40.040);
- 33 (xviii) Violation of the provisions of a restraining order, no-  
34 contact order, or protection order restraining or enjoining the  
35 person or restraining the person from going onto the grounds of or  
36 entering a residence, workplace, school, or day care, or prohibiting  
37 the person from knowingly coming within, or knowingly remaining  
38 within, a specified distance of a location, a protected party's  
39 person, or a protected party's vehicle (chapter 7.105 RCW, or RCW

1 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063,  
2 26.44.150, or 26.52.070, or any of the former RCW 26.50.060,  
3 26.50.070, 26.50.130, and 74.34.145);

4 (xix) Rape in the first degree (RCW 9A.44.040);

5 (xx) Rape in the second degree (RCW 9A.44.050);

6 (xxi) Residential burglary (RCW 9A.52.025);

7 (xxii) Stalking (RCW 9A.46.110); and

8 (xxiii) Interference with the reporting of domestic violence (RCW  
9 9A.36.150).

10 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.

11 (6) "Employee" means any person currently employed with an  
12 agency.

13 (7) "Family or household members" means: (a) Adult persons  
14 related by blood or marriage; (b) adult persons who are presently  
15 residing together or who have resided together in the past; and (c)  
16 persons who have a biological or legal parent-child relationship,  
17 including stepparents and stepchildren and grandparents and  
18 grandchildren.

19 (8) "Intimate partners" means: (a) Spouses or domestic partners;  
20 (b) former spouses or former domestic partners; (c) persons who have  
21 a child in common regardless of whether they have been married or  
22 have lived together at any time; (d) adult persons presently or  
23 previously residing together who have or have had a dating  
24 relationship; (e) persons 16 years of age or older who are presently  
25 residing together or who have resided together in the past and who  
26 have or have had a dating relationship; or (f) persons 16 years of  
27 age or older with whom a person 16 years of age or older has or has  
28 had a dating relationship.

29 (9) "Intimate terrorism" refers to a type of intimate partner  
30 violence in which the perpetrator uses violence, threats, coercive  
31 control, or other behaviors with the intent to dominate, intimidate  
32 or control the victim. If there are criminal acts, those acts simply  
33 punctuate a broader pattern of subjugation. In cases of intimate  
34 terrorism, the victim is usually fearful of the perpetrator.

35 (10) "Sworn employee" means a general authority Washington peace  
36 officer as defined in RCW 10.93.020, any person appointed under RCW  
37 35.21.333, and any person appointed or elected to carry out the  
38 duties of the sheriff under chapter 36.28 RCW.

39 ((-10-)) (11) "Victim" means a family or household member or an  
40 intimate partner who has been subjected to domestic violence.

1       **Sec. 502.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2  
2 are each reenacted and amended to read as follows:

3       (1) The primary duty of peace officers, when responding to a  
4 domestic violence situation, is to enforce the laws allegedly  
5 violated and to protect the (~~complainant~~) victim.

6       (2) (a) When a peace officer responds to a domestic violence call  
7 and has probable cause to believe that a crime has been committed,  
8 the peace officer shall exercise arrest powers with reference to the  
9 criteria in RCW 10.31.100. The officer shall notify the victim of the  
10 victim's right to initiate a criminal proceeding in all cases where  
11 the officer has not exercised arrest powers or decided to initiate  
12 criminal proceedings by citation or otherwise. The parties in such  
13 cases shall also be advised of the importance of preserving evidence.

14       (b) A peace officer responding to a domestic violence call shall  
15 take a complete offense report including the officer's disposition of  
16 the case.

17       (3) (a) A peace officer who responds to a domestic violence call  
18 and has probable cause to believe that a crime has been committed  
19 shall:

20       (i) Seize all firearms and ammunition the peace officer has  
21 reasonable grounds to believe were used or threatened to be used in  
22 the commission of the offense;

23       (ii) Seize all firearms in plain sight or discovered pursuant to  
24 a lawful search; and

25       (iii) Request consent to take temporary custody of any other  
26 firearms and ammunition to which the alleged abuser has access until  
27 a judicial officer has heard the matter.

28       (b) The peace officer shall separate the parties and then inquire  
29 of the victim: (i) If there are any firearms or ammunition in the  
30 home that are owned or possessed by either party; (ii) if the alleged  
31 abuser has access to any other firearms located off-site; and (iii)  
32 whether the alleged abuser has an active concealed pistol license, so  
33 that there is a complete record for future court proceedings. The  
34 inquiry should make clear to the victim that the peace officer is not  
35 asking only about whether a firearm was used at the time of the  
36 incident but also under other circumstances, such as whether the  
37 alleged abuser has kept a firearm in plain sight in a manner that is  
38 coercive, has threatened use of firearms in the past, or has  
39 additional firearms in a vehicle or other location. Law enforcement

1 personnel may use a pictorial display of common firearms to assist  
2 the victim in identifying firearms.

3 (c) The peace officer shall document all information about  
4 firearms and concealed pistol licenses in the incident report. The  
5 incident report must be coded to indicate the presence of or access  
6 to firearms so that personal recognizance screeners, prosecutors, and  
7 judicial officers address the heightened risk to victim, family, and  
8 peace officer safety due to the alleged abuser's access to firearms.

9 (d) A law enforcement agency shall comply with the provisions of  
10 RCW 9.41.340 and 9.41.345 before the return of any firearm or  
11 ammunition seized under this subsection to the owner or individual  
12 from who the firearm or ammunition was obtained.

13 (4) When a peace officer responds to a domestic violence call:

14 (a) The officer shall advise victims of all reasonable means to  
15 prevent further abuse, including advising each person of the  
16 availability of a shelter or other services in the community, and  
17 giving each person immediate notice of the legal rights and remedies  
18 available. The notice shall include handing each person a copy of the  
19 following statement:

20 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
21 city or county prosecuting attorney to file a criminal  
22 complaint. You also have the right to file a petition in  
23 superior, district, or municipal court requesting an order  
24 for protection from domestic abuse which could include any of  
25 the following: (a) An order restraining your abuser from  
26 further acts of abuse; (b) an order directing your abuser to  
27 leave your household; (c) an order preventing your abuser  
28 from entering your residence, school, business, or place of  
29 employment; (d) an order awarding you or the other parent  
30 custody of or visitation with your minor child or children;  
31 (e) an order restraining your abuser from molesting or  
32 interfering with minor children in your custody; and (f) an  
33 order requiring your abuser to turn in any firearms and  
34 concealed pistol license in the abuser's possession or  
35 control to law enforcement and prohibiting the abuser from  
36 possessing or accessing firearms or a concealed pistol  
37 license for the duration of the civil order. The forms you  
38 need to obtain a protection order are available in any  
39 municipal, district, or superior court.

1 Information about shelters and alternatives to domestic  
2 violence is available from a statewide twenty-four-hour toll-  
3 free hotline at (include appropriate phone number). The  
4 battered women's shelter and other resources in your area  
5 are . . . . (include local information)"; and

6 (b) The officer is encouraged to inform victims that information  
7 on traumatic brain injury can be found on the statewide website  
8 developed under RCW 74.31.070.

9 (5) Beginning January 1, 2025, when a peace officer responds to a  
10 domestic violence call and has probable cause to believe that a crime  
11 has been committed, the peace officer shall, with the consent of the  
12 victim, connect the victim with the domestic violence lethality  
13 hotline under section 101 of this act to conduct a lethality  
14 assessment and assist the victim with immediate safety planning and  
15 to provide referrals for children exposed to violence.

16 (6) The peace officer may offer, arrange, or facilitate  
17 transportation for the victim to a hospital for treatment of injuries  
18 or to a place of safety or shelter.

19 ((+6)) (7) An appointed or elected public official, public  
20 employee, or public agency as defined in RCW 4.24.470, or units of  
21 local government and its employees, as provided in RCW 36.28A.010,  
22 are immune from civil liability for damages arising out of the  
23 seizure or lack of seizure of a firearm, unless it is shown that the  
24 official, employee, or agency acted with gross negligence or in bad  
25 faith.

26 **Sec. 503.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to  
27 read as follows:

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

34 (2) The criminal justice training commission shall implement by  
35 July 28, 2019, a course of instruction for the training of law  
36 enforcement officers in Washington in the handling of domestic  
37 violence complaints. The basic law enforcement curriculum of the  
38 criminal justice training commission must include at least twenty

1 hours of basic training instruction on the law enforcement response  
2 to domestic violence. The course of instruction, the learning and  
3 performance objectives, and the standards for the training must be  
4 developed by the commission and focus on enforcing the criminal laws,  
5 safety of the victim, and holding the perpetrator accountable for the  
6 violence. The curriculum must include training on the extent and  
7 prevalence of domestic violence, distinguishing situational family  
8 violence from intimate terrorism, the importance of criminal justice  
9 intervention, techniques for responding to incidents that minimize  
10 the likelihood of officer injury and that promote victim safety,  
11 investigation and interviewing skills, evidence gathering and report  
12 writing, assistance to and services for victims and children,  
13 including children exposed to violence, domestic violence homicide  
14 prevention, conducting lethality assessments in consultation with the  
15 domestic violence lethality hotline under section 101 of this act,  
16 the intersection of firearms and domestic violence, best practices  
17 for serving and enforcing protection orders, best practices for  
18 implementation and enforcement of orders to surrender and prohibit  
19 weapons and extreme risk protection orders, understanding the risks  
20 of traumatic brain injury posed by domestic violence, verification  
21 and enforcement of court orders, liability, and any additional  
22 provisions that are necessary to carry out the intention of this  
23 subsection.

24 (3) The criminal justice training commission shall develop and  
25 update annually an in-service training program to familiarize law  
26 enforcement officers with domestic violence laws. The program must  
27 include techniques for handling incidents of domestic violence that  
28 minimize the likelihood of injury to the officer and that promote the  
29 safety of all parties. The program must also include training on  
30 domestic violence homicide prevention, conducting lethality  
31 assessments in consultation with the domestic violence lethality  
32 hotline under section 101 of this act, the intersection of firearms  
33 and domestic violence, best practices for serving and enforcing  
34 protection orders, and assistance to and services for victims and  
35 children, including children exposed to violence. The commission  
36 shall make the training program available to all law enforcement  
37 agencies in the state.

38 (4) Development of the training in subsections (2) and (3) of  
39 this section must be conducted in conjunction with agencies having a  
40 primary responsibility for serving victims of domestic violence with

1 emergency shelter and other services, and representatives to the  
2 statewide organization providing training and education to these  
3 organizations and to the general public.

4 **Sec. 504.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to  
5 read as follows:

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

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

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

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

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

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

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

37 (b) In issuing the order, the court shall consider the provisions  
38 of RCW 9.41.800, and shall order the defendant to surrender, and

1 prohibit the person from possessing, all firearms, dangerous weapons,  
2 and any concealed pistol license as required in RCW 9.41.800.

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

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

16 (b) In issuing the order, the court shall consider any available  
17 lethality assessment and all information documented in the incident  
18 report concerning the person's possession of and access to firearms  
19 and whether law enforcement took temporary custody of firearms at the  
20 time of the arrest. ((The)) In cases with a high lethality  
21 designation under section 101 of this act, the court must as a  
22 condition of release prohibit the defendant from possessing or  
23 accessing firearms and order the defendant to immediately surrender  
24 all firearms and any concealed pistol license to a law enforcement  
25 agency upon release. In all other cases, the court may as a condition  
26 of release prohibit the defendant from possessing or accessing  
27 firearms and order the defendant to immediately surrender all  
28 firearms and any concealed pistol license to a law enforcement agency  
29 upon release.

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



1 or agreement may require the defendant pay the costs of the  
2 electronic monitoring.

3 (ii) The court must order the defendant to submit to electronic  
4 monitoring with victim notification technology if the victim was the  
5 defendant's intimate partner and the defendant has a high lethality  
6 designation under section 101 of this act. In all other cases,  
7 electronic monitoring with victim notification technology is  
8 discretionary.

9 (4) (a) Willful violation of a court order issued under subsection  
10 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

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

20 (c) A certified copy of the order shall be provided to the  
21 victim.

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

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

1 (7) All courts shall develop policies and procedures by January  
2 1, 2011, to grant victims a process to modify or rescind a no-contact  
3 order issued under this chapter. The administrative office of the  
4 courts shall develop a model policy to assist the courts in  
5 implementing the requirements of this subsection.

6 **Sec. 505.** RCW 10.99.045 and 2021 c 215 s 77 are each amended to  
7 read as follows:

8 (1) A defendant arrested for an offense involving domestic  
9 violence as defined by RCW 10.99.020 shall be required to appear in  
10 person before a magistrate within one judicial day after the arrest.

11 (2) A defendant who is charged by citation, complaint, or  
12 information with an offense involving domestic violence as defined by  
13 RCW 10.99.020 and not arrested shall appear in court for arraignment  
14 in person as soon as practicable, but in no event later than 14 days  
15 after the next day on which court is in session following the  
16 issuance of the citation or the filing of the complaint or  
17 information.

18 (3)(a) At the time of the appearances provided in subsection (1)  
19 or (2) of this section, the court shall determine the necessity of  
20 imposing a no-contact order or other conditions of pretrial release  
21 according to the procedures established by court rule for a  
22 preliminary appearance or an arraignment. The court may include in  
23 the order any conditions authorized under RCW 9.41.800 and 10.99.040.

24 (b) For the purposes of (a) of this subsection, the prosecutor  
25 shall provide for the court's review:

26 (i) The defendant's criminal history, if any, that occurred in  
27 Washington or any other state;

28 (ii) If available, the defendant's criminal history that occurred  
29 in any tribal jurisdiction;

30 (iii) The defendant's individual order history; ~~((and))~~

31 (iv) The defendant's firearms ~~((purchase))~~ history, including any  
32 purchase or concealed pistol license history;

33 (v) Any available and applicable domestic violence lethality  
34 assessment; and

35 (vi) Any preliminary evidence that the purpose of the alleged  
36 offense was to gain or maintain power and control over the victim as  
37 part of a broader pattern of intimate terrorism.

38 (c) For the purposes of (b) of this subsection, criminal history  
39 includes all previous convictions and orders of deferred prosecution,

1 as reported through the judicial information system or otherwise  
2 available to the court or prosecutor, current to within the period  
3 specified in (d) of this subsection before the date of the  
4 appearance.

5 (d) The periods applicable to previous convictions and orders of  
6 deferred prosecution are:

7 (i) One working day, in the case of previous actions of courts  
8 that fully participate in the state judicial information system; and

9 (ii) Seven calendar days, in the case of previous actions of  
10 courts that do not fully participate in the judicial information  
11 system. For the purposes of this subsection, "fully participate"  
12 means regularly providing records to and receiving records from the  
13 system by electronic means on a daily basis.

14 (4) If pretrial supervision is available, a defendant with a high  
15 lethality designation under section 101 of this act must be ordered  
16 to pretrial supervision at the highest level offered.

17 (5) If the defendant carries a high lethality designation under  
18 section 101 of this act, the court must order electronic monitoring  
19 with victim notification technology as a condition for pretrial  
20 release. The court may order that the defendant pay the costs of the  
21 electronic monitoring.

22 (6) If the court uses an entity to make recommendations on  
23 conditions for pretrial release, the entity may not make such  
24 recommendations before performing a domestic violence lethality  
25 assessment in cases involving an intimate partner victim.

26 (7) Appearances required pursuant to this section are mandatory  
27 and cannot be waived.

28 ~~((+5))~~ (8) The no-contact order shall be issued and entered with  
29 the law enforcement agency pursuant to the procedures outlined in RCW  
30 10.99.040 (2) and (6).

31 **Sec. 506.** RCW 10.99.100 and 2010 c 274 s 404 are each amended to  
32 read as follows:

33 (1) In sentencing for a crime of domestic violence as defined in  
34 this chapter, courts of limited jurisdiction shall consider, among  
35 other factors, whether:

36 (a) The defendant suffered a continuing pattern of coercion,  
37 control, or abuse by the victim of the offense and the offense is a  
38 response to that coercion, control, or abuse;

1 (b) The offense was part of an ongoing pattern of psychological,  
2 physical, or sexual abuse of a victim or multiple victims manifested  
3 by multiple incidents over a prolonged period of time; (~~and~~)

4 (c) The purpose of the offense was to gain or maintain power and  
5 control over the victim as part of a broader pattern of intimate  
6 terrorism; and

7 (d) The offense occurred within sight or sound of the victim's or  
8 the offender's minor children under the age of eighteen years.

9 (2) In sentencing for a crime of intimate partner domestic  
10 violence with a high lethality designation under section 101 of this  
11 act, courts of limited jurisdiction must order the defendant to  
12 electronic monitoring with victim notification technology.

13 (3)(a) In sentencing for a crime of domestic violence as defined  
14 in this chapter, the prosecutor shall provide for the court's review:

15 (i) The defendant's criminal history, if any, that occurred in  
16 Washington or any other state;

17 (ii) If available, the defendant's prior criminal history that  
18 occurred in any tribal jurisdiction; and

19 (iii) The defendant's individual order history.

20 (b) For the purposes of (a) of this subsection, criminal history  
21 includes all previous convictions and orders of deferred prosecution,  
22 as reported through the judicial information system or otherwise  
23 available to the court or prosecutor, current to within the period  
24 specified in (c) of this subsection before the date of sentencing.

25 (c) The periods applicable to previous convictions and orders of  
26 deferred prosecution are:

27 (i) One working day, in the case of previous actions of courts  
28 that fully participate in the state judicial information system; and

29 (ii) Seven calendar days, in the case of previous actions of  
30 courts that do not fully participate in the judicial information  
31 system. For the purposes of this subsection, "fully participate"  
32 means regularly providing records to and receiving records from the  
33 system by electronic means on a daily basis.

34 (4) When sentencing a defendant for the crime of intimate partner  
35 domestic violence with a high lethality designation under section 101  
36 of this act, other than a crime that would cause the defendant to be  
37 ineligible to possess firearms under RCW 9.41.040, the court must  
38 order the defendant to surrender all firearms and dangerous weapons  
39 before release from any term of confinement, or, if the defendant

1 does not serve a term of confinement, before the conclusion of the  
2 sentencing hearing.

3 **Part VI. Firearms and Dangerous Weapons**

4 **Sec. 601.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to  
5 read as follows:

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

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

13 (ii) Requires notification to any person identified in a no-  
14 contact order, restraining order, or protection order and any  
15 identified victim of the crime that resulted in the firearm  
16 surrender.

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

20 ~~((b))~~ (ii) If a law enforcement agency is in possession of more  
21 than one privately owned firearm from ~~((a single person))~~ an  
22 individual, notification relating to the return of one firearm shall  
23 be considered notification for all privately owned firearms for that  
24 person.

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

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

35 (4) An appointed or elected official, public employee, or public  
36 agency as defined in RCW 4.24.470, or combination of units of local  
37 government and its employees, as provided in RCW 36.28A.010, are  
38 immune from civil liability for damages for any release of

1 information or the failure to release information related to this  
2 section, so long as the release or failure was without gross  
3 negligence.

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

7 **Sec. 602.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to  
8 read as follows:

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

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

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

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

18 (d) Ensure that twenty-four hours have elapsed from the time the  
19 firearm was obtained by law enforcement, unless the firearm was  
20 seized in connection with a domestic violence call pursuant to RCW  
21 10.99.030, in which case the law enforcement agency must ensure that  
22 five business days have elapsed from the time the firearm was  
23 obtained.

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

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

34 (ii) Notification may be made via email, text message, mail  
35 service, or personal service. For methods other than personal  
36 service, service shall be considered complete once the notification  
37 is sent.

38 (3) If (~~a family or household member or intimate partner has~~  
39 ~~requested to be notified pursuant to RCW 9.41.340~~) notification is

1 required under RCW 9.41.340(1)(a) (i) or (ii), a law enforcement  
2 agency must:

3 (a) Provide notice to the family or household member (~~or~~),  
4 intimate partner, identified victim, or person identified in a no  
5 contact order, restraining order, or a protection order within one  
6 business day of verifying that the requirements in subsection (1) of  
7 this section have been met; and

8 (b) Hold the firearm in custody for seventy-two hours from the  
9 time notification has been provided.

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

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

20 (5) The provisions of chapter 130, Laws of 2015 and subsection  
21 (4) of this section shall not apply to circumstances where a law  
22 enforcement officer has momentarily obtained a firearm or concealed  
23 pistol license from an individual and would otherwise immediately  
24 return the firearm or concealed pistol license to the individual  
25 during the same interaction.

26 **Sec. 603.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to  
27 read as follows:

28 (1) Any court when entering an order authorized under chapter  
29 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
30 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of  
31 the evidence, that a party has: Used, displayed, or threatened to use  
32 a firearm or other dangerous weapon in a felony, or is ineligible to  
33 possess a firearm under the provisions of RCW 9.41.040:

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

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

38 (c) Prohibit the party from accessing, having in (~~his or her~~)  
39 the party's custody or control, possessing, purchasing, receiving, or

1 attempting to purchase or receive, any firearms or other dangerous  
2 weapons;

3 (d) Prohibit the party from obtaining or possessing a concealed  
4 pistol license;

5 (e) Other than for ex parte temporary protection orders, unless  
6 the ex parte temporary protection order was reissued after the party  
7 received noticed and had an opportunity to be heard, direct law  
8 enforcement to revoke any concealed pistol license issued to the  
9 party.

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

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

18 (b) Restrains the party from harassing, stalking, or threatening  
19 an intimate partner of the party, the protected person, or child of  
20 the intimate partner, party, or protected person, or engaging in  
21 other conduct that would place an intimate partner or protected  
22 person in reasonable fear of bodily injury to the intimate partner,  
23 protected person, or child; and

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

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

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

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

35 (C) Prohibit the party from accessing, having in (~~his or her~~)  
36 the party's custody or control, possessing, purchasing, receiving, or  
37 attempting to purchase or receive, any firearms or other dangerous  
38 weapons; and

39 (D) Prohibit the party from obtaining or possessing a concealed  
40 pistol license.



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

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

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

15 (6) The court shall require the party to surrender all firearms  
16 and other dangerous weapons in ~~((his or her))~~ the party's immediate  
17 possession or control or subject to ~~((his or her))~~ the party's  
18 immediate possession or control, and any concealed pistol license  
19 issued under RCW 9.41.070, to the local law enforcement agency. The  
20 court may order the search for and seizure of any firearm or  
21 dangerous weapon at any location where the court has probable cause  
22 to believe the firearm or dangerous weapon is located. The court  
23 order must state with specificity the reasons for and scope of the  
24 search and seizure authorized.

25 (7) Law enforcement officers shall use law enforcement databases  
26 to assist in locating the party in situations where the protected  
27 person does not know where the party lives or where there is evidence  
28 that the party is trying to evade service.

29 ~~((7))~~ (8) If the court enters a protection order, restraining  
30 order, or no-contact order that includes an order to surrender  
31 firearms, dangerous weapons, and any concealed pistol license under  
32 this section:

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

34 (b) Law enforcement must immediately ensure entry of the order to  
35 surrender and prohibit weapons and the revocation of any concealed  
36 pistol license is made into the appropriate databases making the  
37 party ineligible to possess firearms and a concealed pistol license.

38 **Sec. 604.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to  
39 read as follows:

1 (1) Because of the heightened risk of lethality to petitioners  
2 when respondents to protection orders become aware of court  
3 involvement and continue to have access to firearms, and the  
4 frequency of noncompliance with court orders prohibiting possession  
5 of firearms, law enforcement and judicial processes must emphasize  
6 swift and certain compliance with court orders prohibiting access,  
7 possession, and ownership of all firearms.

8 (2) (a) A law enforcement officer serving a protection order, no-  
9 contact order, or restraining order that includes an order to  
10 surrender all firearms, dangerous weapons, and a concealed pistol  
11 license under RCW 9.41.800 shall inform the respondent that the order  
12 is effective upon service and the respondent must immediately  
13 surrender all firearms and dangerous weapons in the respondent's  
14 custody, control, or possession and any concealed pistol license  
15 issued under RCW 9.41.070, and conduct any search permitted by law  
16 for such firearms, dangerous weapons, and concealed pistol license.  
17 The law enforcement officer shall take possession of all firearms,  
18 dangerous weapons, and any concealed pistol license belonging to the  
19 respondent that are surrendered, in plain sight, or discovered  
20 pursuant to a lawful search. If the order is entered in open court  
21 and the respondent appears in person, the respondent shall be  
22 provided a copy and further service is not required. If the  
23 respondent refuses to receive a copy, an agent of the court may  
24 indicate on the record that the respondent refused to receive a copy  
25 of the order. If the respondent appears remotely for the hearing, or  
26 leaves the hearing before a final ruling is issued or order signed,  
27 and the court believes the respondent has sufficient notice such that  
28 additional service is not necessary, the order must recite that the  
29 respondent appeared before the court, has actual notice of the order,  
30 the necessity for further service is waived, and proof of service of  
31 the order is not necessary. The court shall enter the service and  
32 receipt into the record. A copy of the order and service shall be  
33 transmitted immediately to law enforcement. The respondent must  
34 immediately surrender all firearms, dangerous weapons, and any  
35 concealed pistol license in a safe manner to the control of the local  
36 law enforcement agency on the day of the hearing at which the  
37 respondent was present in person or remotely. ~~((Alternatively, if  
38 personal service by a law enforcement officer is not possible, and  
39 the respondent did not appear in person or remotely at the hearing,  
40 the respondent shall surrender the firearms in a safe manner to the~~

1 ~~control of the local law enforcement agency within 24 hours of being~~  
2 ~~served with the order by alternate service.)~~)

3 (b) Because of the heightened risk of serious violence after  
4 arrest for a crime of domestic violence, when there is a high  
5 lethality designation under section 101 of this act and the court has  
6 probable cause to believe that a person serving a term of confinement  
7 for an offense requiring the surrender of firearms or other dangerous  
8 weapons continues to possess such firearms or dangerous weapons, the  
9 court must order a law enforcement officer to accompany the person to  
10 the location where the court has probable cause to believe the  
11 firearms or dangerous weapons are stored. The law enforcement officer  
12 must immediately take possession of any firearms or dangerous weapons  
13 the officer finds at the location.

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

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

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

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

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

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

10 (6) Courts shall develop procedures to verify timely and complete  
11 compliance with orders to surrender and prohibit weapons under RCW  
12 9.41.800 or 10.99.100, including compliance review hearings to be  
13 held as soon as possible upon receipt from law enforcement of proof  
14 of service. (~~(A compliance review hearing is not required if the  
15 court can otherwise enter findings on the record or enter written  
16 findings that the proof of surrender or declaration of nonsurrender  
17 attested to by the person subject to the order, along with  
18 verification from law enforcement and any other relevant evidence,  
19 makes a sufficient showing that the person has timely and completely  
20 surrendered all firearms and dangerous weapons in the person's  
21 custody, control, or possession, and any concealed pistol license  
22 issued under RCW 9.41.070, to a law enforcement agency. If the court  
23 does not have a sufficient record before it on which to make such a  
24 finding, the)) The court must set a review hearing to occur as soon  
25 as possible at which the respondent must be present and provide proof  
26 of compliance with the court's order. Courts shall make available  
27 forms that petitioners may complete and submit to the court in  
28 response to a respondent's declaration of whether the respondent has  
29 surrendered weapons.~~

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

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

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

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

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

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

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

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

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

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

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

9 (8) (a) To help ensure that accurate and comprehensive information  
10 about firearms compliance is provided to judicial officers, a  
11 representative from either the prosecuting attorney's office or city  
12 attorney's office, or both, from the relevant jurisdiction may appear  
13 and be heard 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 pursuant  
22 to RCW 9.41.800 must state that the act of voluntarily surrendering  
23 firearms or weapons, or providing testimony relating to the surrender  
24 of firearms or weapons, pursuant to such an order, may not be used  
25 against the respondent in any criminal prosecution under this  
26 chapter, chapter 7.105 RCW, or RCW 9A.56.310.

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

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

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

9 **Sec. 605.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to  
10 read as follows:

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

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

23 **Sec. 606.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to  
24 read as follows:

25 (1) Upon the issuance of any extreme risk protection order under  
26 this chapter, including a temporary extreme risk protection order(~~(7~~  
27 ~~the))):~~

28 (a) The court shall:

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

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

36 (b) The court may order the search for and seizure of any firearm  
37 or dangerous weapon at any location where the court has probable  
38 cause to believe the firearm or dangerous weapon is located. The

1 court order must state with specificity the reasons for and scope of  
2 the search and seizure authorized.

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

36 (3) At the time of surrender, a law enforcement officer taking  
37 possession of a firearm or concealed pistol license shall issue a  
38 receipt identifying all firearms that have been surrendered and  
39 provide a copy of the receipt to the respondent. Within 72 hours  
40 after service of the order, the officer serving the order shall file



1 the original receipt with the court and shall ensure that ((~~his or~~  
2 ~~her~~)) the officer's law enforcement agency retains a copy of the  
3 receipt.

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

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

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

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

27 (c) The firearm is not otherwise unlawfully possessed by the  
28 owner.

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

1 and is in compliance with the order. If the court does not have a  
2 sufficient record before it on which to make such a finding, the  
3 court must set a review hearing to occur as soon as possible, at  
4 which the respondent must be present and provide proof of compliance  
5 with the court's order.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) To provide relevant information to the court to determine  
39 compliance with the order, the court may allow the prosecuting

1 attorney or city attorney to question the respondent regarding  
2 compliance.

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

13 **Part VII. Residential Protections**

14 **Sec. 701.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to  
15 read as follows:

16 (1)(a) An adult person, a parent or guardian acting on behalf of  
17 a minor, or a guardian acting on behalf of an incapacitated person,  
18 (~~as defined in RCW 11.88.010,~~) (b) any election official as  
19 described in RCW 9A.90.120 who is a target for threats or harassment  
20 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~  
21 ~~members~~) person residing with (~~him or her~~) them, and (c) any  
22 criminal justice participant as defined in RCW 9A.46.020 who is a  
23 target for threats or harassment prohibited under RCW 9A.46.020(2)(b)  
24 (iii) or (iv) and any criminal justice participant as defined in RCW  
25 9A.90.120 who is a target for threats or harassment prohibited under  
26 RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family members~~) person  
27 residing with (~~him or her~~) them, may apply to the secretary of  
28 state to have an address designated by the secretary of state serve  
29 as the person's address or the address of the minor or incapacitated  
30 person. The secretary of state shall approve an application if it is  
31 filed in the manner and on the form prescribed by the secretary of  
32 state and if it contains:

33 (i) A sworn statement, under penalty of perjury, by the applicant  
34 that the applicant has good reason to believe (A) that the applicant,  
35 or the minor or incapacitated person on whose behalf the application  
36 is made, is a victim of domestic violence, sexual assault,  
37 trafficking, or stalking and that the applicant fears for (~~his or~~  
38 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's

1 children's safety, or the safety of the minor or incapacitated person  
2 on whose behalf the application is made((†)) (B) that the applicant,  
3 as an election official as described in RCW 9A.90.120, is a target  
4 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)  
5 or (iv); or (C) that the applicant, as a criminal justice participant  
6 as defined in RCW 9A.46.020, is a target for threats or harassment  
7 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the  
8 applicant, as a criminal justice participant as defined in RCW  
9 9A.90.120 is a target for threats or harassment prohibited under RCW  
10 9A.90.120(2)(b) (iii) or (iv);

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

17 (iii) A designation of the secretary of state as agent for  
18 purposes of service of process and for the purpose of receipt of  
19 mail;

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

26 (v) The signature of the applicant and of any individual or  
27 representative of any office designated in writing under RCW  
28 40.24.080 who assisted in the preparation of the application, and the  
29 date on which the applicant signed the application.

30 (2) Applications shall be filed with the office of the secretary  
31 of state.

32 (3) Upon filing a properly completed application, the secretary  
33 of state shall certify the applicant as a program participant.  
34 Applicants shall be certified for four years following the date of  
35 filing unless the certification is withdrawn or invalidated before  
36 that date. The secretary of state shall by rule establish a renewal  
37 procedure.

38 (4)(a) During the application process, the secretary of state  
39 shall provide each applicant a form to direct the department of  
40 licensing to change the address of registration for vehicles or

1 vessels solely or jointly registered to the applicant and the address  
2 associated with the applicant's driver's license or identicard to the  
3 applicant's address as designated by the secretary of state upon  
4 certification in the program. The directive to the department of  
5 licensing is only valid if signed by the applicant. The directive may  
6 only include information required by the department of licensing to  
7 verify the applicant's identity and ownership information for  
8 vehicles and vessels. This information is limited to the:

9 (i) Applicant's full legal name;

10 (ii) Applicant's Washington driver's license or identicard  
11 number;

12 (iii) Applicant's date of birth;

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

15 (v) Hull identification number or vessel document number and  
16 vessel decal number for each vessel solely or jointly registered to  
17 the applicant.

18 (b) Upon certification of the applicants, the secretary of state  
19 shall transmit completed and signed directives to the department of  
20 licensing.

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

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

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

29 (a) the applicant's safety or the safety of the applicant's children  
30 or the minor or incapacitated person on whose behalf the application

31 is made, (b) the safety of any election official as described in RCW  
32 9A.90.120 who is a target for threats or harassment prohibited under

33 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal  
34 justice participant as defined in RCW 9A.46.020 who is a target for

35 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
36 (iv) or of any criminal justice participant as defined in RCW

37 9A.90.120 who is a target for threats or harassment prohibited under  
38 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing

39 with (~~him or her~~) them, shall be punished under RCW 40.16.030 or  
40 other applicable statutes.

1       **Sec. 702.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to  
2 read as follows:

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

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

7       (b) Each bank account, savings account, and insurance policy in  
8 which a direct financial interest was held that exceeds twenty  
9 thousand dollars at any time during the reporting period; each other  
10 item of intangible personal property in which a direct financial  
11 interest was held that exceeds two thousand dollars during the  
12 reporting period; the name, address, and nature of the entity; and  
13 the nature and highest value of each direct financial interest during  
14 the reporting period;

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

22       (d) Every public or private office, directorship, and position  
23 held as trustee; except that an elected official or executive state  
24 officer need not report the elected official's or executive state  
25 officer's service on a governmental board, commission, association,  
26 or functional equivalent, when such service is part of the elected  
27 official's or executive state officer's official duties;

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

37       (f) The name and address of each governmental entity,  
38 corporation, partnership, joint venture, sole proprietorship,  
39 association, union, or other business or commercial entity from whom  
40 compensation has been received in any form of a total value of two

1 thousand dollars or more; the value of the compensation; and the  
2 consideration given or performed in exchange for the compensation;

3 (g) The name of any corporation, partnership, joint venture,  
4 association, union, or other entity in which is held any office,  
5 directorship, or any general partnership interest, or an ownership  
6 interest of ten percent or more; the name or title of that office,  
7 directorship, or partnership; the nature of ownership interest; and:

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

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

35 (h) A list, including legal or other sufficient descriptions as  
36 prescribed by the commission, of all real property in the state of  
37 Washington, the assessed valuation of which exceeds ten thousand  
38 dollars in which any direct financial interest was acquired during  
39 the preceding calendar year, and a statement of the amount and nature



1 of the financial interest and of the consideration given in exchange  
2 for that interest;

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

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

17 (k) A list, including legal or other sufficient descriptions as  
18 prescribed by the commission, of all real property in the state of  
19 Washington, the assessed valuation of which exceeds twenty thousand  
20 dollars, in which a corporation, partnership, firm, enterprise, or  
21 other entity had a direct financial interest, in which corporation,  
22 partnership, firm, or enterprise a ten percent or greater ownership  
23 interest was held;

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

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

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

33 (2)(a) When judges, prosecutors, sheriffs, participants in the  
34 address confidentiality program under RCW 40.24.030, or their  
35 immediate family members are required to disclose real property that  
36 is the personal residence of the judge, prosecutor, ((~~or~~)) sheriff,  
37 or address confidentiality program participant, the requirements of  
38 subsection (1)(h) through (k) of this section may be satisfied for  
39 that property by substituting:

40 (i) The city or town;

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

3 (iii) Such other identifying information the commission  
4 prescribes by rule for the mailing address where the property is  
5 located.

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

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

12 (b)

13 Code A	Less than thirty thousand dollars;
14 Code B	At least thirty thousand dollars, but less 15 than sixty thousand dollars;
16 Code C	At least sixty thousand dollars, but less 17 than one hundred thousand dollars;
18 Code D	At least one hundred thousand dollars, but 19 less than two hundred thousand dollars;
20 Code E	At least two hundred thousand dollars, but 21 less than five hundred thousand dollars;
22 Code F	At least five hundred thousand dollars, but 23 less than seven hundred and fifty 24 thousand dollars;
25 Code G	At least seven hundred fifty thousand 26 dollars, but less than one million dollars; 27 or
28 Code H	One million dollars or more.

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

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

1       **Sec. 703.** RCW 59.18.575 and 2022 c 196 s 5 are each amended to  
2 read as follows:

3       (1)(a) If a tenant notifies the landlord in writing that (~~he or~~  
4 ~~she~~) the tenant or a household member was a victim of an act that  
5 constitutes a crime of domestic violence, sexual assault, unlawful  
6 harassment, or stalking, and either (a)(i) or (ii) of this subsection  
7 applies, then subsection (2) of this section applies:

8       (i) The tenant or the household member has a domestic violence  
9 protection order, sexual assault protection order, stalking  
10 protection order, or antiharassment protection order under chapter  
11 7.105 RCW, or a valid order for protection under one or more of the  
12 following: Chapter 26.26A or 26.26B RCW, or any of the former  
13 chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050, 10.99.040  
14 (2) or (3), or 26.09.050, or former RCW 10.14.080; or

15       (ii) The tenant or the household member has reported the domestic  
16 violence, sexual assault, unlawful harassment, or stalking to a  
17 qualified third party acting in (~~his or her~~) the party's official  
18 capacity and the qualified third party has provided the tenant or the  
19 household member a written record of the report signed by the  
20 qualified third party.

21       (b) When a copy of a valid order for protection or a written  
22 record of a report signed by a qualified third party, as required  
23 under (a) of this subsection, is made available to the landlord, the  
24 tenant may terminate the rental agreement and quit the premises  
25 without further obligation under the rental agreement or under this  
26 chapter. (~~However, the request to terminate the rental agreement~~  
27 ~~must occur within ninety days of the reported act, event, or~~  
28 ~~circumstance that gave rise to the protective order or report to a~~  
29 ~~qualified third party.) A record of the report to a qualified third  
30 party that is provided to the tenant or household member shall  
31 consist of a document signed and dated by the qualified third party  
32 stating: (i) That the tenant or the household member notified (~~him~~  
33 ~~or her that he or she~~) the qualified third party that the tenant or  
34 household member was a victim of an act or acts that constitute a  
35 crime of domestic violence, sexual assault, unlawful harassment, or  
36 stalking; (ii) the time and date the act or acts occurred; (iii) the  
37 location where the act or acts occurred; (iv) a brief description of  
38 the act or acts of domestic violence, sexual assault, unlawful  
39 harassment, or stalking; and (v) that the tenant or household member  
40 informed (~~him or her~~) the qualified third party of the name of the~~

1 alleged perpetrator of the act or acts. The record of the report  
2 provided to the tenant or household member shall not include the name  
3 of the alleged perpetrator of the act or acts of domestic violence,  
4 sexual assault, unlawful harassment, or stalking. The qualified third  
5 party shall keep a copy of the record of the report and shall note on  
6 the retained copy the name of the alleged perpetrator of the act or  
7 acts of domestic violence, sexual assault, unlawful harassment, or  
8 stalking. The record of the report to a qualified third party may be  
9 accomplished by completion of a form provided by the qualified third  
10 party, in substantially the following form:

11 .....  
12 [Name of organization, agency, clinic, professional service  
13 provider]

14 I and/or my ..... (household member) am/is a victim  
15 of

16 ... domestic violence as defined by RCW  
17 7.105.010.

18 ... sexual assault as defined by RCW  
19 70.125.030.

20 ... stalking as defined by RCW 9A.46.110.

21 ... unlawful harassment as defined by RCW  
22 59.18.570.

23 Briefly describe the incident of domestic violence,  
24 sexual assault, unlawful harassment, or stalking: .....  
25 .....

26 The incident(s) that I rely on in support of this  
27 declaration occurred on the following date(s) and time(s)  
28 and at the following location(s): .....

29 The incident(s) that I rely on in support of this  
30 declaration were committed by the following person(s): ...  
31 .....

32 I state under penalty of perjury under the laws of the  
33 state of Washington that the foregoing is true and correct.

34 Dated at ..... (city) .., Washington, this ... day  
35 of ....., .... (year)

.....  
Signature of Tenant or  
Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act. I further verify that I have informed the person whose signature appears above that information about the landlord mitigation program can be found on the website established pursuant to RCW 43.31.605(11), including the form developed pursuant to RCW 43.31.605(1)(d)(iv).

Dated this ... day of ..., .... (year)

.....  
Signature of authorized  
officer/employee of  
(Organization, agency, clinic,  
professional service provider)

(2) (a) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which (~~he or she~~) the tenant terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1).

(b) (i) Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280.

(ii) If the landlord seeks reimbursement for damages from the landlord mitigation program pursuant to RCW 43.31.605(1)(d), the landlord is prohibited from retaining any portion of the tenant's damage or security deposit or proceeding against the tenant who terminates under this section to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property.

(c) Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from

1 their obligations under the rental agreement or other obligations  
2 under this chapter.

3 (3) (a) Notwithstanding any other provision under this section, if  
4 a tenant or a household member is a victim of sexual assault,  
5 stalking, or unlawful harassment by a landlord, the tenant may  
6 terminate the rental agreement and quit the premises without further  
7 obligation under the rental agreement or under this chapter prior to  
8 making a copy of a valid order for protection or a written record of  
9 a report signed by a qualified third party available to the landlord,  
10 provided that:

11 (i) The tenant must deliver a copy of a valid order for  
12 protection or written record of a report signed by a qualified third  
13 party to the landlord by mail, fax, or personal delivery by a third  
14 party within seven days of quitting the tenant's dwelling unit; and

15 (ii) A written record of a report signed by the qualified third  
16 party must be substantially in the form specified under subsection  
17 (1)(b) of this section. The record of the report provided to the  
18 landlord must not include the name of the alleged perpetrator of the  
19 act. On written request by the landlord, the qualified third party  
20 shall, within seven days, provide the name of the alleged perpetrator  
21 of the act to the landlord only if the alleged perpetrator was a  
22 person meeting the definition of the term "landlord" under RCW  
23 59.18.570.

24 (b) A tenant who terminates (~~(his or her)~~) a rental agreement  
25 under this subsection is discharged from the payment of rent for any  
26 period following the latter of: (i) The date the tenant vacates the  
27 unit; or (ii) the date the record of the report of the qualified  
28 third party and the written notice that the tenant has vacated are  
29 delivered to the landlord by mail, fax, or personal delivery by a  
30 third party. The tenant is entitled to a pro rata refund of any  
31 prepaid rent and must receive a full and specific statement of the  
32 basis for retaining any of the deposit together with any refund due  
33 in accordance with RCW 59.18.280.

34 (4) If a tenant or a household member is a victim of sexual  
35 assault, stalking, or unlawful harassment by a landlord, the tenant  
36 may change or add locks to the tenant's dwelling unit at the tenant's  
37 expense. If a tenant exercises (~~(his or her)~~) the tenant's rights to  
38 change or add locks, the following rules apply:

39 (a) Within seven days of changing or adding locks, the tenant  
40 must deliver to the landlord by mail, fax, or personal delivery by a

1 third party: (i) Written notice that the tenant has changed or added  
2 locks; and (ii) a copy of a valid order for protection or a written  
3 record of a report signed by a qualified third party. A written  
4 record of a report signed by a qualified third party must be  
5 substantially in the form specified under subsection (1)(b) of this  
6 section. The record of the report provided to the landlord must not  
7 include the name of the alleged perpetrator of the act. On written  
8 request by the landlord, the qualified third party shall, within  
9 seven days, provide the name of the alleged perpetrator to the  
10 landlord only if the alleged perpetrator was a person meeting the  
11 definition of the term "landlord" under RCW 59.18.570.

12 (b) After the tenant provides notice to the landlord that the  
13 tenant has changed or added locks, the tenant's rental agreement  
14 shall terminate on the ninetieth day after providing such notice,  
15 unless:

16 (i) Within sixty days of providing notice that the tenant has  
17 changed or added locks, the tenant notifies the landlord in writing  
18 that the tenant does not wish to terminate (~~(his or her)~~) the rental  
19 agreement. If the perpetrator has been identified by the qualified  
20 third party and is no longer an employee or agent of the landlord or  
21 owner and does not reside at the property, the tenant shall provide  
22 the owner or owner's designated agent with a copy of the key to the  
23 new locks at the same time as providing notice that the tenant does  
24 not wish to terminate (~~(his or her)~~) the rental agreement. A tenant  
25 who has a valid protection, antiharassment, or other protective order  
26 against the owner of the premises or against an employee or agent of  
27 the landlord or owner is not required to provide a key to the new  
28 locks until the protective order expires or the tenant vacates; or

29 (ii) The tenant exercises (~~(his or her)~~) the tenant's rights to  
30 terminate the rental agreement under subsection (3) of this section  
31 within sixty days of providing notice that the tenant has changed or  
32 added locks.

33 (c) After a landlord receives notice that a tenant has changed or  
34 added locks to (~~(his or her)~~) the tenant's dwelling unit under (a) of  
35 this subsection, the landlord may not enter the tenant's dwelling  
36 unit except as follows:

37 (i) In the case of an emergency, the landlord may enter the unit  
38 if accompanied by a law enforcement or fire official acting in (~~(his~~  
39 ~~or her)~~) an official capacity. If the landlord reasonably concludes  
40 that the circumstances require immediate entry into the unit, the

1 landlord may, after notifying emergency services, use such force as  
2 necessary to enter the unit if the tenant is not present; or

3 (ii) The landlord complies with the requirements of RCW 59.18.150  
4 and clearly specifies in writing the time and date that the landlord  
5 intends to enter the unit and the purpose for entering the unit. The  
6 tenant must make arrangements to permit access by the landlord.

7 (d) The exercise of rights to change or add locks under this  
8 subsection does not discharge the tenant from the payment of rent  
9 until the rental agreement is terminated and the tenant vacates the  
10 unit.

11 (e) The tenant may not change any locks to common areas and must  
12 make keys for new locks available to other household members.

13 (f) Upon vacating the dwelling unit, the tenant must deliver the  
14 key and all copies of the key to the landlord by mail or personal  
15 delivery by a third party.

16 (5) A tenant's remedies under this section do not preempt any  
17 other legal remedy available to the tenant.

18 (6) The provision of verification of a report under subsection  
19 (1)(b) of this section does not waive the confidential or privileged  
20 nature of the communication between a victim of domestic violence,  
21 sexual assault, or stalking with a qualified third party pursuant to  
22 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence  
23 obtained from such disclosure may be used in any civil,  
24 administrative, or criminal proceeding against the victim unless a  
25 written waiver of applicable evidentiary privilege is obtained,  
26 except that the verification itself, and no other privileged  
27 information, under subsection (1)(b) of this section may be used in  
28 civil proceedings brought under this section.

## 29 **Part VIII. Statewide Resources**

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

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

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



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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 802.** A new section is added to chapter 43.330  
28 RCW to read as follows:

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

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

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

37 (c) Increased perpetrator monitoring and accountability; and

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

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

3 (3) When there is a high lethality designation under section 101  
4 of this act in a civil or criminal domestic violence proceeding, the  
5 court must refer the case to a domestic violence high risk team, if a  
6 team is available in the relevant jurisdiction. If potentially high  
7 risk cases are identified through other means, such as shots fired  
8 programs or other reports or investigations, those cases may also be  
9 referred to a domestic violence high risk team.

10 (4) The department may scale the pilot program within the limits  
11 of appropriated funds, but at least five teams must be available west  
12 of the crest of the Cascade mountains and five teams east of the  
13 crest of the Cascade mountains.

14 NEW SECTION. **Sec. 803.** A new section is added to chapter 43.20A  
15 RCW to read as follows:

16 (1) By July 1, 2024, the department must establish the office of  
17 the statewide domestic violence ombuds to promote and protect the  
18 rights of victims of domestic violence and to ensure the intent of  
19 chapter 10.99 RCW is fulfilled.

20 (2) The office of the statewide domestic violence ombuds must:

21 (a) Receive, investigate, and attempt to address and resolve  
22 complaints related to the treatment of victims of domestic violence  
23 across systems, including both the civil and criminal legal systems;

24 (b) Implement a statewide case review system for civil domestic  
25 violence protection orders to examine and report on irregularities in  
26 rulings and judicial officer conduct; and

27 (c) Implement a statewide case review system for criminal  
28 domestic violence protection cases to examine and report on law  
29 enforcement responses and investigations, prosecutorial behavior,  
30 irregularities in rulings, and the conduct of judicial officers. The  
31 case review system must review cases from diverse geographic regions  
32 of the state and must include:

33 (i) Data on:

34 (A) The percentage of domestic violence protection order  
35 petitions that result in a full protection order being issued and  
36 regional variances therein; and

37 (B) Categories of the bases upon which domestic violence  
38 protection orders are issued and the percentages of granted

1 protection orders in each category, including physical violence,  
2 stalking, coercive control, and sexual assault;

3 (ii) Trained volunteers who will provide both real-time case  
4 reviews in court and reviews of recorded court proceedings;

5 (iii) Information on the percentage of intimate partner violence  
6 police reports that lead to charges and the conviction rate for these  
7 charges; and

8 (iv) A review of case files from law enforcement agencies and  
9 prosecuting attorneys selected by the office of the statewide  
10 domestic violence ombuds in order to identify changes to training,  
11 investigatory, and prosecutorial practices necessary to optimize  
12 outcomes in domestic violence investigations and prosecutions. The  
13 review must include:

14 (A) An evaluation of whether current training and practices  
15 foster a trauma-informed, victim-centered approach, and whether  
16 practices prevent domestic violence homicides;

17 (B) A comparison of arrests, charges, and convictions, including  
18 an analysis of the reasons why prosecutors decline to file charges;  
19 and

20 (C) Randomly selected cases for a systematic review to assess  
21 whether current practices conform to national best practices for a  
22 multidisciplinary approach to investigating and prosecuting domestic  
23 violence cases and interacting with survivors.

24 (3) The case review system may review and access files, including  
25 all reports and recordings, pertaining to closed cases involving  
26 allegations of domestic violence. Any law enforcement agency or  
27 prosecuting attorney selected for a review by the office of the  
28 statewide domestic violence ombuds must make requested case files and  
29 other documents available to the office of the statewide domestic  
30 violence ombuds, provided that the case files are not linked to  
31 ongoing, open investigations and that redactions may be made where  
32 appropriate and necessary. Agencies and prosecuting attorneys must  
33 include available information on the race and ethnicity of all  
34 victims in the relevant case files provided to the office of the  
35 statewide domestic violence ombuds. Case files and other documents  
36 must be made available to the office of the statewide domestic  
37 violence ombuds according to appropriate deadlines established by the  
38 office of the statewide domestic violence ombuds in consultation with  
39 the agency or prosecuting attorney.

1 (4) In designing and conducting the case review system, the  
2 office of the statewide domestic violence ombuds must consult and  
3 collaborate with experts in trauma-informed and victim-centered  
4 training, experts in domestic violence investigations and  
5 prosecutions, domestic violence survivors, domestic violence victim  
6 advocates, and other stakeholders identified by the office of the  
7 statewide domestic violence ombuds. The office of the statewide  
8 domestic violence ombuds may form a multidisciplinary work group for  
9 the purpose of carrying out the requirements of this section.

10 (5) The office of the statewide domestic violence ombuds must  
11 provide semiannual reports to the governor, the supreme court, and  
12 the appropriate committees of the legislature.

13 NEW SECTION. **Sec. 804.** A new section is added to chapter 28B.20  
14 RCW to read as follows:

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

18 (a) Conduct scientifically rigorous intimate partner violence  
19 research that informs policy and practice in Washington and serves as  
20 a national model;

21 (b) Promote a collaborative, multidisciplinary approach to  
22 addressing intimate partner violence, informed by community members  
23 and practitioners;

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

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

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

31 (2) The center must:

32 (a) Establish an advisory council for the center with  
33 representation from relevant disciplines across the University of  
34 Washington, representatives from systems that interact with domestic  
35 violence victims and perpetrators, and intimate partner violence  
36 community groups in order to guide development of the center's  
37 overarching goals and strategic vision. The advisory council will  
38 also assist center leadership and core center faculty in identifying

1 priority areas of research to best inform intimate partner violence  
2 policy and practice;

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

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

10 (d) Conduct listening sessions with survivors of intimate partner  
11 violence statewide, including survivors in urban and rural areas,  
12 black survivors, indigenous survivors, survivors of color, and  
13 survivors who identify as part of the LGBTQ community;

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

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

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

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

24 (i) Executing a robust, multiyear research study to test the  
25 efficacy of various therapeutic interventions for domestic violence  
26 perpetrators aimed at reducing intimate partner violence, including  
27 intimate terrorism as defined in RCW 10.99.020. Treatment  
28 interventions may vary, but must include internal family systems and  
29 an evidence-based intervention for the treatment of suicidality, such  
30 as the collaborative assessment and management of suicidality or  
31 dialectical behavioral therapy; and

32 (ii) Working with the department of health, domestic violence  
33 intervention treatment providers, insurance carriers, and other  
34 relevant entities in order to formulate a detailed plan that would  
35 facilitate medicaid and commercial insurance reimbursement for  
36 domestic violence intervention treatment in Washington. The plan must  
37 include licensing requirements and provider credentialing necessary  
38 for reimbursement, billing codes, needed changes to law or rule, and  
39 any other relevant information.

1 **Part IX. Law Enforcement**

2 NEW SECTION. **Sec. 901.** A new section is added to chapter 43.101  
3 RCW to read as follows:

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

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

28 (3) In developing the training, the commission must seek advice  
29 from the Washington association of sheriffs and police chiefs,  
30 organizations representing victims of domestic violence, and experts  
31 on domestic violence and the neurobiology of trauma. The commission  
32 must consult with the Washington association of prosecuting attorneys  
33 in an effort to design training containing consistent elements for  
34 all professionals engaged in interviewing and interacting with  
35 domestic violence victims in the criminal legal system.

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

1       **Sec. 902.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to  
2 read as follows:

3       A police officer having probable cause to believe that a person  
4 has committed or is committing a felony shall have the authority to  
5 arrest the person without a warrant. A police officer may arrest a  
6 person without a warrant for committing a misdemeanor or gross  
7 misdemeanor only when the offense is committed in the presence of an  
8 officer, except as provided in subsections (1) through ~~((11))~~ (12)  
9 of this section.

10       (1) Any police officer having probable cause to believe that a  
11 person has committed or is committing a misdemeanor or gross  
12 misdemeanor, involving physical harm or threats of harm to any person  
13 or property or the unlawful taking of property or involving the use  
14 or possession of cannabis, or involving the acquisition, possession,  
15 or consumption of alcohol by a person under the age of twenty-one  
16 years under RCW 66.44.270, or involving criminal trespass under RCW  
17 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
18 person.

19       (2) ~~((A))~~ Except as provided in subsection (3) of this section, a  
20 police officer shall arrest and ~~((take into))~~ keep in custody,  
21 ~~((pending release))~~ until release by a judicial officer on bail,  
22 personal recognizance, or court order, a person without a warrant  
23 when the officer has probable cause to believe that:

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

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

7 (c) A foreign protection order, as defined in RCW 26.52.010, or a  
8 Canadian domestic violence protection order, as defined in RCW  
9 26.55.010, has been issued of which the person under restraint has  
10 knowledge and the person under restraint has violated a provision of  
11 the foreign protection order or the Canadian domestic violence  
12 protection order prohibiting the person under restraint from  
13 contacting or communicating with another person, or excluding the  
14 person under restraint from a residence, workplace, school, or day  
15 care, or prohibiting the person from knowingly coming within, or  
16 knowingly remaining within, a specified distance of a location, a  
17 protected party's person, or a protected party's vehicle, or a  
18 violation of any provision for which the foreign protection order or  
19 the Canadian domestic violence protection order specifically  
20 indicates that a violation will be a crime; or

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



1 part of an ongoing pattern of abuse; and (D) the presence of evidence  
2 indicating intimate terrorism as defined in RCW 10.99.020.

3 (3) A police officer is not required to keep in custody a person  
4 under subsection (2) of this section if the person requires immediate  
5 medical attention and is admitted to a hospital.

6 (4) Any police officer having probable cause to believe that a  
7 person has committed or is committing a violation of any of the  
8 following traffic laws shall have the authority to arrest the person:

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

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

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

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

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

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

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

23 ~~((4))~~ (5) A law enforcement officer investigating at the scene  
24 of a motor vehicle accident may arrest the driver of a motor vehicle  
25 involved in the accident if the officer has probable cause to believe  
26 that the driver has committed, in connection with the accident, a  
27 violation of any traffic law or regulation.

28 ~~((5))~~ (6)(a) A law enforcement officer investigating at the  
29 scene of a motor vessel accident may arrest the operator of a motor  
30 vessel involved in the accident if the officer has probable cause to  
31 believe that the operator has committed, in connection with the  
32 accident, a criminal violation of chapter 79A.60 RCW.

33 (b) A law enforcement officer investigating at the scene of a  
34 motor vessel accident may issue a citation for an infraction to the  
35 operator of a motor vessel involved in the accident if the officer  
36 has probable cause to believe that the operator has committed, in  
37 connection with the accident, a violation of any boating safety law  
38 of chapter 79A.60 RCW.

1       ~~((6))~~ (7) Any police officer having probable cause to believe  
2 that a person has committed or is committing a violation of RCW  
3 79A.60.040 shall have the authority to arrest the person.

4       ~~((7))~~ (8) An officer may act upon the request of a law  
5 enforcement officer, in whose presence a traffic infraction was  
6 committed, to stop, detain, arrest, or issue a notice of traffic  
7 infraction to the driver who is believed to have committed the  
8 infraction. The request by the witnessing officer shall give an  
9 officer the authority to take appropriate action under the laws of  
10 the state of Washington.

11       ~~((8))~~ (9) Any police officer having probable cause to believe  
12 that a person has committed or is committing any act of indecent  
13 exposure, as defined in RCW 9A.88.010, may arrest the person.

14       ~~((9))~~ (10) A police officer may arrest and take into custody,  
15 pending release on bail, personal recognizance, or court order, a  
16 person without a warrant when the officer has probable cause to  
17 believe that an antiharassment protection order has been issued of  
18 which the person has knowledge under chapter 7.105 RCW or former  
19 chapter 10.14 RCW and the person has violated the terms of that  
20 order.

21       ~~((10))~~ (11) Any police officer having probable cause to believe  
22 that a 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))~~ (12) A police officer having probable cause to believe  
25 that a person illegally possesses or illegally has possessed a  
26 firearm or other dangerous weapon on private or public elementary or  
27 secondary school premises shall have the authority to arrest the  
28 person.

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

32       ~~((12))~~ (13) A law enforcement officer having probable cause to  
33 believe that a person has committed a violation under RCW  
34 77.15.160(5) may issue a citation for an infraction to the person in  
35 connection with the violation.

36       ~~((13))~~ (14) A law enforcement officer having probable cause to  
37 believe that a person has committed a criminal violation under RCW  
38 77.15.809 or 77.15.811 may arrest the person in connection with the  
39 violation.

1       (~~(14)~~) (15) Except as specifically provided in subsections (2),  
2       (~~(3)~~) (4), (5), and (~~(7)~~) (8) of this section, nothing in this  
3 section extends or otherwise affects the powers of arrest prescribed  
4 in Title 46 RCW.

5       (~~(15)~~) (16) No police officer may be held criminally or civilly  
6 liable for making an arrest pursuant to subsection (2) or (~~(9)~~)  
7 (10) of this section if the police officer acts in good faith and  
8 without malice.

9       (~~(16)~~) (17) (a) Except as provided in (b) of this subsection, a  
10 police officer shall arrest and keep in custody, until release by a  
11 judicial officer on bail, personal recognizance, or court order, a  
12 person without a warrant when the officer has probable cause to  
13 believe that the person has violated RCW 46.61.502 or 46.61.504 or an  
14 equivalent local ordinance and the police officer: (i) Has knowledge  
15 that the person has a prior offense as defined in RCW 46.61.5055  
16 within ten years; or (ii) has knowledge, based on a review of the  
17 information available to the officer at the time of arrest, that the  
18 person is charged with or is awaiting arraignment for an offense that  
19 would qualify as a prior offense as defined in RCW 46.61.5055 if it  
20 were a conviction.

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

24       **Sec. 903.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended  
25 to read as follows:

26       (1)(a) Subject to the availability of amounts appropriated for  
27 this specific purpose, the Washington association of sheriffs and  
28 police chiefs shall create and operate a statewide automated  
29 protected person notification system to automatically notify a  
30 registered person via the registered person's choice of telephone or  
31 email when a respondent subject to a court order specified in (b) of  
32 this subsection has attempted to purchase or acquire a firearm and  
33 been denied based on a background check or completed and submitted  
34 firearm purchase or transfer application that indicates the  
35 respondent is ineligible to possess a firearm under state or federal  
36 law. The system must permit a person to register for notification, or  
37 a registered person to update the person's registration information,  
38 for the statewide automated protected person notification system by

1 calling a toll-free telephone number or by accessing a public  
2 website.

3 (b) The notification requirements of this section apply to any  
4 court order issued under chapter 7.105 RCW or former chapter 7.92  
5 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
6 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090,  
7 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign  
8 protection order filed with a Washington court pursuant to chapter  
9 26.52 RCW, and any Canadian domestic violence protection order filed  
10 with a Washington court pursuant to chapter 26.55 RCW, where the  
11 order prohibits the respondent from possessing firearms or where by  
12 operation of law the respondent is ineligible to possess firearms  
13 during the term of the order. The notification requirements of this  
14 section apply even if the respondent has notified the Washington  
15 state patrol that (~~he or she~~) the respondent has appealed a  
16 background check denial under RCW 43.43.823.

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

21 (2) An appointed or elected official, public employee, or public  
22 agency as defined in RCW 4.24.470, or combination of units of  
23 government and its employees, as provided in RCW 36.28A.010, are  
24 immune from civil liability for damages for any release of  
25 information or the failure to release information related to the  
26 statewide automated protected person notification system in this  
27 section, so long as the release or failure to release was without  
28 gross negligence. The immunity provided under this subsection applies  
29 to the release of relevant and necessary information to other public  
30 officials, public employees, or public agencies, and to the general  
31 public.

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

--- END ---