

RCW 10.99.030 Peace officers—Powers and duties. (1) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

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

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

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

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

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

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

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

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

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

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

(a) The officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies

available. The notice shall include handing each person a copy of the following statement:

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

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

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

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

(6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the seizure or lack of seizure of a firearm, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. [2023 c 470 s 1001. Prior: 2019 c 367 s 1; 2019 c 110 s 2; 2016 c 136 s 5; 1996 c 248 s 6; 1995 c 246 s 22; 1993 c 350 s 3; 1984 c 263 s 21; 1981 c 145 s 5; 1979 ex.s. c 105 s 3.]

Explanatory statement—2023 c 470: "RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Part 1 of this act merges multiple amendments created when sections were amended without reference to other amendments made in the same session.

(2) Part 2 of this act updates references in the code to the "department of community, trade, and economic development" with the "department of commerce," in accordance with the renaming of that department by chapter 565, Laws of 2009.

(3) Section 3001 of this act adds an expiration date to amendments to RCW 51.32.099. The underlying section expired June 30, 2016, but expiration dates for three amendatory sections were apparently omitted in error.

(4) Section 3002 of this act repeals an expiration date for 2011 amendments to RCW 74.60.020 and 74.60.090. The repealed expiration date conflicts with the expiration date provided in RCW 74.60.901.

(5) Section 3003 of this act decodifies groups that are no longer active.

(6) Sections 3004 through 3006 of this act reorganize subsection numbering so that distinct criminal penalties are located in separate paragraphs.

(7) Sections 3007 through 3010 of this act correct terminology relating to behavioral health disorders in certain sex offense statutes.

(8) Section 3011 of this act updates a reference to a federal law which was reclassified and renumbered in 2017.

(9) Section 3012 of this act updates a subsection reference in RCW 9A.72.160.

(10) Sections 3013 through 3015 of this act replace instances of the word "marijuana" with "cannabis," in accordance with chapter 16, Laws of 2022.

(11) Section 3016 of this act corrects an erroneous section reference.

(12) Section 3017 of this act changes the term "apartment" to "lot" in a section of chapter 64.38 RCW, relating to homeowners' associations.

(13) Sections 3018 and 3019 of this act correct an erroneous subsection reference.

(14) Sections 3020 and 3021 of this act replace an erroneous usage of the word "county" with "country."

(15) Section 3022 of this act amends cross-references in the interstate compact on educational opportunity for military children." [2023 c 470 s 1.]

Findings—1993 c 350: See note following RCW 7.69.020.