
SECOND SUBSTITUTE HOUSE BILL 1715

State of Washington

68th Legislature

2023 Regular Session

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

READ FIRST TIME 02/24/23.

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, 42.56.240,
4 7.105.155, 7.105.255, 7.105.450, 7.105.500, 4.16.040, 10.99.020,
5 10.99.033, 10.99.040, 10.99.045, 10.99.100, 9.41.340, 9.41.345,
6 9.41.800, 9.41.801, 9.41.804, 7.105.340, 40.24.030, 42.17A.710,
7 59.18.575, 10.31.100, and 36.28A.410; reenacting and amending RCW
8 7.105.310 and 10.99.030; adding a new section to chapter 10.99 RCW;
9 adding new sections to chapter 2.56 RCW; adding new sections to
10 chapter 43.101 RCW; adding new sections to chapter 2.53 RCW; adding a
11 new section to chapter 7.105 RCW; adding a new section to chapter
12 4.24 RCW; adding new sections to chapter 43.330 RCW; adding a new
13 section to chapter 28B.20 RCW; creating new sections; and providing
14 expiration dates.

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 January 1, 2025, the department must, through the
20 contractor under subsection (2) of this section, establish the

1 domestic violence lethality hotline to provide an evidence-based
2 standard of practice to prevent intimate partner homicide, increase
3 victim safety, prevent children from being exposed to violence and
4 support children who have been exposed to violence, and enhance
5 collaboration among law enforcement, domestic violence agencies, and
6 service providers across 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. The
23 lethality assessment instrument and protocol must be empirically
24 validated and reassessed at regular intervals to ensure its accuracy
25 and that the results are not racially biased.

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

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

1 (d) Recognizing that past history of domestic violence is a
2 significant lethality factor, law enforcement agencies and the courts
3 must provide the hotline access to criminal history records and court
4 records to the extent necessary for the hotline to perform lethality
5 assessments under this section.

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

14 (b) The administrative office of the courts shall develop a
15 standard form to submit the designation to the courts.

16 (5) The organization shall, in consultation with stakeholders,
17 determine appropriate training requirements for individuals
18 conducting lethality assessments. The training must be competency-
19 based, include a practical application, and include material on
20 domestic violence, domestic violence homicide prevention, and trauma-
21 informed interviewing.

22 (6) After the lethality assessment is complete, the hotline must
23 provide the victim with immediate safety planning based on the
24 assessment. The hotline staff conducting the lethality assessment may
25 not be the same staff assisting the victim with immediate safety
26 planning. The hotline staff responsible for immediate safety planning
27 must inform the victim of the following:

28 (a) The level of danger based on the assessment;

29 (b) That the victim has the right to object to the lethality
30 assessment being shared with law enforcement or the courts and the
31 potential safety implications based on that decision;

32 (c) If the victim chooses to share the assessment with the courts
33 and law enforcement, the individuals and entities with whom the
34 assessment will be shared, how it will be used in court, safety
35 measures that may be ordered as a result of the assessment, and the
36 extent to which the assessment will be shared with the subject of the
37 assessment;

38 (d) If the victim does not choose to share the assessment with
39 the courts and law enforcement, that the victim has the right to make

1 a different decision at a later time and how to exercise that change
2 of decision;

3 (e) That the assessment is exempt from public disclosure; and

4 (f) That the assessment is confidential unless the victim chooses
5 to share it and that safety planning is confidential under all
6 circumstances.

7 (7) After conducting immediate safety planning, the hotline must
8 refer the victim to a local community-based domestic violence agency
9 for follow-up. When practicable, the referral must be conducted in a
10 manner that directly connects the victim to the agency in real time,
11 as opposed to only providing contact information.

12 (8) The hotline shall provide, upon request, a copy of the
13 lethality assessment to a prosecutor or an attorney representing the
14 subject of the assessment.

15 (9) For the purposes of this section:

16 (a) "Department" means the department of social and health
17 services; and

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

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

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

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

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

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

34 (2) Any criminal history record information which pertains to an
35 incident that occurred within the last twelve months for which a
36 person is currently being processed by the criminal justice system,
37 including the entire period of correctional supervision extending

1 through final discharge from parole, when applicable, may be
2 disseminated without restriction.

3 (3) Criminal history record information which includes
4 nonconviction data may be disseminated by a criminal justice agency
5 to another criminal justice agency for any purpose associated with
6 the administration of criminal justice, or in connection with the
7 employment of the subject of the record by a criminal justice or
8 juvenile justice agency, except as provided under RCW 13.50.260. A
9 criminal justice agency may respond to any inquiry from another
10 criminal justice agency without any obligation to ascertain the
11 purpose for which the information is to be used by the agency making
12 the inquiry.

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

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

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

1 regulations, which shall be cited with express reference to the
2 penalties provided for a violation thereof.

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

7 (8) Every criminal justice agency that maintains and disseminates
8 criminal history record information must maintain information
9 pertaining to every dissemination of criminal history record
10 information except a dissemination to the effect that the agency has
11 no record concerning an individual. Information pertaining to
12 disseminations shall include:

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

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

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

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

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

20 ~~((+8))~~ (9) In addition to the other provisions in this section
21 allowing dissemination of criminal history record information, RCW
22 4.24.550 governs dissemination of information concerning offenders
23 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice
24 agencies, their employees, and officials shall be immune from civil
25 liability for dissemination on criminal history record information
26 concerning sex offenders as provided in RCW 4.24.550.

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

29 The judicial officer in any felony, misdemeanor, or gross
30 misdemeanor case must, in determining whether there are conditions of
31 release that will reasonably assure the safety of any other person
32 and the community, take into account the available information
33 concerning:

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

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

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

38 (a) ~~((person's))~~ defendant's character, physical and mental
39 condition, family ties, employment, financial resources, length of

1 residence in the community, community ties, past conduct, history
2 relating to drug or alcohol abuse, criminal history, and record
3 concerning appearance at court proceedings;

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

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

10 (d) The defendant's firearms history, including purchase history,
11 any concealed pistol license history, and the requirements of RCW
12 9.41.800 regarding issuance of an order to surrender and prohibit
13 weapons; and

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

15 (a) The results of any applicable and available lethality
16 assessment of the defendant performed in connection with the conduct
17 giving rise to the current case; and

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

21 **Sec. 105.** RCW 42.56.240 and 2022 c 268 s 31 are each amended to
22 read as follows:

23 The following investigative, law enforcement, and crime victim
24 information is exempt from public inspection and copying under this
25 chapter:

26 (1) Specific intelligence information and specific investigative
27 records compiled by investigative, law enforcement, and penology
28 agencies, and state agencies vested with the responsibility to
29 discipline members of any profession, the nondisclosure of which is
30 essential to effective law enforcement or for the protection of any
31 person's right to privacy;

32 (2) Information revealing the identity of persons who are
33 witnesses to or victims of crime or who file complaints with
34 investigative, law enforcement, or penology agencies, other than the
35 commission, if disclosure would endanger any person's life, physical
36 safety, or property. If at the time a complaint is filed the
37 complainant, victim, or witness indicates a desire for disclosure or
38 nondisclosure, such desire shall govern. However, all complaints
39 filed with the commission about any elected official or candidate for

1 public office must be made in writing and signed by the complainant
2 under oath;

3 (3) Any records of investigative reports prepared by any state,
4 county, municipal, or other law enforcement agency pertaining to sex
5 offenses contained in chapter 9A.44 RCW or sexually violent offenses
6 as defined in RCW 71.09.020, which have been transferred to the
7 Washington association of sheriffs and police chiefs for permanent
8 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

9 (4) License applications under RCW 9.41.070, except that copies
10 of license applications or information on the applications may be
11 released to law enforcement or corrections agencies or to persons and
12 entities as authorized under RCW 9.41.815;

13 (5) Information revealing the specific details that describe an
14 alleged or proven child victim of sexual assault under age eighteen,
15 or the identity or contact information of an alleged or proven child
16 victim of sexual assault who is under age eighteen. Identifying
17 information includes the child victim's name, addresses, location,
18 photograph, and in cases in which the child victim is a relative,
19 stepchild, or stepsibling of the alleged perpetrator, identification
20 of the relationship between the child and the alleged perpetrator.
21 Contact information includes phone numbers, email addresses, social
22 media profiles, and user names and passwords;

23 (6) Information contained in a local or regionally maintained
24 gang database as well as the statewide gang database referenced in
25 RCW 43.43.762;

26 (7) Data from the electronic sales tracking system established in
27 RCW 69.43.165;

28 (8) Information submitted to the statewide unified sex offender
29 notification and registration program under RCW 36.28A.040(6) by a
30 person for the purpose of receiving notification regarding a
31 registered sex offender, including the person's name, residential
32 address, and email address;

33 (9) Personally identifying information collected by law
34 enforcement agencies pursuant to local security alarm system programs
35 and vacation crime watch programs. Nothing in this subsection shall
36 be interpreted so as to prohibit the legal owner of a residence or
37 business from accessing information regarding his or her residence or
38 business;

39 (10) The felony firearm offense conviction database of felony
40 firearm offenders established in RCW 43.43.822;

1 (11) The identity of a state employee or officer who has in good
2 faith filed a complaint with an ethics board, as provided in RCW
3 42.52.410, or who has in good faith reported improper governmental
4 action, as defined in RCW 42.40.020, to the auditor or other public
5 official, as defined in RCW 42.40.020;

6 (12) The following security threat group information collected
7 and maintained by the department of corrections pursuant to RCW
8 72.09.745: (a) Information that could lead to the identification of a
9 person's security threat group status, affiliation, or activities;
10 (b) information that reveals specific security threats associated
11 with the operation and activities of security threat groups; and (c)
12 information that identifies the number of security threat group
13 members, affiliates, or associates;

14 (13) The global positioning system data that would indicate the
15 location of the residence of an employee or worker of a criminal
16 justice agency as defined in RCW 10.97.030;

17 (14) Body worn camera recordings to the extent nondisclosure is
18 essential for the protection of any person's right to privacy as
19 described in RCW 42.56.050, including, but not limited to, the
20 circumstances enumerated in (a) of this subsection. A law enforcement
21 or corrections agency shall not disclose a body worn camera recording
22 to the extent the recording is exempt under this subsection.

23 (a) Disclosure of a body worn camera recording is presumed to be
24 highly offensive to a reasonable person under RCW 42.56.050 to the
25 extent it depicts:

26 (i) (A) Any areas of a medical facility, counseling, or
27 therapeutic program office where:

28 (I) A patient is registered to receive treatment, receiving
29 treatment, waiting for treatment, or being transported in the course
30 of treatment; or

31 (II) Health care information is shared with patients, their
32 families, or among the care team; or

33 (B) Information that meets the definition of protected health
34 information for purposes of the health insurance portability and
35 accountability act of 1996 or health care information for purposes of
36 chapter 70.02 RCW;

37 (ii) The interior of a place of residence where a person has a
38 reasonable expectation of privacy;

39 (iii) An intimate image;

40 (iv) A minor;

1 (v) The body of a deceased person;

2 (vi) The identity of or communications from a victim or witness
3 of an incident involving domestic violence as defined in RCW
4 10.99.020 or sexual assault as defined in RCW 70.125.030, or
5 disclosure of intimate images as defined in RCW 9A.86.010. If at the
6 time of recording the victim or witness indicates a desire for
7 disclosure or nondisclosure of the recorded identity or
8 communications, such desire shall govern; or

9 (vii) The identifiable location information of a community-based
10 domestic violence program as defined in RCW 70.123.020, or emergency
11 shelter as defined in RCW 70.123.020.

12 (b) The presumptions set out in (a) of this subsection may be
13 rebutted by specific evidence in individual cases.

14 (c) In a court action seeking the right to inspect or copy a body
15 worn camera recording, a person who prevails against a law
16 enforcement or corrections agency that withholds or discloses all or
17 part of a body worn camera recording pursuant to (a) of this
18 subsection is not entitled to fees, costs, or awards pursuant to RCW
19 42.56.550 unless it is shown that the law enforcement or corrections
20 agency acted in bad faith or with gross negligence.

21 (d) A request for body worn camera recordings must:

22 (i) Specifically identify a name of a person or persons involved
23 in the incident;

24 (ii) Provide the incident or case number;

25 (iii) Provide the date, time, and location of the incident or
26 incidents; or

27 (iv) Identify a law enforcement or corrections officer involved
28 in the incident or incidents.

29 (e) (i) A person directly involved in an incident recorded by the
30 requested body worn camera recording, an attorney representing a
31 person directly involved in an incident recorded by the requested
32 body worn camera recording, a person or his or her attorney who
33 requests a body worn camera recording relevant to a criminal case
34 involving that person, or the executive director from either the
35 Washington state commission on African American affairs, Asian
36 Pacific American affairs, or Hispanic affairs, has the right to
37 obtain the body worn camera recording, subject to any exemption under
38 this chapter or any applicable law. In addition, an attorney who
39 represents a person regarding a potential or existing civil cause of
40 action involving the denial of civil rights under the federal or

1 state Constitution, or a violation of a United States department of
2 justice settlement agreement, has the right to obtain the body worn
3 camera recording if relevant to the cause of action, subject to any
4 exemption under this chapter or any applicable law. The attorney must
5 explain the relevancy of the requested body worn camera recording to
6 the cause of action and specify that he or she is seeking relief from
7 redaction costs under this subsection (14)(e).

8 (ii) A law enforcement or corrections agency responding to
9 requests under this subsection (14)(e) may not require the requesting
10 individual to pay costs of any redacting, altering, distorting,
11 pixelating, suppressing, or otherwise obscuring any portion of a body
12 worn camera recording.

13 (iii) A law enforcement or corrections agency may require any
14 person requesting a body worn camera recording pursuant to this
15 subsection (14)(e) to identify himself or herself to ensure he or she
16 is a person entitled to obtain the body worn camera recording under
17 this subsection (14)(e).

18 (f)(i) A law enforcement or corrections agency responding to a
19 request to disclose body worn camera recordings may require any
20 requester not listed in (e) of this subsection to pay the reasonable
21 costs of redacting, altering, distorting, pixelating, suppressing, or
22 otherwise obscuring any portion of the body worn camera recording
23 prior to disclosure only to the extent necessary to comply with the
24 exemptions in this chapter or any applicable law.

25 (ii) An agency that charges redaction costs under this subsection
26 (14)(f) must use redaction technology that provides the least costly
27 commercially available method of redacting body worn camera
28 recordings, to the extent possible and reasonable.

29 (iii) In any case where an agency charges a requestor for the
30 costs of redacting a body worn camera recording under this subsection
31 (14)(f), the time spent on redaction of the recording shall not count
32 towards the agency's allocation of, or limitation on, time or costs
33 spent responding to public records requests under this chapter, as
34 established pursuant to local ordinance, policy, procedure, or state
35 law.

36 (g) For purposes of this subsection (14):

37 (i) "Body worn camera recording" means a video and/or sound
38 recording that is made by a body worn camera attached to the uniform
39 or eyewear of a law enforcement or corrections officer while in the
40 course of his or her official duties; and

1 (ii) "Intimate image" means an individual or individuals engaged
2 in sexual activity, including sexual intercourse as defined in RCW
3 9A.44.010 and masturbation, or an individual's intimate body parts,
4 whether nude or visible through less than opaque clothing, including
5 the genitals, pubic area, anus, or postpubescent female nipple.

6 (h) Nothing in this subsection shall be construed to restrict
7 access to body worn camera recordings as otherwise permitted by law
8 for official or recognized civilian and accountability bodies or
9 pursuant to any court order.

10 (i) Nothing in this section is intended to modify the obligations
11 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
12 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
13 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
14 the relevant Washington court criminal rules and statutes.

15 (j) A law enforcement or corrections agency must retain body worn
16 camera recordings for at least sixty days and thereafter may destroy
17 the records in accordance with the applicable records retention
18 schedule;

19 (15) Any records and information contained within the statewide
20 sexual assault kit tracking system established in RCW 43.43.545;

21 (16)(a) Survivor communications with, and survivor records
22 maintained by, campus-affiliated advocates.

23 (b) Nothing in this subsection shall be construed to restrict
24 access to records maintained by a campus-affiliated advocate in the
25 event that:

26 (i) The survivor consents to inspection or copying;

27 (ii) There is a clear, imminent risk of serious physical injury
28 or death of the survivor or another person;

29 (iii) Inspection or copying is required by federal law; or

30 (iv) A court of competent jurisdiction mandates that the record
31 be available for inspection or copying.

32 (c) "Campus-affiliated advocate" and "survivor" have the
33 definitions in RCW 28B.112.030;

34 (17) Information and records prepared, owned, used, or retained
35 by the Washington association of sheriffs and police chiefs and
36 information and records prepared, owned, used, or retained by the
37 Washington state patrol pursuant to chapter 261, Laws of 2017;

38 ((and))

39 (18) Any and all audio or video recordings of child forensic
40 interviews as defined in chapter 26.44 RCW. Such recordings are

1 confidential and may only be disclosed pursuant to a court order
2 entered upon a showing of good cause and with advance notice to the
3 child's parent, guardian, or legal custodian. However, if the child
4 is an emancipated minor or has attained the age of majority as
5 defined in RCW 26.28.010, advance notice must be to the child.
6 Failure to disclose an audio or video recording of a child forensic
7 interview as defined in chapter 26.44 RCW is not grounds for
8 penalties or other sanctions available under this chapter; and
9 (19) The results of lethality assessments and any records of
10 immediate safety planning conducted under section 101 of this act.

11 **Part II. Electronic Monitoring with Victim Notification Technology**

12 NEW SECTION. **Sec. 201.** A new section is added to chapter 43.101
13 RCW to read as follows:

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

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

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

23 (b) Establishing standards for the operation of electronic
24 monitoring with victim notification technology by monitoring
25 agencies, with the goal of implementing best practices to improve
26 victim safety;

27 (c) Establishing protocols for implementing court orders that
28 include electronic monitoring with victim notification, including
29 protocols for the installation and removal of monitoring devices to
30 ensure uninterrupted monitoring services following release from
31 detainment or incarceration; and

32 (d) Establishing any additional requirements necessary to promote
33 compliance with RCW 2.56.260 and 9.94A.736, which may include, but
34 not be limited to, training requirements for court officials, peace
35 officers, 911 dispatchers, local corrections officers and staff, and
36 other appropriate practitioners.

37 (3) In developing the rules required under this section, the
38 commission must solicit input from courts of general and limited

1 jurisdiction, local governments, monitoring agencies, and statewide
2 associations representing law enforcement leaders, prosecutors,
3 domestic violence victims, and domestic violence agencies.

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

9 (5) For the purposes of this section:

10 (a) "Electronic monitoring" has the meaning provided in RCW
11 9.94A.030; and

12 (b) "Monitoring agency" has the meaning provided in RCW
13 9.94A.736.

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

16 The administrative office of the courts must contract with one or
17 more entities to create a website with information about electronic
18 monitoring with victim notification technology, including recorded
19 trainings, brochures or flyers, approved vendors, and specific
20 instructions on how victims may advocate or request electronic
21 monitoring with victim notification technology.

22 **Part III. Access to Counsel**

23 NEW SECTION. **Sec. 301.** (1) The office of civil legal aid shall
24 propose a plan to standardize and expand statewide access to civil
25 legal assistance for survivors of domestic violence as defined in RCW
26 7.105.010 in protection order proceedings initiated in superior and
27 district courts. The plan must include the following specific areas
28 of focus:

29 (a) Exploration of how deployment of publicly funded attorneys
30 could integrate with existing networks of community and nonprofit
31 organizations already providing support for domestic violence
32 survivors;

33 (b) Strategies for expanding the number of private attorneys
34 available to provide effective civil legal representation to domestic
35 violence survivors;

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

4 (d) A proposed implementation schedule and priorities;

5 (e) Provisions to ensure effective training, support, technical,
6 and other assistance to ensure equity and trauma-informed legal
7 assistance targeted to survivors at greatest risk of lethal and other
8 aggravated harms;

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

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

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

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

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

19 The legislature recognizes the importance of connecting domestic
20 violence survivors with civil legal counsel. To support this effort
21 for survivors seeking private attorneys for representation, the
22 office of civil legal aid shall contract with a statewide domestic
23 violence survivor advocacy organization to maintain on its website a
24 statewide list of attorneys who represent survivors of domestic
25 violence in protection order proceedings. The list of attorneys must
26 be organized by region of the state and include contact information
27 for the attorneys. An initial list shall be posted by July 1, 2024,
28 and be regularly updated thereafter.

29 NEW SECTION. **Sec. 303.** A new section is added to chapter 2.53
30 RCW to read as follows:

31 The legislature recognizes that many tribes exercise tribal court
32 civil jurisdiction in domestic violence matters. While principles of
33 tribal sovereignty and commitments made in the centennial accord
34 prohibit the state of Washington from directing tribal court
35 practices or directing that counsel be appointed in tribal court
36 civil protection proceedings, and while the provisions of chapter
37 7.105 RCW do not apply in tribal courts, it is necessary that
38 indigenous survivors of domestic violence have access to high quality

1 legal assistance in tribal court domestic violence protection
2 proceedings consistent with applicable tribal court rules and
3 practices. To this end, and subject to appropriations for this
4 purpose, the office of civil legal aid must develop a program and
5 implementation plan to provide indigenous-informed, culturally
6 competent legal support for survivors in tribal court domestic
7 violence protection proceedings. The office of civil legal aid must
8 establish a tribal advisory council to inform and guide the
9 development of this program. Initial operation of the tribal court
10 civil protection proceedings program must commence by January 1,
11 2025.

12 NEW SECTION. **Sec. 304.** (1) The legislature hereby respectfully
13 requests the Washington supreme court's gender and justice commission
14 to convene a work group of interested collaborators and professional
15 experts to establish minimum practice and training standards for
16 attorneys representing survivors of domestic violence in protection
17 orders under chapter 7.105 RCW. The work group is also requested to
18 review currently available training for nonlawyers assisting
19 survivors in proceedings under chapter 7.105 RCW and to suggest
20 improvements, additions, and appropriate practice standards. The
21 commission is requested to adopt and forward final standards to the
22 appropriate legislative committees by November 30, 2024.

23 (2) Subject to funds appropriated for this specific purpose, the
24 office of civil legal aid shall provide staff support to the work
25 group.

26 (3) This section expires January 1, 2025.

27 **Part IV. Civil Proceedings**

28 **Sec. 401.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to
29 read as follows:

30 When service is to be completed under this chapter by a law
31 enforcement officer:

32 (1) The clerk of the court shall have a copy of any order issued
33 under this chapter, the confidential information form, as well as the
34 petition for a protection order and any supporting materials,
35 electronically forwarded on (~~or before the next~~) the same judicial
36 day to the law enforcement agency in the county or municipality where
37 the respondent resides, as specified in the order, for service upon

1 the respondent. If the respondent has moved from that county or
2 municipality and personal service is not required, the law
3 enforcement agency specified in the order may serve the order;

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

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

19 (4) The law enforcement officer serving an order under this
20 section must attempt to contact the petitioner before the attempted
21 service so that the petitioner may provide pertinent information
22 related to officer safety considerations, the respondent's behavior,
23 the location and description of the respondent's firearms, and other
24 relevant details;

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

34 (~~(5)~~) (6) If the respondent is in a protected person's presence
35 at the time of contact for service, the law enforcement officer
36 should take reasonable steps to separate the parties when possible
37 prior to completing the service or inquiring about or collecting
38 firearms. When the order requires the respondent to vacate the
39 parties' shared residence, law enforcement shall take reasonable
40 steps to ensure that the respondent has left the premises and is on

1 notice that (~~his or her~~) the respondent's return is a violation of
2 the terms of the order. The law enforcement officer shall provide the
3 respondent with copies of all forms with the exception of the
4 confidential information form completed by the protected party and
5 the proof of service form;

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

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

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

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

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

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

38 (1) To help ensure familiarity with the unique nature of
39 protection order proceedings, and an understanding of trauma-informed

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

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

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

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

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

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

38 (c) Exclude the respondent from the residence that the parties
39 share;

1 (d) Exclude the respondent from the residence, workplace, or
2 school of the petitioner; or from the day care or school of a minor
3 child;

4 (e) Restrain the respondent from knowingly coming within, or
5 knowingly remaining within, a specified distance from a specified
6 location including, but not limited to, a residence, school, day
7 care, workplace, the protected party's person, and the protected
8 party's vehicle. The specified distance shall presumptively be at
9 least 1,000 feet, unless the court for good cause finds that a
10 shorter specified distance is appropriate;

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

22 (g) Order the respondent to participate in a state-certified
23 domestic violence perpetrator treatment program approved under RCW
24 43.20A.735 or a state-certified sex offender treatment program
25 approved under RCW 18.155.070;

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

35 (i) In cases where the petitioner and the respondent are students
36 who attend the same public or private elementary, middle, or high
37 school, the court, when issuing a protection order and providing
38 relief, shall consider, among the other facts of the case, the
39 severity of the act, any continuing physical danger, emotional
40 distress, or educational disruption to the petitioner, and the

1 financial difficulty and educational disruption that would be caused
2 by a transfer of the respondent to another school. The court may
3 order that the respondent not attend the public or private
4 elementary, middle, or high school attended by the petitioner. If a
5 minor respondent is prohibited attendance at the minor's assigned
6 public school, the school district must provide the student
7 comparable educational services in another setting. In such a case,
8 the district shall provide transportation at no cost to the
9 respondent if the respondent's parent or legal guardian is unable to
10 pay for transportation. The district shall put in place any needed
11 supports to ensure successful transition to the new school
12 environment. The court shall send notice of the restriction on
13 attending the same school as the petitioner to the public or private
14 school the respondent will attend and to the school the petitioner
15 attends;

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

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

37 (l) (i) Other than for respondents who are minors, require the
38 respondent to submit to electronic monitoring, including electronic
39 monitoring with victim notification technology. The order must
40 specify who shall provide the electronic monitoring services and the

1 terms under which the monitoring must be performed. The order also
2 may include a requirement that the respondent pay the costs of the
3 monitoring. The court shall consider the ability of the respondent to
4 pay for electronic monitoring;

5 (ii) The court must consider whether to order the respondent to
6 submit to electronic monitoring with victim notification technology
7 upon the request of the petitioner. Beginning July 1, 2025, in cases
8 where the respondent has a high lethality designation under section
9 101 of this act, if the court does not order the respondent to
10 electronic monitoring with victim notification technology, it shall
11 indicate in writing its reasons for not doing so. Nothing in this
12 subsection affects the court's discretion to order the respondent to
13 submit to electronic monitoring with victim notification technology
14 in any other circumstances;

15 (m) Consider the provisions of RCW 9.41.800, and order the
16 respondent to surrender, and prohibit the respondent from accessing,
17 having in (~~his or her~~) the respondent's custody or control,
18 possessing, purchasing, attempting to purchase or receive, or
19 receiving, all firearms, dangerous weapons, and any concealed pistol
20 license, as required in RCW 9.41.800;

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

32 (o) Order use of a vehicle;

33 (p) Enter an order restricting the respondent from engaging in
34 abusive litigation as set forth in chapter 26.51 RCW or in frivolous
35 filings against the petitioner, making harassing or libelous
36 communications about the petitioner to third parties, or making false
37 reports to investigative agencies. A petitioner may request this
38 relief in the petition or by separate motion. A petitioner may
39 request this relief by separate motion at any time within five years
40 of the date the protection order is entered even if the order has

1 since expired. A stand-alone motion for an order restricting abusive
2 litigation may be brought by a party who meets the requirements of
3 chapter 26.51 RCW regardless of whether the party has previously
4 sought a protection order under this chapter, provided the motion is
5 made within five years of the date the order that made a finding of
6 domestic violence was entered. In cases where a finding of domestic
7 violence was entered pursuant to an order under chapter 26.09, 26.26,
8 or 26.26A RCW, a motion for an order restricting abusive litigation
9 may be brought under the family law case or as a stand-alone action
10 filed under this chapter, when it is not reasonable or practical to
11 file under the family law case;

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

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

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

19 (t) Order financial relief and restrain the transfer of jointly
20 owned assets;

21 (u) Restrain the respondent from possessing or distributing
22 intimate images, as defined in RCW 9A.86.010, depicting the
23 petitioner including, but not limited to, requiring the respondent
24 to: Take down and delete all intimate images and recordings of the
25 petitioner in the respondent's possession or control; and cease any
26 and all disclosure of those intimate images. The court may also
27 inform the respondent that it would be appropriate to ask third
28 parties in possession or control of the intimate images of this
29 protection order to take down and delete the intimate images so that
30 the order may not inadvertently be violated; or

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

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

39 (3) The court in granting a temporary antiharassment protection
40 order or a civil antiharassment protection order shall not prohibit

1 the respondent from exercising constitutionally protected free
2 speech. Nothing in this section prohibits the petitioner from
3 utilizing other civil or criminal remedies to restrain conduct or
4 communications not otherwise constitutionally protected.

5 (4) (a) Except as provided in (b) of this subsection, in issuing a
6 domestic violence, sexual assault, or stalking protection order on
7 behalf of a prevailing petitioner, the court must order the
8 respondent to pay reasonable attorneys' fees or limited license legal
9 technician fees when such fees are incurred by a person licensed and
10 practicing in accordance with state supreme court admission and
11 practice rule 28, the limited practice rule for limited license legal
12 technicians.

13 (b) If the court finds by a preponderance of the evidence that an
14 order to pay reasonable attorneys' fees or limited license legal
15 technician fees would be manifestly unjust or that the respondent is
16 currently unable to pay the fees and is unlikely to be able to pay
17 the fees in the future, the court may set the fees at a lower amount,
18 enter into a payment plan with the respondent, or decline to order
19 payment of the fees.

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

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

25 (b) The court shall not issue a full protection order to any
26 party except upon notice to the respondent and the opportunity for a
27 hearing pursuant to a petition or counter-petition filed and served
28 by the party seeking relief in accordance with this chapter. Except
29 as provided in RCW 7.105.210, the court shall not issue a temporary
30 protection order to any party unless the party has filed a petition
31 or counter-petition for a protection order seeking relief in
32 accordance with this chapter.

33 (c) Under no circumstances shall the court deny the petitioner
34 the type of protection order sought in the petition on the grounds
35 that the court finds that a different type of protection order would
36 have a less severe impact on the respondent.

37 ~~((5))~~ (6) The order shall specify the date the order expires,
38 if any. For permanent orders, the court shall set the date to expire
39 99 years from the issuance date. The order shall also state whether
40 the court issued the protection order following personal service,

1 service by electronic means, service by mail, or service by
2 publication, and whether the court has approved service by mail or
3 publication of an order issued under this section.

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

6 (1)(a) Whenever a domestic violence protection order, a sexual
7 assault protection order, a stalking protection order, or a
8 vulnerable adult protection order is granted under this chapter, or
9 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
10 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
11 protection order as defined in RCW 26.52.020, or there is a Canadian
12 domestic violence protection order as defined in RCW 26.55.010, and
13 the respondent or person to be restrained knows of the order, a
14 violation of any of the following provisions of the order is a gross
15 misdemeanor, except as provided in subsections (4) and (5) of this
16 section:

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

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

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

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

29 (v) A provision requiring the respondent to submit to electronic
30 monitoring; or

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

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

36 (i) May require that the respondent submit to electronic
37 monitoring. The court shall specify who must provide the electronic
38 monitoring services and the terms under which the monitoring must be
39 performed. The order also may include a requirement that the

1 respondent pay the costs of the monitoring. The court shall consider
2 the ability of the convicted person to pay for electronic monitoring;
3 and

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

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

29 (3) A violation of a domestic violence protection order, a sexual
30 assault protection order, a stalking protection order, or a
31 vulnerable adult protection order, or an order issued under chapter
32 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
33 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
34 or a Canadian domestic violence protection order as defined in RCW
35 26.55.010, shall also constitute contempt of court, and is subject to
36 the penalties prescribed by law.

37 (4) Any assault that is a violation of a domestic violence
38 protection order, a sexual assault protection order, a stalking
39 protection order, or a vulnerable adult protection order, or an order
40 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,

1 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
2 in RCW 26.52.020, or a Canadian domestic violence protection order as
3 defined in RCW 26.55.010, and that does not amount to assault in the
4 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
5 felony, and any conduct in violation of such an order that is
6 reckless and creates a substantial risk of death or serious physical
7 injury to another person is a class C felony.

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

24 (6) (a) A defendant arrested for violating a domestic violence
25 protection order, sexual assault protection order, stalking
26 protection order, or vulnerable adult protection order, or an order
27 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,
28 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
29 defined in RCW 26.52.020, or a Canadian domestic violence protection
30 order as defined in RCW 26.55.010, is required to appear in person
31 before a magistrate within one judicial day after the arrest. At the
32 time of the appearance, the court shall determine the necessity of
33 imposing a no-contact order or other conditions of pretrial release.

34 (b) A defendant who is charged by citation, complaint, or
35 information with violating any protection order identified in (a) of
36 this subsection and not arrested shall appear in court for
37 arraignment in person as soon as practicable, but in no event later
38 than 14 days after the next day on which court is in session
39 following the issuance of the citation or the filing of the complaint
40 or information.

1 (7) Upon the filing of an affidavit by the petitioner or any law
2 enforcement officer alleging that the respondent has violated a
3 domestic violence protection order, a sexual assault protection
4 order, a stalking protection order, or a vulnerable adult protection
5 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
6 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
7 protection order as defined in RCW 26.52.020, or a Canadian domestic
8 violence protection order as defined in RCW 26.55.010, the court may
9 issue an order to the respondent, requiring the respondent to appear
10 and show cause within 14 days as to why the respondent should not be
11 found in contempt of court and punished accordingly. The hearing may
12 be held in the court of any county or municipality in which the
13 petitioner or respondent temporarily or permanently resides at the
14 time of the alleged violation.

15 (8) Appearances required under this section are mandatory and
16 cannot be waived.

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

19 This section applies to modification or termination of domestic
20 violence protection orders, sexual assault protection orders,
21 stalking protection orders, and antiharassment protection orders.

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

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

36 (3) Upon the motion of a respondent, the court may not modify or
37 terminate an existing protection order unless the respondent proves
38 by a preponderance of the evidence that there has been a substantial
39 change in circumstances such that the respondent will not resume,

1 engage in, or attempt to engage in, the following acts against the
2 petitioner or those persons protected by the protection order if the
3 order is terminated or modified:

4 (a) Acts of domestic violence, in cases involving domestic
5 violence protection orders;

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

8 (c) Acts of stalking, in cases involving stalking protection
9 orders; or

10 (d) Acts of unlawful harassment, in cases involving
11 antiharassment protection orders.

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

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

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

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

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

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

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

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

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

38 (h) Other factors relating to a substantial change in
39 circumstances.

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

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

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

14 (8) If a person who is protected by a protection order has a
15 child or adopts a child after a protection order has been issued, but
16 before the protection order has expired, the petitioner may seek to
17 include the new child in the order of protection on an ex parte basis
18 if the child is already in the physical custody of the petitioner. If
19 the restrained person is the legal or biological parent of the child,
20 a hearing must be set and notice given to the restrained person prior
21 to final modification of the full protection order.

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

27 (ii) If the court finds by a preponderance of the evidence that
28 an order to pay costs would be manifestly unjust or that the
29 respondent is currently unable to pay the costs and is unlikely to be
30 able to pay the costs in the future, the court may set the costs at a
31 lower amount, enter into a payment plan with the respondent, or
32 decline to order payment of the costs.

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

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

38 (1) Because of the potential for error in protection order
39 proceedings and the danger associated with firearm access in domestic

1 violence situations, in any proceeding in which the court enters a
2 temporary protection order that includes a temporary order to
3 surrender and prohibit weapons, and after the hearing the court
4 denies the petition for a full protection order, the order to
5 surrender and prohibit weapons must remain in effect for 10 calendar
6 days after the court's denial of the petition for a full protection
7 order to provide the petitioner the opportunity to file a motion for
8 reconsideration or revision. If a motion for reconsideration or
9 revision is filed within 10 calendar days, the order to surrender and
10 prohibit weapons must remain in effect until the motion for
11 reconsideration or revision is resolved.

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

20 (3) A motion for reconsideration or a motion for revision must be
21 filed within 10 calendar days of the court's denial of the petition
22 for a full protection order. The petitioner may not file both a
23 motion for reconsideration and a motion for revision. The hearing on
24 the motion must be held within 30 calendar days from the filing of
25 the motion.

26 (4) Subsection (1) of this section does not apply if allowing the
27 order to surrender and prohibit weapons would be manifestly unjust
28 including, but not limited to, situations where the court finds the
29 temporary protection order was entirely without merit, the petitioner
30 was engaged in abusive use of litigation, or the petitioner was
31 exerting coercive control, as defined in RCW 7.105.010, over the
32 respondent.

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

35 (1) A victim of domestic violence may maintain, as plaintiff, an
36 action against the perpetrator of the domestic violence if the victim
37 was the intimate partner of the perpetrator.

38 (2) For purposes of an action maintained under this section,
39 damages may include any damages proximately caused by the domestic

1 violence including, but not limited to, emotional distress, health
2 care costs, lost wages, property damage, and attorneys' fees incurred
3 in order to obtain a protection order or no-contact order against the
4 perpetrator. A plaintiff who prevails under this section is entitled
5 to reasonable attorneys' fees incurred in order to bring an action
6 under this section.

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

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

11 The following actions shall be commenced within six years:

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

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

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

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

25 **Part V. Domestic Violence Protections**

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

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

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

32 (2) "Association" means the Washington association of sheriffs
33 and police chiefs.

34 (3) "Dating relationship" has the same meaning as in RCW
35 7.105.010.

36 (4) "Domestic violence" includes but is not limited to any of the
37 following crimes when committed either by (a) one family or household

1 member against another family or household member, or (b) one
2 intimate partner against another intimate partner:

- 3 (i) Assault in the first degree (RCW 9A.36.011);
- 4 (ii) Assault in the second degree (RCW 9A.36.021);
- 5 (iii) Assault in the third degree (RCW 9A.36.031);
- 6 (iv) Assault in the fourth degree (RCW 9A.36.041);
- 7 (v) Drive-by shooting (RCW 9A.36.045);
- 8 (vi) Reckless endangerment (RCW 9A.36.050);
- 9 (vii) Coercion (RCW 9A.36.070);
- 10 (viii) Burglary in the first degree (RCW 9A.52.020);
- 11 (ix) Burglary in the second degree (RCW 9A.52.030);
- 12 (x) Criminal trespass in the first degree (RCW 9A.52.070);
- 13 (xi) Criminal trespass in the second degree (RCW 9A.52.080);
- 14 (xii) Malicious mischief in the first degree (RCW 9A.48.070);
- 15 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
- 16 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
- 17 (xv) Kidnapping in the first degree (RCW 9A.40.020);
- 18 (xvi) Kidnapping in the second degree (RCW 9A.40.030);
- 19 (xvii) Unlawful imprisonment (RCW 9A.40.040);
- 20 (xviii) Violation of the provisions of a restraining order, no-
21 contact order, or protection order restraining or enjoining the
22 person or restraining the person from going onto the grounds of or
23 entering a residence, workplace, school, or day care, or prohibiting
24 the person from knowingly coming within, or knowingly remaining
25 within, a specified distance of a location, a protected party's
26 person, or a protected party's vehicle (chapter 7.105 RCW, or RCW
27 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063,
28 26.44.150, or 26.52.070, or any of the former RCW 26.50.060,
29 26.50.070, 26.50.130, and 74.34.145);
- 30 (xix) Rape in the first degree (RCW 9A.44.040);
- 31 (xx) Rape in the second degree (RCW 9A.44.050);
- 32 (xxi) Residential burglary (RCW 9A.52.025);
- 33 (xxii) Stalking (RCW 9A.46.110); and
- 34 (xxiii) Interference with the reporting of domestic violence (RCW
35 9A.36.150).

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

37 (6) "Employee" means any person currently employed with an
38 agency.

39 (7) "Family or household members" means: (a) Adult persons
40 related by blood or marriage; (b) adult persons who are presently

1 residing together or who have resided together in the past; and (c)
2 persons who have a biological or legal parent-child relationship,
3 including stepparents and stepchildren and grandparents and
4 grandchildren.

5 (8) "Intimate partners" means: (a) Spouses or domestic partners;
6 (b) former spouses or former domestic partners; (c) persons who have
7 a child in common regardless of whether they have been married or
8 have lived together at any time; (d) adult persons presently or
9 previously residing together who have or have had a dating
10 relationship; (e) persons 16 years of age or older who are presently
11 residing together or who have resided together in the past and who
12 have or have had a dating relationship; or (f) persons 16 years of
13 age or older with whom a person 16 years of age or older has or has
14 had a dating relationship.

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

21 (10) "Sworn employee" means a general authority Washington peace
22 officer as defined in RCW 10.93.020, any person appointed under RCW
23 35.21.333, and any person appointed or elected to carry out the
24 duties of the sheriff under chapter 36.28 RCW.

25 ((+10+)) (11) "Victim" means a family or household member or an
26 intimate partner who has been subjected to domestic violence.

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

29 (1) The primary duty of peace officers, when responding to a
30 domestic violence situation, is to enforce the laws allegedly
31 violated and to protect the ~~((complaining party))~~ victim.

32 (2) (a) When a peace officer responds to a domestic violence call
33 and has probable cause to believe that a crime has been committed,
34 the peace officer shall exercise arrest powers with reference to the
35 criteria in RCW 10.31.100. The officer shall notify the victim of the
36 victim's right to initiate a criminal proceeding in all cases where
37 the officer has not exercised arrest powers or decided to initiate
38 criminal proceedings by citation or otherwise. The parties in such
39 cases shall also be advised of the importance of preserving evidence.

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

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

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

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

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

15 (b) The peace officer shall separate the parties and then inquire
16 of the victim: (i) If there are any firearms or ammunition in the
17 home that are owned or possessed by either party; (ii) if the alleged
18 abuser has access to any other firearms located off-site; and (iii)
19 whether the alleged abuser has an active concealed pistol license, so
20 that there is a complete record for future court proceedings. The
21 inquiry should make clear to the victim that the peace officer is not
22 asking only about whether a firearm was used at the time of the
23 incident but also under other circumstances, such as whether the
24 alleged abuser has kept a firearm in plain sight in a manner that is
25 coercive, has threatened use of firearms in the past, or has
26 additional firearms in a vehicle or other location. Law enforcement
27 personnel may use a pictorial display of common firearms to assist
28 the victim in identifying firearms.

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

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

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

1 (a) The officer shall advise victims of all reasonable means to
2 prevent further abuse, including advising each person of the
3 availability of a shelter or other services in the community, and
4 giving each person immediate notice of the legal rights and remedies
5 available. The notice shall include handing each person a copy of the
6 following statement:

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

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

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

35 (5)(a) Beginning January 1, 2025, when a peace officer responds
36 to a domestic violence call and has probable cause to believe that a
37 crime has been committed, the peace officer shall, with the consent
38 of the victim, connect the victim with the domestic violence
39 lethality hotline under section 101 of this act to conduct a

1 lethality assessment and assist the victim with immediate safety
2 planning and to provide referrals for children exposed to violence.

3 (b) For the purposes of this subsection (5), a jurisdiction may
4 continue to use an alternate lethality assessment it was using before
5 the effective date of this section. A jurisdiction using an alternate
6 lethality assessment must continue to connect the victim to the
7 domestic violence lethality hotline established under section 101 of
8 this act for safety planning.

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

12 ((+6)) (7) An appointed or elected public official, public
13 employee, or public agency as defined in RCW 4.24.470, or units of
14 local government and its employees, as provided in RCW 36.28A.010,
15 are immune from civil liability for damages arising out of the
16 seizure or lack of seizure of a firearm, unless it is shown that the
17 official, employee, or agency acted with gross negligence or in bad
18 faith.

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

21 (1) All training relating to the handling of domestic violence
22 complaints by law enforcement officers must stress enforcement of
23 criminal laws in domestic situations, availability of community
24 resources, and protection of the victim. Law enforcement agencies and
25 community organizations with expertise in the issue of domestic
26 violence shall cooperate in all aspects of such training.

27 (2) The criminal justice training commission shall implement by
28 July 28, 2019, a course of instruction for the training of law
29 enforcement officers in Washington in the handling of domestic
30 violence complaints. The basic law enforcement curriculum of the
31 criminal justice training commission must include at least twenty
32 hours of basic training instruction on the law enforcement response
33 to domestic violence. The course of instruction, the learning and
34 performance objectives, and the standards for the training must be
35 developed by the commission and focus on enforcing the criminal laws,
36 safety of the victim, and holding the perpetrator accountable for the
37 violence. The curriculum must include training on the extent and
38 prevalence of domestic violence, distinguishing situational family
39 violence from intimate terrorism, the importance of criminal justice

1 intervention, techniques for responding to incidents that minimize
2 the likelihood of officer injury and that promote victim safety,
3 investigation and interviewing skills, evidence gathering and report
4 writing, assistance to and services for victims and children,
5 including children exposed to violence, domestic violence homicide
6 prevention, conducting lethality assessments in consultation with the
7 domestic violence lethality hotline under section 101 of this act,
8 the intersection of firearms and domestic violence, best practices
9 for serving and enforcing protection orders, best practices for
10 implementation and enforcement of orders to surrender and prohibit
11 weapons and extreme risk protection orders, understanding the risks
12 of traumatic brain injury posed by domestic violence, verification
13 and enforcement of court orders, liability, and any additional
14 provisions that are necessary to carry out the intention of this
15 subsection.

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

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

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

38 (1) Because of the serious nature of domestic violence, the court
39 in domestic violence actions:

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

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

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

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

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

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

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

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

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

7 (b) (i) In issuing the order, the court shall consider any
8 available lethality assessment and all information documented in the
9 incident report concerning the person's possession of and access to
10 firearms and whether law enforcement took temporary custody of
11 firearms at the time of the arrest.

12 (ii) The court may as a condition of release prohibit the
13 defendant from possessing or accessing firearms and order the
14 defendant to immediately surrender all firearms and any concealed
15 pistol license to a law enforcement agency upon release.

16 (iii) In cases with a high lethality designation under section
17 101 of this act, if the court does not prohibit the defendant from
18 possessing or accessing firearms and order the defendant to
19 immediately surrender all firearms and any concealed pistol license
20 to a law enforcement agency before release, the court shall indicate
21 in writing its reasons for not doing so. Nothing in this subsection
22 (3) (b) (iii) affects the court's discretion under (b) (ii) of this
23 subsection.

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

36 (ii) Beginning July 1, 2025, in cases where the victim was the
37 defendant's intimate partner and the defendant has a high lethality
38 designation under section 101 of this act, if the court does not
39 order the defendant to submit to electronic monitoring with victim
40 notification technology, it shall indicate in writing its reasons for

1 not doing so. Nothing in this subsection affects the court's
2 discretion to order the defendant to submit to electronic monitoring
3 with victim notification technology in any other circumstances.

4 (4) (a) Willful violation of a court order issued under subsection
5 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

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

15 (c) A certified copy of the order shall be provided to the
16 victim.

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

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

36 (7) All courts shall develop policies and procedures by January
37 1, 2011, to grant victims a process to modify or rescind a no-contact
38 order issued under this chapter. The administrative office of the
39 courts shall develop a model policy to assist the courts in
40 implementing the requirements of this subsection.

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

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

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

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

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

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

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

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

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

28 (v) Any available and applicable domestic violence lethality
29 assessment; and

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

33 (c) For the purposes of (b) of this subsection, criminal history
34 includes all previous convictions and orders of deferred prosecution,
35 as reported through the judicial information system or otherwise
36 available to the court or prosecutor, current to within the period
37 specified in (d) of this subsection before the date of the
38 appearance.

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

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

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

8 (4) If pretrial supervision is available, and the court does not
9 order a defendant with a high lethality designation under section 101
10 of this act to pretrial supervision at the highest level offered, the
11 court shall indicate in writing its reasons for not doing so. Nothing
12 in this subsection affects the court's discretion to order pretrial
13 supervision in any other circumstances.

14 (5)(a) Beginning July 1, 2025, in cases where the defendant
15 carries a high lethality designation under section 101 of this act,
16 if the court does not order electronic monitoring with victim
17 notification technology as a condition for pretrial release, it shall
18 indicate in writing its reasons for not doing so.

19 (b) The court may order that the defendant pay the costs of
20 electronic monitoring with victim notification technology.

21 (c) Nothing in this subsection affects the court's discretion to
22 order the defendant to submit to electronic monitoring with victim
23 notification technology in any other circumstances.

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

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

30 ~~((+5))~~ (8) The no-contact order shall be issued and entered with
31 the law enforcement agency pursuant to the procedures outlined in RCW
32 10.99.040 (2) and (6).

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

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

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

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

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

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

12 (2) Beginning July 1, 2025, in sentencing for a crime of intimate
13 partner domestic violence with a high lethality designation under
14 section 101 of this act, if a court of limited jurisdiction does not
15 order the defendant to electronic monitoring with victim notification
16 technology, it shall indicate in writing its reasons for not doing
17 so. Nothing in this subsection affects a court of limited
18 jurisdiction's discretion to order the defendant to electronic
19 monitoring with victim notification technology in any other
20 circumstances.

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

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

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

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

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

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

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

37 (ii) Seven calendar days, in the case of previous actions of
38 courts that do not fully participate in the judicial information
39 system. For the purposes of this subsection, "fully participate"

1 means regularly providing records to and receiving records from the
2 system by electronic means on a daily basis.

3 (4) When sentencing a defendant for the crime of intimate partner
4 domestic violence with a high lethality designation under section 101
5 of this act, other than a crime that would cause the defendant to be
6 ineligible to possess firearms under RCW 9.41.040, if the court does
7 not order the defendant to surrender all firearms and dangerous
8 weapons before release from any term of confinement, or, if the
9 defendant does not serve a term of confinement, before the conclusion
10 of the sentencing hearing, the court shall indicate in writing its
11 reasons for not doing so. Nothing in this subsection affects the
12 court's discretion to order the defendant to surrender all firearms
13 and dangerous weapons in any other circumstances.

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

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

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

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

24 (ii) Requires notification to any person identified in a no-
25 contact order, restraining order, or protection order and any
26 identified victim of the crime that resulted in the firearm
27 surrender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (ii) Notification may be made via email, text message, mail
8 service, or personal service. For methods other than personal
9 service, service shall be considered complete once the notification
10 is sent.

11 (3) If (~~a family or household member or intimate partner has~~
12 ~~requested to be notified pursuant to RCW 9.41.340~~) notification is
13 required under RCW 9.41.340(1)(a) (i) or (ii), a law enforcement
14 agency must:

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

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

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

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

32 (5) The provisions of chapter 130, Laws of 2015 and subsection
33 (4) of this section shall not apply to circumstances where a law
34 enforcement officer has momentarily obtained a firearm or concealed
35 pistol license from an individual and would otherwise immediately
36 return the firearm or concealed pistol license to the individual
37 during the same interaction.

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

1 (1) Any court when entering an order authorized under chapter
2 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
3 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of
4 the evidence, that a party has: Used, displayed, or threatened to use
5 a firearm or other dangerous weapon in a felony, or is ineligible to
6 possess a firearm under the provisions of RCW 9.41.040:

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

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

11 (c) Prohibit the party from accessing, having in (~~his or her~~)
12 the party's custody or control, possessing, purchasing, receiving, or
13 attempting to purchase or receive, any firearms or other dangerous
14 weapons;

15 (d) Prohibit the party from obtaining or possessing a concealed
16 pistol license;

17 (e) Other than for ex parte temporary protection orders, unless
18 the ex parte temporary protection order was reissued after the party
19 received noticed and had an opportunity to be heard, direct law
20 enforcement to revoke any concealed pistol license issued to the
21 party.

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

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

30 (b) Restrains the party from harassing, stalking, or threatening
31 an intimate partner of the party, the protected person, or child of
32 the intimate partner, party, or protected person, or engaging in
33 other conduct that would place an intimate partner or protected
34 person in reasonable fear of bodily injury to the intimate partner,
35 protected person, or child; and

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

39 (ii) By its terms, explicitly prohibits the use, attempted use,
40 or threatened use of physical force against the intimate partner,

1 protected person, or child that would reasonably be expected to cause
2 bodily injury, the court shall:

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

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

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

11 (D) Prohibit the party from obtaining or possessing a concealed
12 pistol license.

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

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

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

27 (6) The court shall require the party to surrender all firearms
28 and other dangerous weapons in (~~his or her~~) the party's immediate
29 possession or control or subject to (~~his or her~~) the party's
30 immediate possession or control, and any concealed pistol license
31 issued under RCW 9.41.070, to the local law enforcement agency. The
32 court may order the search for and seizure of any firearm or
33 dangerous weapon at any location where the court has probable cause
34 to believe the firearm or dangerous weapon is located. The court
35 order must state with specificity the reasons for and scope of the
36 search and seizure authorized.

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

1 (~~(7)~~) (8) If the court enters a protection order, restraining
2 order, or no-contact order that includes an order to surrender
3 firearms, dangerous weapons, and any concealed pistol license under
4 this section:

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

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

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

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

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

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

15 (b) (i) Because of the heightened risk of serious violence after
16 arrest for a crime of domestic violence, when there is a high
17 lethality designation under section 101 of this act and the court has
18 probable cause to believe that a person serving a term of confinement
19 for an offense requiring the surrender of firearms or other dangerous
20 weapons continues to possess such firearms or dangerous weapons, if
21 the court does not order a law enforcement officer to accompany the
22 person to the location where the court has probable cause to believe
23 the firearms or dangerous weapons are stored, it shall indicate in
24 writing its reasons for not doing so. Nothing in this subsection
25 affects the court's discretion to enter such an order in any other
26 circumstances.

27 (ii) If a court does order a law enforcement officer to accompany
28 the person to the location where the court has probable cause to
29 believe the firearms or dangerous weapons are stored, the law
30 enforcement officer must immediately take possession of any firearms
31 or dangerous weapons the officer finds at the location.

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

1 (4) Upon the sworn statement or testimony of the petitioner or of
2 any law enforcement officer alleging that the respondent has failed
3 to comply with the surrender of firearms or dangerous weapons as
4 required by an order issued under RCW 9.41.800 or 10.99.100, the
5 court shall determine whether probable cause exists to believe that
6 the respondent has failed to surrender all firearms and dangerous
7 weapons in their possession, custody, or control. If probable cause
8 exists that a crime occurred, the court shall issue a warrant
9 describing the firearms or dangerous weapons and authorizing a search
10 of the locations where the firearms and dangerous weapons are
11 reasonably believed to be and the seizure of all firearms and
12 dangerous weapons discovered pursuant to such search.

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

19 (a) The firearm or dangerous weapon is removed from the
20 respondent's access, custody, control, or possession and the lawful
21 owner agrees by written document signed under penalty of perjury to
22 store the firearm or dangerous weapon in a manner such that the
23 respondent does not have access to or control of the firearm or
24 dangerous weapon;

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

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

28 (6) Courts shall develop procedures to verify timely and complete
29 compliance with orders to surrender and prohibit weapons under RCW
30 9.41.800 or 10.99.100, including compliance review hearings to be
31 held as soon as possible upon receipt from law enforcement of proof
32 of service. ~~((A compliance review hearing is not required if the
33 court can otherwise enter findings on the record or enter written
34 findings that the proof of surrender or declaration of nonsurrender
35 attested to by the person subject to the order, along with
36 verification from law enforcement and any other relevant evidence,
37 makes a sufficient showing that the person has timely and completely
38 surrendered all firearms and dangerous weapons in the person's
39 custody, control, or possession, and any concealed pistol license
40 issued under RCW 9.41.070, to a law enforcement agency. If the court~~

1 ~~does not have a sufficient record before it on which to make such a~~
2 ~~finding, the))~~ The court must set a review hearing to occur as soon
3 as possible at which the respondent must be present and provide proof
4 of compliance with the court's order. Courts shall make available
5 forms that petitioners may complete and submit to the court in
6 response to a respondent's declaration of whether the respondent has
7 surrendered weapons.

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

21 (b) If the respondent is not present in court at the compliance
22 review hearing or if the court issues an order to appear and show
23 cause after a compliance review hearing, the clerk of the court shall
24 electronically transmit a copy of the order to show cause to the law
25 enforcement agency where the respondent resides for personal service
26 or service in the manner provided in the civil rules of superior
27 court or applicable statute. Law enforcement shall also serve a copy
28 of the order to show cause on the petitioner, either electronically
29 or in person, at no cost.

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

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

1 (ii) The court shall take judicial notice of the receipt filed
2 with the court by the law enforcement agency pursuant to subsection
3 (3) of this section. The court shall also provide sufficient notice
4 to the law enforcement agency of the hearing. Upon receiving notice
5 pursuant to this subsection, a law enforcement agency must:

6 (A) Provide the court with a complete list of firearms and other
7 dangerous weapons surrendered by the respondent or otherwise
8 belonging to the respondent that are in the possession of the law
9 enforcement agency; and

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

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

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

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

26 (8) (a) To help ensure that accurate and comprehensive information
27 about firearms compliance is provided to judicial officers, a
28 representative from either the prosecuting attorney's office or city
29 attorney's office, or both, from the relevant jurisdiction may appear
30 and be heard or submit written information at any hearing that
31 concerns compliance with an order to surrender and prohibit weapons
32 issued in connection with another type of protection order.

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

38 (9) (a) An order to surrender and prohibit weapons issued pursuant
39 to RCW 9.41.800 must state that the act of voluntarily surrendering
40 firearms or weapons, or providing testimony relating to the surrender

1 of firearms or weapons, pursuant to such an order, may not be used
2 against the respondent in any criminal prosecution under this
3 chapter, chapter 7.105 RCW, or RCW 9A.56.310.

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

8 (10) All law enforcement agencies must have policies and
9 procedures to provide for the acceptance, storage, and return of
10 firearms, dangerous weapons, and concealed pistol licenses that a
11 court requires must be surrendered under RCW 9.41.800. A law
12 enforcement agency holding any firearm or concealed pistol license
13 that has been surrendered under RCW 9.41.800 shall comply with the
14 provisions of RCW 9.41.340 and 9.41.345 before the return of the
15 firearm or concealed pistol license to the owner or individual from
16 whom it was obtained.

17 (11) The administrative office of the courts shall create a
18 statewide pattern form to assist the courts in ensuring timely and
19 complete compliance in a consistent manner with orders issued under
20 this chapter. The administrative office of the courts shall report
21 annually on the number of orders issued under this chapter by each
22 court, the degree of compliance, and the number of firearms obtained,
23 and may make recommendations regarding additional procedures to
24 enhance compliance and victim safety.

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

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

33 (2) A person ordered to surrender firearms or dangerous weapons
34 under RCW 10.99.100 must file with the clerk of the court a proof of
35 surrender and receipt form or a declaration of nonsurrender form
36 before the defendant is released from any term of confinement, or, if
37 the defendant is not sentenced to a term of confinement, before the
38 conclusion of the hearing regarding the entry of the order.

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

3 (1) Upon the issuance of any extreme risk protection order under
4 this chapter, including a temporary extreme risk protection order(~~(7~~
5 ~~the))~~):

6 (a) The court shall:

7 (~~(a)~~) (i) Order the respondent to surrender to the local law
8 enforcement agency all firearms in the respondent's custody, control,
9 or possession, and any concealed pistol license issued under RCW
10 9.41.070; and

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

14 (b) The court may order the search for and seizure of any firearm
15 or dangerous weapon at any location where the court has probable
16 cause to believe the firearm or dangerous weapon is located. The
17 court order must state with specificity the reasons for and scope of
18 the search and seizure authorized.

19 (2) The law enforcement officer serving any extreme risk
20 protection order under this chapter, including a temporary extreme
21 risk protection order, shall request that the respondent immediately
22 surrender all firearms in (~~his or her~~) the respondent's custody,
23 control, or possession, and any concealed pistol license issued under
24 RCW 9.41.070, and conduct any search permitted by law for such
25 firearms. The law enforcement officer shall take possession of all
26 firearms belonging to the respondent that are surrendered, in plain
27 sight, or discovered pursuant to a lawful search. If the order is
28 entered in open court and the respondent appears in person, the
29 respondent must be provided a copy and further service is not
30 required. If the respondent refuses to accept a copy, an agent of the
31 court may indicate on the record that the respondent refused to
32 accept a copy of the order. If the respondent appears remotely for
33 the hearing, or leaves the hearing before a final ruling is issued or
34 order signed, and the court believes the respondent has sufficient
35 notice such that additional service is not necessary, the order must
36 recite that the respondent appeared before the court, has actual
37 notice of the order, the necessity for further service is waived, and
38 proof of service of the order is not necessary. The court shall enter
39 the service and receipt into the record. A copy of the order and
40 service must be transmitted immediately to law enforcement. The

1 respondent must immediately surrender all firearms and any concealed
2 pistol license, not previously surrendered, in a safe manner to the
3 control of the local law enforcement agency on the day of the hearing
4 at which the respondent was present in person or remotely. If the
5 respondent is in custody, arrangements to recover the firearms must
6 be made prior to release. Alternatively, if personal service by a law
7 enforcement officer is not possible, and the respondent did not
8 appear in person or remotely at the hearing, the respondent shall
9 surrender the firearms in a safe manner to the control of the local
10 law enforcement agency within 24 hours of being served with the order
11 by alternate service.

12 (3) At the time of surrender, a law enforcement officer taking
13 possession of a firearm or concealed pistol license shall issue a
14 receipt identifying all firearms that have been surrendered and
15 provide a copy of the receipt to the respondent. Within 72 hours
16 after service of the order, the officer serving the order shall file
17 the original receipt with the court and shall ensure that (~~his or~~
18 ~~her~~) the officer's law enforcement agency retains a copy of the
19 receipt.

20 (4) Upon the sworn statement or testimony of the petitioner or of
21 any law enforcement officer alleging that the respondent has failed
22 to comply with the surrender of firearms as required by an order
23 issued under this chapter, the court shall determine whether probable
24 cause exists to believe that the respondent has failed to surrender
25 all firearms in (~~his or her~~) the respondent's possession, custody,
26 or control. If probable cause for a violation of the order exists,
27 the court shall issue a warrant describing the firearms and
28 authorizing a search of the locations where the firearms are
29 reasonably believed to be and the seizure of any firearms discovered
30 pursuant to such search.

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

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

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

3 (c) The firearm is not otherwise unlawfully possessed by the
4 owner.

5 (6) Upon the issuance of a one-year extreme risk protection
6 order, the court shall order a new compliance review hearing date and
7 require the respondent to appear not later than three judicial days
8 from the issuance of the order. The court shall require a showing
9 that the respondent has surrendered any firearms in the respondent's
10 custody, control, or possession, and any concealed pistol license
11 issued under RCW 9.41.070 to a law enforcement agency. The compliance
12 review hearing is not required upon a satisfactory showing on which
13 the court can otherwise enter findings on the record that the
14 respondent has timely and completely surrendered all firearms in the
15 respondent's custody, control, or possession, and any concealed
16 pistol license issued under RCW 9.41.070 to a law enforcement agency,
17 and is in compliance with the order. If the court does not have a
18 sufficient record before it on which to make such a finding, the
19 court must set a review hearing to occur as soon as possible, at
20 which the respondent must be present and provide proof of compliance
21 with the court's order.

22 (7) (a) If a court finds at the compliance review hearing, or any
23 other hearing where compliance with the order is addressed, that
24 there is probable cause to believe the respondent was aware of, and
25 failed to fully comply with, the order, failed to appear at the
26 compliance review hearing, or violated the order after the court
27 entered findings of compliance, pursuant to its authority under
28 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
29 own motion, or upon the motion of the prosecutor, city attorney, or
30 the petitioner's counsel, to impose remedial sanctions, and issue an
31 order requiring the respondent to appear, provide proof of compliance
32 with the order, and show cause why the respondent should not be held
33 in contempt of court.

34 (b) If the respondent is not present in court at the compliance
35 review hearing or if the court issues an order to appear and show
36 cause after a compliance review hearing, the clerk of the court shall
37 electronically transmit a copy of the order to show cause to the law
38 enforcement agency where the respondent resides for personal service
39 or service in the manner provided in the civil rules of superior
40 court or applicable statute.

1 (c) The order to show cause served upon the respondent shall
2 state the date, time, and location of the hearing, and shall include
3 a warning that the respondent may be held in contempt of court if the
4 respondent fails to promptly comply with the terms of the extreme
5 risk protection order and a warning that an arrest warrant could be
6 issued if the respondent fails to appear on the date and time
7 provided in the order to show cause.

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

11 (ii) The court shall take judicial notice of the receipt filed
12 with the court by the law enforcement agency pursuant to subsection
13 (3) of this section. The court shall also provide sufficient notice
14 to the law enforcement agency of the hearing. Upon receiving notice
15 pursuant to this subsection, a law enforcement agency must:

16 (A) Provide the court with a complete list of firearms
17 surrendered by the respondent or otherwise belonging to the
18 respondent that are in the possession of the law enforcement agency;
19 and

20 (B) Provide the court with verification that any concealed pistol
21 license issued to the respondent has been surrendered and that a law
22 enforcement agency with authority to revoke the license has been
23 notified.

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

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

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

37 (8) (a) To help ensure that accurate and comprehensive information
38 about firearms compliance is provided to judicial officers, a
39 representative from either the prosecuting attorney's office or city
40 attorney's office, or both, from the relevant jurisdiction may appear

1 and be heard or submit written information at any hearing that
2 concerns compliance with an extreme risk protection order.

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

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

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

17 (10) All law enforcement agencies must develop and implement
18 policies and procedures regarding the acceptance, storage, and return
19 of firearms required to be surrendered under this chapter. Any
20 surrendered firearms must be handled and stored properly to prevent
21 damage or degradation in appearance or function, and the condition of
22 the surrendered firearms documented, including by digital photograph.
23 A law enforcement agency holding any surrendered firearm or concealed
24 pistol license shall comply with the provisions of RCW 9.41.340 and
25 9.41.345 before the return of the firearm or concealed pistol license
26 to the owner or individual from whom it was obtained.

27 **Part VII. Residential Protections**

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

30 (1)(a) An adult person, a parent or guardian acting on behalf of
31 a minor, or a guardian acting on behalf of an incapacitated person,
32 (~~as defined in RCW 11.88.010,~~) (b) any election official as
33 described in RCW 9A.90.120 who is a target for threats or harassment
34 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~
35 ~~members~~) person residing with (~~him or her~~) them, and (c) any
36 criminal justice participant as defined in RCW 9A.46.020 who is a
37 target for threats or harassment prohibited under RCW 9A.46.020(2)(b)
38 (iii) or (iv) and any criminal justice participant as defined in RCW

1 9A.90.120 who is a target for threats or harassment prohibited under
2 RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family members~~) person
3 residing with (~~him or her~~) them, may apply to the secretary of
4 state to have an address designated by the secretary of state serve
5 as the person's address or the address of the minor or incapacitated
6 person. The secretary of state shall approve an application if it is
7 filed in the manner and on the form prescribed by the secretary of
8 state and if it contains:

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

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

31 (iii) A designation of the secretary of state as agent for
32 purposes of service of process and for the purpose of receipt of
33 mail;

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

1 (v) The signature of the applicant and of any individual or
2 representative of any office designated in writing under RCW
3 40.24.080 who assisted in the preparation of the application, and the
4 date on which the applicant signed the application.

5 (2) Applications shall be filed with the office of the secretary
6 of state.

7 (3) Upon filing a properly completed application, the secretary
8 of state shall certify the applicant as a program participant.
9 Applicants shall be certified for four years following the date of
10 filing unless the certification is withdrawn or invalidated before
11 that date. The secretary of state shall by rule establish a renewal
12 procedure.

13 (4)(a) During the application process, the secretary of state
14 shall provide each applicant a form to direct the department of
15 licensing to change the address of registration for vehicles or
16 vessels solely or jointly registered to the applicant and the address
17 associated with the applicant's driver's license or identicard to the
18 applicant's address as designated by the secretary of state upon
19 certification in the program. The directive to the department of
20 licensing is only valid if signed by the applicant. The directive may
21 only include information required by the department of licensing to
22 verify the applicant's identity and ownership information for
23 vehicles and vessels. This information is limited to the:

24 (i) Applicant's full legal name;

25 (ii) Applicant's Washington driver's license or identicard
26 number;

27 (iii) Applicant's date of birth;

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

30 (v) Hull identification number or vessel document number and
31 vessel decal number for each vessel solely or jointly registered to
32 the applicant.

33 (b) Upon certification of the applicants, the secretary of state
34 shall transmit completed and signed directives to the department of
35 licensing.

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

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

1 (5) A person who knowingly provides false or incorrect
2 information upon making an application or falsely attests in an
3 application that disclosure of the applicant's address would endanger
4 (a) the applicant's safety or the safety of the applicant's children
5 or the minor or incapacitated person on whose behalf the application
6 is made, (b) the safety of any election official as described in RCW
7 9A.90.120 who is a target for threats or harassment prohibited under
8 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal
9 justice participant as defined in RCW 9A.46.020 who is a target for
10 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
11 (iv) or of any criminal justice participant as defined in RCW
12 9A.90.120 who is a target for threats or harassment prohibited under
13 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing
14 with (~~him or her~~) them, shall be punished under RCW 40.16.030 or
15 other applicable statutes.

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

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

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

22 (b) Each bank account, savings account, and insurance policy in
23 which a direct financial interest was held that exceeds twenty
24 thousand dollars at any time during the reporting period; each other
25 item of intangible personal property in which a direct financial
26 interest was held that exceeds two thousand dollars during the
27 reporting period; the name, address, and nature of the entity; and
28 the nature and highest value of each direct financial interest during
29 the reporting period;

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

37 (d) Every public or private office, directorship, and position
38 held as trustee; except that an elected official or executive state
39 officer need not report the elected official's or executive state

1 officer's service on a governmental board, commission, association,
2 or functional equivalent, when such service is part of the elected
3 official's or executive state officer's official duties;

4 (e) All persons for whom any legislation, rule, rate, or standard
5 has been prepared, promoted, or opposed for current or deferred
6 compensation. For the purposes of this subsection, "compensation"
7 does not include payments made to the person reporting by the
8 governmental entity for which the person serves as an elected
9 official or state executive officer or professional staff member for
10 the person's service in office; the description of such actual or
11 proposed legislation, rules, rates, or standards; and the amount of
12 current or deferred compensation paid or promised to be paid;

13 (f) The name and address of each governmental entity,
14 corporation, partnership, joint venture, sole proprietorship,
15 association, union, or other business or commercial entity from whom
16 compensation has been received in any form of a total value of two
17 thousand dollars or more; the value of the compensation; and the
18 consideration given or performed in exchange for the compensation;

19 (g) The name of any corporation, partnership, joint venture,
20 association, union, or other entity in which is held any office,
21 directorship, or any general partnership interest, or an ownership
22 interest of ten percent or more; the name or title of that office,
23 directorship, or partnership; the nature of ownership interest; and:

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

29 and (ii) the name of each governmental unit, corporation,
30 partnership, joint venture, sole proprietorship, association, union,
31 or other business or commercial entity from which the entity has
32 received compensation in any form in the amount of ten thousand
33 dollars or more during the preceding twelve months and the
34 consideration given or performed in exchange for the compensation. As
35 used in (g)(ii) of this subsection, "compensation" does not include
36 payment for water and other utility services at rates approved by the
37 Washington state utilities and transportation commission or the
38 legislative authority of the public entity providing the service.
39 With respect to any bank or commercial lending institution in which
40 is held any office, directorship, partnership interest, or ownership

1 interest, it shall only be necessary to report either the name,
2 address, and occupation of every director and officer of the bank or
3 commercial lending institution and the average monthly balance of
4 each account held during the preceding twelve months by the bank or
5 commercial lending institution from the governmental entity for which
6 the individual is an official or candidate or professional staff
7 member, or all interest paid by a borrower on loans from and all
8 interest paid to a depositor by the bank or commercial lending
9 institution if the interest exceeds two thousand four hundred
10 dollars;

11 (h) A list, including legal or other sufficient descriptions as
12 prescribed by the commission, of all real property in the state of
13 Washington, the assessed valuation of which exceeds ten thousand
14 dollars in which any direct financial interest was acquired during
15 the preceding calendar year, and a statement of the amount and nature
16 of the financial interest and of the consideration given in exchange
17 for that interest;

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

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

32 (k) A list, including legal or other sufficient descriptions as
33 prescribed by the commission, of all real property in the state of
34 Washington, the assessed valuation of which exceeds twenty thousand
35 dollars, in which a corporation, partnership, firm, enterprise, or
36 other entity had a direct financial interest, in which corporation,
37 partnership, firm, or enterprise a ten percent or greater ownership
38 interest was held;

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

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

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

10 (2)(a) When judges, prosecutors, sheriffs, participants in the
11 address confidentiality program under RCW 40.24.030, or their
12 immediate family members are required to disclose real property that
13 is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff,
14 or address confidentiality program participant, the requirements of
15 subsection (1)(h) through (k) of this section may be satisfied for
16 that property by substituting:

17 (i) The city or town;

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

20 (iii) Such other identifying information the commission
21 prescribes by rule for the mailing address where the property is
22 located.

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

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

29 (b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;

Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

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

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

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

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

24 (i) The tenant or the household member has a domestic violence
25 protection order, sexual assault protection order, stalking
26 protection order, or antiharassment protection order under chapter
27 7.105 RCW, or a valid order for protection under one or more of the
28 following: Chapter 26.26A or 26.26B RCW, or any of the former
29 chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050, 10.99.040
30 (2) or (3), or 26.09.050, or former RCW 10.14.080; or

31 (ii) The tenant or the household member has reported the domestic
32 violence, sexual assault, unlawful harassment, or stalking to a
33 qualified third party acting in (~~his or her~~) the party's official
34 capacity and the qualified third party has provided the tenant or the
35 household member a written record of the report signed by the
36 qualified third party.

37 (b) When a copy of a valid order for protection or a written
38 record of a report signed by a qualified third party, as required

1 under (a) of this subsection, is made available to the landlord, the
2 tenant may terminate the rental agreement and quit the premises
3 without further obligation under the rental agreement or under this
4 chapter. (~~However, the request to terminate the rental agreement~~
5 ~~must occur within ninety days of the reported act, event, or~~
6 ~~circumstance that gave rise to the protective order or report to a~~
7 ~~qualified third party.) A record of the report to a qualified third
8 party that is provided to the tenant or household member shall
9 consist of a document signed and dated by the qualified third party
10 stating: (i) That the tenant or the household member notified (~~him~~
11 ~~or her that he or she~~) the qualified third party that the tenant or
12 household member was a victim of an act or acts that constitute a
13 crime of domestic violence, sexual assault, unlawful harassment, or
14 stalking; (ii) the time and date the act or acts occurred; (iii) the
15 location where the act or acts occurred; (iv) a brief description of
16 the act or acts of domestic violence, sexual assault, unlawful
17 harassment, or stalking; and (v) that the tenant or household member
18 informed (~~him or her~~) the qualified third party of the name of the
19 alleged perpetrator of the act or acts. The record of the report
20 provided to the tenant or household member shall not include the name
21 of the alleged perpetrator of the act or acts of domestic violence,
22 sexual assault, unlawful harassment, or stalking. The qualified third
23 party shall keep a copy of the record of the report and shall note on
24 the retained copy the name of the alleged perpetrator of the act or
25 acts of domestic violence, sexual assault, unlawful harassment, or
26 stalking. The record of the report to a qualified third party may be
27 accomplished by completion of a form provided by the qualified third
28 party, in substantially the following form:~~

29
30 [Name of organization, agency, clinic, professional service
31 provider]
32 I and/or my (household member) am/is a victim
33 of
34 ... domestic violence as defined by RCW
35 7.105.010.
36 ... sexual assault as defined by RCW
37 70.125.030.
38 ... stalking as defined by RCW 9A.46.110.

1 . . . unlawful harassment as defined by RCW
2 59.18.570.

3 Briefly describe the incident of domestic violence,
4 sexual assault, unlawful harassment, or stalking:
5

6 The incident(s) that I rely on in support of this
7 declaration occurred on the following date(s) and time(s)
8 and at the following location(s):

9 The incident(s) that I rely on in support of this
10 declaration were committed by the following person(s): . . .
11

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

14 Dated at (city) . ., Washington, this . . . day
15 of . . ., . . . (year)

16
17 Signature of Tenant or
18 Household Member

19 I verify that I have provided to the person whose
20 signature appears above the statutes cited in RCW
21 59.18.575 and that the individual was a victim of an act that
22 constitutes a crime of domestic violence, sexual assault,
23 unlawful harassment, or stalking, and that the individual
24 informed me of the name of the alleged perpetrator of the
25 act. I further verify that I have informed the person whose
26 signature appears above that information about the landlord
27 mitigation program can be found on the website established
28 pursuant to RCW 43.31.605(11), including the form
29 developed pursuant to RCW 43.31.605(1)(d)(iv).

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

31
32 Signature of authorized
33 officer/employee of
34 (Organization, agency, clinic,
35 professional service provider)

36 (2) (a) A tenant who terminates a rental agreement under this
37 section is discharged from the payment of rent for any period
38 following the last day of the month of the quitting date. The tenant

1 shall remain liable for the rent for the month in which (~~he or she~~)
2 the tenant terminated the rental agreement unless the termination is
3 in accordance with RCW 59.18.200(1).

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

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

14 (c) Other tenants who are parties to the rental agreement, except
15 household members who are the victims of sexual assault, stalking,
16 unlawful harassment, or domestic violence, are not released from
17 their obligations under the rental agreement or other obligations
18 under this chapter.

19 (3)(a) Notwithstanding any other provision under this section, if
20 a tenant or a household member is a victim of sexual assault,
21 stalking, or unlawful harassment by a landlord, the tenant may
22 terminate the rental agreement and quit the premises without further
23 obligation under the rental agreement or under this chapter prior to
24 making a copy of a valid order for protection or a written record of
25 a report signed by a qualified third party available to the landlord,
26 provided that:

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

31 (ii) A written record of a report signed by the qualified third
32 party must be substantially in the form specified under subsection
33 (1)(b) of this section. The record of the report provided to the
34 landlord must not include the name of the alleged perpetrator of the
35 act. On written request by the landlord, the qualified third party
36 shall, within seven days, provide the name of the alleged perpetrator
37 of the act to the landlord only if the alleged perpetrator was a
38 person meeting the definition of the term "landlord" under RCW
39 59.18.570.

1 (b) A tenant who terminates (~~his or her~~) a rental agreement
2 under this subsection is discharged from the payment of rent for any
3 period following the latter of: (i) The date the tenant vacates the
4 unit; or (ii) the date the record of the report of the qualified
5 third party and the written notice that the tenant has vacated are
6 delivered to the landlord by mail, fax, or personal delivery by a
7 third party. The tenant is entitled to a pro rata refund of any
8 prepaid rent and must receive a full and specific statement of the
9 basis for retaining any of the deposit together with any refund due
10 in accordance with RCW 59.18.280.

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

16 (a) Within seven days of changing or adding locks, the tenant
17 must deliver to the landlord by mail, fax, or personal delivery by a
18 third party: (i) Written notice that the tenant has changed or added
19 locks; and (ii) a copy of a valid order for protection or a written
20 record of a report signed by a qualified third party. A written
21 record of a report signed by a qualified third party must be
22 substantially in the form specified under subsection (1)(b) of this
23 section. The record of the report provided to the landlord must not
24 include the name of the alleged perpetrator of the act. On written
25 request by the landlord, the qualified third party shall, within
26 seven days, provide the name of the alleged perpetrator to the
27 landlord only if the alleged perpetrator was a person meeting the
28 definition of the term "landlord" under RCW 59.18.570.

29 (b) After the tenant provides notice to the landlord that the
30 tenant has changed or added locks, the tenant's rental agreement
31 shall terminate on the ninetieth day after providing such notice,
32 unless:

33 (i) Within sixty days of providing notice that the tenant has
34 changed or added locks, the tenant notifies the landlord in writing
35 that the tenant does not wish to terminate (~~his or her~~) the rental
36 agreement. If the perpetrator has been identified by the qualified
37 third party and is no longer an employee or agent of the landlord or
38 owner and does not reside at the property, the tenant shall provide
39 the owner or owner's designated agent with a copy of the key to the
40 new locks at the same time as providing notice that the tenant does

1 not wish to terminate (~~his or her~~) the rental agreement. A tenant
2 who has a valid protection, antiharassment, or other protective order
3 against the owner of the premises or against an employee or agent of
4 the landlord or owner is not required to provide a key to the new
5 locks until the protective order expires or the tenant vacates; or

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

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

14 (i) In the case of an emergency, the landlord may enter the unit
15 if accompanied by a law enforcement or fire official acting in (~~his~~
16 ~~or her~~) an official capacity. If the landlord reasonably concludes
17 that the circumstances require immediate entry into the unit, the
18 landlord may, after notifying emergency services, use such force as
19 necessary to enter the unit if the tenant is not present; or

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

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

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

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

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

35 (6) The provision of verification of a report under subsection
36 (1)(b) of this section does not waive the confidential or privileged
37 nature of the communication between a victim of domestic violence,
38 sexual assault, or stalking with a qualified third party pursuant to
39 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
40 obtained from such disclosure may be used in any civil,

1 administrative, or criminal proceeding against the victim unless a
2 written waiver of applicable evidentiary privilege is obtained,
3 except that the verification itself, and no other privileged
4 information, under subsection (1)(b) of this section may be used in
5 civil proceedings brought under this section.

6 **Part VIII. Statewide Resources**

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

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

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

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

18 (b) To provide training on implementation and enforcement of
19 orders to surrender and prohibit weapons, extreme risk protection
20 orders, first appearances, case resolution, duties regarding recovery
21 of firearms at the scene of domestic violence incidents, service of
22 orders to surrender weapons and extreme risk protection orders, and
23 firearm rights restoration petitions for domestic violence
24 perpetrators;

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

28 (d) To meet regularly with law enforcement agencies and
29 prosecutors to explain legal issues and prosecutorial approaches to
30 domestic violence cases and provide and receive feedback to improve
31 case outcomes;

32 (e) To provide additional training and resources related to
33 electronic monitoring with victim notification technology to
34 prosecutors, law enforcement officers, judges, domestic violence
35 agencies, attorneys representing domestic violence survivors, and
36 others deemed appropriate after consultation with the commission;

1 (f) To consult with the commission with respect to developing and
2 implementing best practices for prosecuting domestic violence cases
3 across the state; and

4 (g) To comply with other requirements established by the
5 commission under this section.

6 (3) The commission may establish additional appropriate
7 conditions for any grant awarded under this section. The commission
8 may adopt necessary policies and procedures to implement and
9 administer the grant program, including monitoring the use of grant
10 funds and compliance with the grant requirements.

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

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

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

19 (b) Increased access to supportive services for high-risk
20 victims;

21 (c) Increased perpetrator monitoring and accountability; and

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

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

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

33 (4) The department may scale the pilot program within the limits
34 of appropriated funds, but at least five teams must be available west
35 of the crest of the Cascade mountains and five teams east of the
36 crest of the Cascade mountains.

37 NEW SECTION. **Sec. 803.** A new section is added to chapter 43.330
38 RCW to read as follows:

1 (1) By January 1, 2025, the department must establish the office
2 of the statewide domestic violence ombuds to promote and protect the
3 rights of victims of domestic violence and to ensure the intent of
4 chapter 10.99 RCW is fulfilled.

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

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

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

12 (c) Implement a statewide case review system for criminal
13 domestic violence protection cases to examine and report on law
14 enforcement responses and investigations, prosecutorial behavior,
15 irregularities in rulings, and the conduct of judicial officers. The
16 case review system must review cases from diverse geographic regions
17 of the state and must include:

18 (i) Data on:

19 (A) The percentage of domestic violence protection order
20 petitions that result in a full protection order being issued and
21 regional variances therein; and

22 (B) Categories of the bases upon which domestic violence
23 protection orders are issued and the percentages of granted
24 protection orders in each category, including physical violence,
25 stalking, coercive control, and sexual assault;

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

28 (iii) Information on the percentage of intimate partner violence
29 police reports that lead to charges and the conviction rate for these
30 charges; and

31 (iv) A review of case files from law enforcement agencies and
32 prosecuting attorneys selected by the office of the statewide
33 domestic violence ombuds in order to identify changes to training,
34 investigatory, and prosecutorial practices necessary to optimize
35 outcomes in domestic violence investigations and prosecutions. The
36 review must include:

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

1 (B) A comparison of arrests, charges, and convictions, including
2 an analysis of the reasons why prosecutors decline to file charges;
3 and

4 (C) Randomly selected cases for a systematic review to assess
5 whether current practices conform to national best practices for a
6 multidisciplinary approach to investigating and prosecuting domestic
7 violence cases and interacting with survivors.

8 (3) The case review system may review and access files, including
9 all reports and recordings, pertaining to closed cases involving
10 allegations of domestic violence. Any law enforcement agency or
11 prosecuting attorney selected for a review by the office of the
12 statewide domestic violence ombuds must make requested case files and
13 other documents available to the office of the statewide domestic
14 violence ombuds, provided that the case files are not linked to
15 ongoing, open investigations and that redactions may be made where
16 appropriate and necessary. Agencies and prosecuting attorneys must
17 include available information on the race and ethnicity of all
18 victims in the relevant case files provided to the office of the
19 statewide domestic violence ombuds. Case files and other documents
20 must be made available to the office of the statewide domestic
21 violence ombuds according to appropriate deadlines established by the
22 office of the statewide domestic violence ombuds in consultation with
23 the agency or prosecuting attorney.

24 (4) In designing and conducting the case review system, the
25 office of the statewide domestic violence ombuds must consult and
26 collaborate with experts in trauma-informed and victim-centered
27 training, experts in domestic violence investigations and
28 prosecutions, domestic violence survivors, domestic violence victim
29 advocates, and other stakeholders identified by the office of the
30 statewide domestic violence ombuds. The office of the statewide
31 domestic violence ombuds may form a multidisciplinary work group for
32 the purpose of carrying out the requirements of this section.

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

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

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

4 (a) Conduct scientifically rigorous intimate partner violence
5 research that informs policy and practice in Washington and serves as
6 a national model;

7 (b) Promote a collaborative, multidisciplinary approach to
8 addressing intimate partner violence, informed by community members
9 and practitioners;

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

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

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

17 (2) The center must:

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

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

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

34 (d) Conduct listening sessions with survivors of intimate partner
35 violence statewide, including survivors in urban and rural areas,
36 black survivors, indigenous survivors, survivors of color, and
37 survivors who identify as part of the LGBTQ community;

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

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

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

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

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

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

25 **Part IX. Law Enforcement**

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

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

37 (2) The training must: Be based on research-based practices and
38 standards; offer participants an opportunity to practice interview

1 skills and receive feedback from instructors; minimize the trauma of
2 all persons who are interviewed during investigations; provide
3 methods of reducing the number of investigative interviews necessary
4 whenever possible; assure, to the extent possible, that investigative
5 interviews are thorough, objective, and complete; recognize needs of
6 special populations; recognize the nature and consequences of
7 domestic violence victimization; require investigative interviews to
8 be conducted in a manner most likely to permit the interviewed
9 persons the maximum emotional comfort under the circumstances;
10 address record retention and retrieval; address documentation of
11 investigative interviews; and educate investigators on the best
12 practices for notifying victims of significant events in the
13 investigative process.

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

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

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

28 A police officer having probable cause to believe that a person
29 has committed or is committing a felony shall have the authority to
30 arrest the person without a warrant. A police officer may arrest a
31 person without a warrant for committing a misdemeanor or gross
32 misdemeanor only when the offense is committed in the presence of an
33 officer, except as provided in subsections (1) through ~~((11))~~ (12)
34 of this section.

35 (1) Any police officer having probable cause to believe that a
36 person has committed or is committing a misdemeanor or gross
37 misdemeanor, involving physical harm or threats of harm to any person
38 or property or the unlawful taking of property or involving the use
39 or possession of cannabis, or involving the acquisition, possession,

1 or consumption of alcohol by a person under the age of twenty-one
2 years under RCW 66.44.270, or involving criminal trespass under RCW
3 9A.52.070 or 9A.52.080, shall have the authority to arrest the
4 person.

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

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

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

32 (c) A foreign protection order, as defined in RCW 26.52.010, or a
33 Canadian domestic violence protection order, as defined in RCW
34 26.55.010, has been issued of which the person under restraint has
35 knowledge and the person under restraint has violated a provision of
36 the foreign protection order or the Canadian domestic violence
37 protection order prohibiting the person under restraint from
38 contacting or communicating with another person, or excluding the
39 person under restraint from a residence, workplace, school, or day
40 care, or prohibiting the person from knowingly coming within, or

1 knowingly remaining within, a specified distance of a location, a
2 protected party's person, or a protected party's vehicle, or a
3 violation of any provision for which the foreign protection order or
4 the Canadian domestic violence protection order specifically
5 indicates that a violation will be a crime; or

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

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

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

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

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

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

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

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

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

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

7 ~~((4))~~ (5) A law enforcement officer investigating at the scene
8 of a motor vehicle accident may arrest the driver of a motor vehicle
9 involved in the accident if the officer has probable cause to believe
10 that the driver has committed, in connection with the accident, a
11 violation of any traffic law or regulation.

12 ~~((5))~~ (6)(a) A law enforcement officer investigating at the
13 scene of a motor vessel accident may arrest the operator of a motor
14 vessel involved in the accident if the officer has probable cause to
15 believe that the operator has committed, in connection with the
16 accident, a criminal violation of chapter 79A.60 RCW.

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

23 ~~((6))~~ (7) Any police officer having probable cause to believe
24 that a person has committed or is committing a violation of RCW
25 79A.60.040 shall have the authority to arrest the person.

26 ~~((7))~~ (8) An officer may act upon the request of a law
27 enforcement officer, in whose presence a traffic infraction was
28 committed, to stop, detain, arrest, or issue a notice of traffic
29 infraction to the driver who is believed to have committed the
30 infraction. The request by the witnessing officer shall give an
31 officer the authority to take appropriate action under the laws of
32 the state of Washington.

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

36 ~~((9))~~ (10) A police officer may arrest and take into custody,
37 pending release on bail, personal recognizance, or court order, a
38 person without a warrant when the officer has probable cause to
39 believe that an antiharassment protection order has been issued of
40 which the person has knowledge under chapter 7.105 RCW or former

1 chapter 10.14 RCW and the person has violated the terms of that
2 order.

3 ~~((10))~~ (11) Any police officer having probable cause to believe
4 that a person has, within twenty-four hours of the alleged violation,
5 committed a violation of RCW 9A.50.020 may arrest such person.

6 ~~((11))~~ (12) A police officer having probable cause to believe
7 that a person illegally possesses or illegally has possessed a
8 firearm or other dangerous weapon on private or public elementary or
9 secondary school premises shall have the authority to arrest the
10 person.

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

14 ~~((12))~~ (13) A law enforcement officer having probable cause to
15 believe that a person has committed a violation under RCW
16 77.15.160(5) may issue a citation for an infraction to the person in
17 connection with the violation.

18 ~~((13))~~ (14) A law enforcement officer having probable cause to
19 believe that a person has committed a criminal violation under RCW
20 77.15.809 or 77.15.811 may arrest the person in connection with the
21 violation.

22 ~~((14))~~ (15) Except as specifically provided in subsections (2),
23 ~~((3))~~ (4), (5), and ~~((7))~~ (8) of this section, nothing in this
24 section extends or otherwise affects the powers of arrest prescribed
25 in Title 46 RCW.

26 ~~((15))~~ (16) No police officer may be held criminally or civilly
27 liable for making an arrest pursuant to subsection (2) or ~~((9))~~
28 (10) of this section if the police officer acts in good faith and
29 without malice.

30 ~~((16))~~ (17) (a) Except as provided in (b) of this subsection, a
31 police officer shall arrest and keep in custody, until release by a
32 judicial officer on bail, personal recognizance, or court order, a
33 person without a warrant when the officer has probable cause to
34 believe that the person has violated RCW 46.61.502 or 46.61.504 or an
35 equivalent local ordinance and the police officer: (i) Has knowledge
36 that the person has a prior offense as defined in RCW 46.61.5055
37 within ten years; or (ii) has knowledge, based on a review of the
38 information available to the officer at the time of arrest, that the
39 person is charged with or is awaiting arraignment for an offense that

1 would qualify as a prior offense as defined in RCW 46.61.5055 if it
2 were a conviction.

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

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

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

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

37 (c) The statewide automated protected person notification system
38 must interface with the Washington state patrol, the administrative

1 office of the courts, and any court not contributing data to the
2 administrative office of the courts in real time.

3 (2) An appointed or elected official, public employee, or public
4 agency as defined in RCW 4.24.470, or combination of units of
5 government and its employees, as provided in RCW 36.28A.010, are
6 immune from civil liability for damages for any release of
7 information or the failure to release information related to the
8 statewide automated protected person notification system in this
9 section, so long as the release or failure to release was without
10 gross negligence. The immunity provided under this subsection applies
11 to the release of relevant and necessary information to other public
12 officials, public employees, or public agencies, and to the general
13 public.

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

20 **Part X. Miscellaneous**

21 NEW SECTION. Sec. 1001. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 1002. If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2023, in the omnibus appropriations act, this
28 act is null and void.

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