
SENATE BILL 5297

State of Washington**67th Legislature****2021 Regular Session****By** Senator Dhingra

1 AN ACT Relating to modernizing, harmonizing, and improving the
2 efficacy and accessibility of laws concerning civil protection
3 orders; amending RCW 7.---.---, 7.---.---, 7.---.---, 9.41.040,
4 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030,
5 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060,
6 7.77.080, 9.41.010, 9.41.042, 9.41.070, 9.41.173, 9.94A.411,
7 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703,
8 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085,
9 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030,
10 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050,
11 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150,
12 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 19.220.010, 26.09.003,
13 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260,
14 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020,
15 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550,
16 49.76.020, 59.18.575, 70.02.230, 70.02.240, 71.09.305, 71.32.090,
17 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110,
18 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800,
19 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842,
20 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW;
21 adding new sections to chapter 26.55 RCW; adding a new section to
22 chapter 43.20A RCW; adding a new section to chapter 70.123 RCW;
23 adding a new section to chapter 9A.44 RCW; adding a new section to

1 chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating a
2 new section; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and
3 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030,
4 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060,
5 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121,
6 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190,
7 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060,
8 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125,
9 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900,
10 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060,
11 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130,
12 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030,
13 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065,
14 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105,
15 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140,
16 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190,
17 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021,
18 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055,
19 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095,
20 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125,
21 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200,
22 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901,
23 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145,
24 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115;
25 prescribing penalties; providing effective dates; and providing
26 expiration dates.

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

28 **PART I**
29 **FINDINGS, INTENT, AND DEFINITIONS**

30 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) Washington state
31 has been a national leader in adopting legal protections to prevent
32 and respond to abuse, violence, harassment, stalking, neglect, or
33 other threatening behavior, through the enactment of different types
34 of civil protection orders, which are intended to provide a fast,
35 efficient means to obtain protection against perpetrators of these
36 harms.

1 (2) Washington state has enacted six different types of civil
2 protection orders: (a) Domestic violence protection orders, adopted
3 by the legislature in 1984; (b) vulnerable adult protection orders,
4 adopted by the legislature in 1986; (c) antiharassment protection
5 orders, adopted by the legislature in 1987; (d) sexual assault
6 protection orders, adopted by the legislature in 2006; (e) stalking
7 protection orders, adopted by the legislature in 2013; and (f)
8 extreme risk protection orders, enacted by a vote of the people
9 through Initiative Measure No. 1491 in 2016.

10 (3) These civil protection orders are essential tools designed to
11 address significant harms impacting individuals as well as
12 communities. The legislature finds that:

13 (a) Domestic violence is a problem of immense proportions. About
14 15 percent of Washington adults report experiencing domestic violence
15 in their lifetime, and women, low-income people, and Black and
16 indigenous communities experience higher rates of domestic violence.
17 When domestic violence victims seek to separate from their abuser,
18 they face increased risks. 45 percent of domestic violence homicides
19 occur within 90 days of a recent separation, while 75 percent occur
20 within the first six months of separation. Domestic violence victims
21 also face increased risks when their abuser has access to firearms.
22 Firearms are used to commit more than half of all intimate partner
23 homicides in the United States. When an abusive partner has access to
24 a gun, a domestic violence victim is 11 times more likely to be
25 killed. Domestic violence has long been recognized as being at the
26 core of other major social problems: Child abuse, other crimes of
27 violence against persons or property, homelessness, and alcohol and
28 drug abuse. Research has identified that adverse childhood
29 experiences such as exposure to domestic violence have long-term
30 negative impacts on health, well-being, and life outcomes, including
31 criminal legal system involvement. Washington state studies have
32 found that domestic violence is the most predictive of future violent
33 crime by the perpetrator. Nationwide, domestic violence costs over
34 \$460,000,000,000 each year for health care, absence from work,
35 services to children, and more. Adolescent dating violence is
36 occurring at increasingly high rates, and preventing and confronting
37 adolescent violence is important in preventing future violence in
38 adult relationships. Domestic violence should not be minimized or
39 dismissed based on any mental health diagnoses of the perpetrator or
40 the victim. To the contrary, the presence of mental health concerns

1 or substance use of either party increases the likelihood of serious
2 injury and lethality. The legislature finds that it is in the public
3 interest to improve the lives of persons being victimized by the acts
4 and dynamics of domestic violence, to require reasonable, coordinated
5 measures to prevent domestic violence from occurring, and to respond
6 effectively to secure the safety of survivors of domestic violence;

7 (b) Sexual assault is the most heinous crime against another
8 person short of murder. Sexual assault inflicts humiliation,
9 degradation, and terror on victims. The perpetrator's age, gender, or
10 relationship does not define the seriousness. According to the
11 centers for disease control and prevention, one in six men, one in
12 three women, and one in two nonbinary persons will experience sexual
13 violence in their lifetime. Because of the stigma of a sexual assault
14 and trauma, many victims are afraid or are not ready to report to law
15 enforcement and go through the rigors of the criminal justice
16 process. Individuals with disabilities; Black and indigenous
17 communities; and lesbian, gay, bisexual, transgender, queer, and
18 other individuals experience a higher rate of sexual violence.
19 Experiencing a sexual assault is itself a reasonable basis for
20 ongoing fear. Rape is recognized as the most underreported crime;
21 estimates suggest that only one in seven rapes is reported to
22 authorities. Victims who do not report the crime still may need to
23 seek safety and protection from future interactions with the
24 perpetrator and have a right to such safety and protection. Some
25 cases where rape is reported are not prosecuted or do not lead to a
26 conviction. A victim should be able to expediently seek a civil
27 remedy requiring that the perpetrator stay away from the victim,
28 independent of the criminal process and regardless of whether related
29 criminal charges are pending;

30 (c) Stalking is a crime that affects 3,400,000 people over the
31 age of 18 each year in the United States. Almost half of victims
32 experience at least one unwanted contact per week. 29 percent of
33 stalking victims fear that the stalking will never stop. The
34 prevalence of anxiety, insomnia, social dysfunction, and severe
35 depression is much higher among stalking victims than among the
36 general population. Research shows that stalking is a significant
37 indication of future lethality. Increased access to technology has
38 also increased methods of stalking. Stalking is distinct from common
39 acts of harassment or nuisance covered by antiharassment orders, and
40 law enforcement agencies need to be able to rely on orders that

1 distinguish stalking from acts of harassment or nuisance. Victims who
2 do not report the stalking behavior they are experiencing still may
3 need safety and protection from future interactions with the
4 perpetrator through expedient access to the civil court system, and
5 this protection can be accomplished without infringing on
6 constitutionally protected speech or activity;

7 (d) Serious, personal harassment through invasions of a person's
8 privacy by an act, acts, or words showing an intent to coerce,
9 intimidate, or humiliate the victim is increasing. The legislature
10 finds the prevention of such harassment is an important governmental
11 objective, and that victims should have access to a method to prevent
12 further contact between the victim and perpetrator;

13 (e) Some adults are vulnerable and may be subject to abuse,
14 neglect, financial exploitation, or abandonment by a family member,
15 care provider, or other person who has a relationship with the
16 vulnerable adult. A vulnerable adult may have physical disabilities,
17 mobility issues, or be otherwise unable to represent himself or
18 herself in court or to retain legal counsel in order to obtain the
19 relief available under this chapter or other protections offered
20 through the courts. A vulnerable adult may lack the ability to
21 perform or obtain those services necessary to maintain his or her
22 well-being because he or she lacks the capacity for consent, and may
23 have health problems that place him or her in a dependent position.
24 The legislature finds the legal tool of protection orders will help
25 prevent abuse, neglect, exploitation, or abandonment of vulnerable
26 adults; and

27 (f) Every year, over 100,000 persons in our country are victims
28 of gunshot wounds and 38,000 individuals lose their lives from gun
29 violence. On average, there are over 100 gun deaths each day, 61
30 percent of which are suicides. In Washington state, the suicide rate
31 is on average 10 percent higher. Extreme risk protection orders allow
32 for the temporary removal of the most lethal means of suicide from
33 the situation, saving lives of those at risk. Studies show that
34 individuals who engage in certain dangerous behaviors are
35 significantly more likely to commit violence toward themselves or
36 others in the near future. These behaviors, which can include other
37 acts or threats of violence, self-harm, or the abuse of drugs or
38 alcohol, are warning signs that the person may soon commit an act of
39 violence. Individuals who pose a danger to themselves or others often
40 exhibit signs that alert family, household members, or law

1 enforcement to the threat. Restricting firearms access in these
2 moments of crisis is an important way to prevent gun violence and
3 save lives. Many mass shooters displayed warning signs prior to their
4 killings, but federal and state laws provided no clear legal process
5 to suspend the shooters' access to guns, even temporarily. In
6 enacting the extreme risk protection order, the people intended to
7 reduce gun deaths and injuries, while respecting constitutional
8 rights, by providing a procedure for family, household members, and
9 law enforcement to obtain a court order temporarily preventing
10 individuals who are at high risk of harming themselves or others from
11 accessing firearms when there is demonstrated evidence that the
12 individuals pose a significant danger, including danger as a result
13 of threatening or violent behavior. Additionally, extreme risk
14 protection orders may provide protections from firearm risks for
15 individuals who are not eligible to petition for other types of
16 protection orders. Extreme risk protection orders are intended to be
17 limited to situations in which individuals pose a significant danger
18 of harming themselves or others by possessing a firearm, having
19 immediate access to a firearm, or having expressed intent to obtain a
20 firearm, and include standards and safeguards to protect the rights
21 of respondents and due process of law. Temporarily removing firearms
22 under these circumstances is an important tool to prevent suicide,
23 homicide, and community violence.

24 (4) The legislature finds that all of these civil protection
25 orders are essential tools that can increase safety for victims of
26 domestic violence, sexual assault, stalking, abuse of vulnerable
27 adults, unlawful harassment, and threats of gun violence to obtain
28 immediate protection for themselves apart from the criminal legal
29 system. Victims are in the best position to know what their safety
30 needs are and should be able to seek these crucial protections
31 without having to rely on the criminal legal system process. The
32 legislature further finds the surrender of firearms in civil
33 protection orders is critical to public health. In keeping with the
34 harm reduction approach of this lifesaving tool, the legislature
35 finds that it is appropriate to allow for immunity from prosecution
36 for certain offenses when appropriate and necessary to overcome an
37 assertion of a constitutional privilege against self-incrimination
38 that would otherwise prevent a court from enforcing an order to
39 surrender and prohibit firearms.

1 (5) To better achieve these important public purposes, the
2 legislature further finds the need to clarify and simplify these
3 civil protection order statutes to make them more understandable and
4 accessible to victims seeking relief and to respondents who are
5 subject to the court process. An efficient and effective civil
6 process can provide necessary relief many victims require in order to
7 escape and prevent harm. Clarification and simplification of the
8 statutes will aid petitioners, respondents, law enforcement, and
9 judicial officers in their application, help to eliminate procedural
10 inconsistencies, modernize practices, provide better access to
11 justice for those most marginalized, increase compliance, and improve
12 identified problem areas within the statutes. Those who participate
13 in the protection order process often find it difficult to navigate
14 the statutes, which were adopted at different times and contain
15 differing jurisdictional approaches, procedures, definitions, and
16 types of relief offered, among other differences, all of which can
17 create barriers and cause confusion. Harmonizing and standardizing
18 provisions where there is not a need for a specific, different
19 approach can provide more uniformity among the laws and significantly
20 reduce these obstacles.

21 The legislature finds that these improvements are needed to help
22 ensure that protection orders and corresponding court processes are
23 more easily accessible to all litigants, particularly parties who may
24 experience higher barriers to accessing justice.

25 (6) The legislature finds that advances in technology have made
26 it increasingly possible to file petitions, effect service of
27 process, and conduct hearings in protection order proceedings through
28 more efficient and accessible means, while upholding constitutional
29 due process requirements. These include using approaches such as
30 online filing of petitions, electronic service of protection orders,
31 and video and telephonic hearings to maintain and improve access to
32 the courts. These alternatives can help make protection order
33 processes more accessible, effective, timely, and procedurally just,
34 particularly in situations where there are emergent risks. The
35 legislature finds that it would be helpful for petitioners,
36 respondents, judicial officers, court personnel, law enforcement,
37 advocates, counsel, and others to have these new tools enacted into
38 statute and made readily available in every court, with statewide
39 best practices created for their use, specific to the context of
40 civil protection orders. The legislature further finds that it is

1 important to modernize other aspects of the civil protection order
2 statutes to reflect current trends, and to provide for data
3 collection and research in these areas of the law.

4 (7) The legislature further finds that in order to improve the
5 efficacy of, accessibility to, and understanding of, civil protection
6 orders, the six different civil protection orders in Washington state
7 should be included in a single chapter of the Revised Code of
8 Washington.

9 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
10 section apply throughout this chapter unless the context clearly
11 requires otherwise.

12 (1) "Abandonment" means action or inaction by a person or entity
13 with a duty of care for a vulnerable adult that leaves the vulnerable
14 adult without the means or ability to obtain necessary food,
15 clothing, shelter, or health care.

16 (2) "Abuse," for the purposes of a vulnerable adult protection
17 order, means intentional, willful, or reckless action or inaction
18 that inflicts injury, unreasonable confinement, intimidation, or
19 punishment on a vulnerable adult. In instances of abuse of a
20 vulnerable adult who is unable to express or demonstrate physical
21 harm, pain, or mental anguish, the abuse is presumed to cause
22 physical harm, pain, or mental anguish. "Abuse" includes sexual
23 abuse, mental abuse, physical abuse, personal exploitation, and
24 improper use of restraint against a vulnerable adult, which have the
25 following meanings:

26 (a) "Improper use of restraint" means the inappropriate use of
27 chemical, physical, or mechanical restraints for convenience or
28 discipline, or in a manner that: (i) Is inconsistent with federal or
29 state licensing or certification requirements for facilities,
30 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
31 not medically authorized; or (iii) otherwise constitutes abuse under
32 this section.

33 (b) "Mental abuse" means an intentional, willful, or reckless
34 verbal or nonverbal action that threatens, humiliates, harasses,
35 coerces, intimidates, isolates, unreasonably confines, or punishes a
36 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
37 swearing, or withholding or tampering with prescribed medications or
38 their dosage.

1 (c) "Personal exploitation" means an act of forcing, compelling,
2 or exerting undue influence over a vulnerable adult causing the
3 vulnerable adult to act in a way that is inconsistent with relevant
4 past behavior, or causing the vulnerable adult to perform services
5 for the benefit of another.

6 (d) "Physical abuse" means the intentional, willful, or reckless
7 action of inflicting bodily injury or physical mistreatment.
8 "Physical abuse" includes, but is not limited to, striking with or
9 without an object, slapping, pinching, strangulation, suffocation,
10 kicking, shoving, or prodding.

11 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
12 including, but not limited to, unwanted or inappropriate touching,
13 rape, molestation, indecent liberties, sexual coercion, sexually
14 explicit photographing or recording, voyeurism, indecent exposure,
15 and sexual harassment. "Sexual abuse" also includes any sexual
16 conduct between a staff person, who is not also a resident or client,
17 of a facility or a staff person of a program authorized under chapter
18 71A.12 RCW, and a vulnerable adult living in that facility or
19 receiving service from a program authorized under chapter 71A.12 RCW,
20 whether or not the sexual conduct is consensual.

21 (3) "Chemical restraint" means the administration of any drug to
22 manage a vulnerable adult's behavior in a way that reduces the safety
23 risk to the vulnerable adult or others, has the temporary effect of
24 restricting the vulnerable adult's freedom of movement, and is not
25 standard treatment for the vulnerable adult's medical or psychiatric
26 condition.

27 (4) "Coercive control" means a pattern of behavior that in
28 purpose or effect unreasonably interferes with a person's free will
29 and personal liberty and is used to cause another to suffer physical
30 or psychological harm. Examples of coercive control include, but are
31 not limited to, unreasonably engaging in any of the following:

32 (a) Making threats of harm, dependence, isolation, intimidation,
33 and/or physical forms of violence;

34 (b) Isolating the other party from friends, relatives, or other
35 sources of support;

36 (c) Depriving the other party of basic necessities or committing
37 other forms of economic abuse;

38 (d) Controlling, regulating, or monitoring the other party's
39 movements, communications, daily behavior, finances, economic
40 resources, or access to services;

1 (e) Compelling the other party by force, threat of force, or
2 intimidation, including threats based on actual or suspected
3 immigration status such as threats to contact federal agencies, to
4 engage in conduct from which the other party has a right to abstain
5 or to abstain from conduct in which the other party has a right to
6 engage;

7 (f) Using technology, including, but not limited to,
8 cyberstalking, monitoring, surveillance, impersonation, or
9 distribution of intimate images, to harass, stalk, or abuse;

10 (g) Engaging in vexatious or abusive litigation against a
11 petitioner to harass, coerce, or control the petitioner; to diminish
12 or exhaust the petitioner's financial resources; or to compromise the
13 petitioner's employment or housing;

14 (h) Engaging in psychological aggression; and

15 (i) Frightening, humiliating, degrading, or punishing the other
16 party.

17 (5) "Consent" in the context of sexual acts means that at the
18 time of sexual contact, there are actual words or conduct indicating
19 freely given agreement to that sexual contact. Consent must be
20 ongoing and may be revoked at any time. Conduct short of voluntary
21 agreement does not constitute consent as a matter of law. Consent
22 cannot be freely given when a person does not have capacity due to
23 disability, intoxication, or age. Consent cannot be freely given when
24 the other party has authority or control over the care or custody of
25 a person incarcerated or detained.

26 (6) (a) "Course of conduct" means a pattern of conduct composed of
27 a series of acts over a period of time, however short, evidencing a
28 continuity of purpose. "Course of conduct" includes any form of
29 communication, contact, or conduct, including the sending of an
30 electronic communication, but does not include constitutionally
31 protected free speech. Constitutionally protected activity is not
32 included within the meaning of "course of conduct."

33 (b) In determining whether the course of conduct serves any
34 legitimate or lawful purpose, a court should consider whether:

35 (i) Any current contact between the parties was initiated by the
36 respondent only or was initiated by both parties;

37 (ii) The respondent has been given clear notice that all further
38 contact with the petitioner is unwanted;

39 (iii) The respondent's course of conduct appears designed to
40 alarm, annoy, or harass the petitioner;

1 (iv) The respondent is acting pursuant to any statutory authority
2 including, but not limited to, acts which are reasonably necessary
3 to:

4 (A) Protect property or liberty interests;

5 (B) Enforce the law; or

6 (C) Meet specific statutory duties or requirements;

7 (v) The respondent's course of conduct has the purpose or effect
8 of unreasonably interfering with the petitioner's privacy or the
9 purpose or effect of creating an intimidating, hostile, or offensive
10 living environment for the petitioner; or

11 (vi) Contact by the respondent with the petitioner or the
12 petitioner's family has been limited in any manner by any previous
13 court order.

14 (7) "Court clerk" means court administrators in courts of limited
15 jurisdiction and elected court clerks.

16 (8) "Dating relationship" means a social relationship of a
17 romantic nature. Factors that the court may consider in making this
18 determination include: (a) The length of time the relationship has
19 existed; (b) the nature of the relationship; and (c) the frequency of
20 interaction between the parties.

21 (9) "Domestic violence" means:

22 (a) Physical harm, bodily injury, assault, or the infliction of
23 fear of physical harm, bodily injury, or assault; nonconsensual
24 sexual conduct or nonconsensual sexual penetration; coercive control;
25 unlawful harassment; or stalking of one intimate partner by another
26 intimate partner; or

27 (b) Physical harm, bodily injury, assault, or the infliction of
28 fear of physical harm, bodily injury, or assault; nonconsensual
29 sexual conduct or nonconsensual sexual penetration; coercive control;
30 unlawful harassment; or stalking of one family or household member by
31 another family or household member.

32 (10) "Electronic monitoring" has the same meaning as in RCW
33 9.94A.030.

34 (11) "Essential personal effects" means those items necessary for
35 a person's immediate health, welfare, and livelihood. "Essential
36 personal effects" includes, but is not limited to, clothing, cribs,
37 bedding, medications, personal hygiene items, cellular phones and
38 other electronic devices, and documents, including immigration,
39 health care, financial, travel, and identity documents.

1 (12) "Facility" means a residence licensed or required to be
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
5 habilitation centers; or any other facility licensed or certified by
6 the department of social and health services.

7 (13) "Family or household members" means: (a) Persons related by
8 blood, marriage, domestic partnership, or adoption; (b) persons who
9 currently or formerly resided together; (c) persons who have a
10 biological or legal parent-child relationship, including stepparents
11 and stepchildren and grandparents and grandchildren, or a parent's
12 intimate partner and children; and (d) a person who is acting or has
13 acted as a legal guardian.

14 (14) "Financial exploitation" means the illegal or improper use
15 of, control over, or withholding of, the property, income, resources,
16 or trust funds of the vulnerable adult by any person or entity for
17 any person's or entity's profit or advantage other than for the
18 vulnerable adult's profit or advantage. "Financial exploitation"
19 includes, but is not limited to:

20 (a) The use of deception, intimidation, or undue influence by a
21 person or entity in a position of trust and confidence with a
22 vulnerable adult to obtain or use the property, income, resources,
23 government benefits, health insurance benefits, or trust funds of the
24 vulnerable adult for the benefit of a person or entity other than the
25 vulnerable adult;

26 (b) The breach of a fiduciary duty, including, but not limited
27 to, the misuse of a power of attorney, trust, or a guardianship or
28 conservatorship appointment, that results in the unauthorized
29 appropriation, sale, or transfer of the property, income, resources,
30 or trust funds of the vulnerable adult for the benefit of a person or
31 entity other than the vulnerable adult; or

32 (c) Obtaining or using a vulnerable adult's property, income,
33 resources, or trust funds without lawful authority, by a person or
34 entity who knows or clearly should know that the vulnerable adult
35 lacks the capacity to consent to the release or use of the vulnerable
36 adult's property, income, resources, or trust funds.

37 (15) "Firearm" means a weapon or device from which a projectile
38 or projectiles may be fired by an explosive such as gunpowder.
39 "Firearm" does not include a flare gun or other pyrotechnic visual
40 distress signaling device, or a powder-actuated tool or other device

1 designed solely to be used for construction purposes. "Firearm" also
2 includes parts that can be assembled to make a firearm.

3 (16) "Full hearing" means a hearing where the court determines
4 whether to issue a full protection order.

5 (17) "Full protection order" means a protection order that is
6 issued by the court after notice to the respondent and where the
7 parties had the opportunity for a full hearing by the court. "Full
8 protection order" includes a protection order entered by the court by
9 agreement of the parties to resolve the petition for a protection
10 order without a full hearing.

11 (18) "Hospital" means a facility licensed under chapter 70.41 or
12 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
13 employee, agent, officer, director, or independent contractor
14 thereof.

15 (19) "Incapacitated person" means a person who is at a
16 significant risk of personal or financial harm under RCW 11.88.010(1)
17 (a), (b), (c), or (d).

18 (20) "Interested person" means a person who demonstrates to the
19 court's satisfaction that the person is interested in the welfare of
20 a vulnerable adult, that the person has a good faith belief that the
21 court's intervention is necessary, and that the vulnerable adult is
22 unable, due to incapacity, undue influence, or duress at the time the
23 petition is filed, to protect his or her own interests.

24 (21) "Intimate partner" means: (a) Spouses or domestic partners;
25 (b) former spouses or former domestic partners; (c) persons who have
26 a child in common regardless of whether they have been married or
27 have lived together at any time; or (d) persons who have or have had
28 a dating relationship where both persons are at least 13 years of age
29 or older.

30 (22)(a) "Isolate" or "isolation" means to restrict a person's
31 ability to communicate, visit, interact, or otherwise associate with
32 persons of his or her choosing. Isolation may be evidenced by acts
33 including, but not limited to:

34 (i) Acts that prevent a person from sending, making, or receiving
35 his or her personal mail, electronic communications, or telephone
36 calls; or

37 (ii) Acts that prevent or obstruct a person from meeting with
38 others, such as telling a prospective visitor or caller that the
39 person is not present or does not wish contact, where the statement
40 is contrary to the express wishes of the person.

1 (b) The term "isolate" or "isolation" may not be construed in a
2 manner that prevents a guardian or limited guardian from performing
3 his or her fiduciary obligations under chapter 11.92 RCW or prevents
4 a hospital or facility from providing treatment consistent with the
5 standard of care for delivery of health services.

6 (23) "Judicial day" means days of the week other than Saturdays,
7 Sundays, or legal holidays.

8 (24) "Mechanical restraint" means any device attached or adjacent
9 to a vulnerable adult's body that the vulnerable adult cannot easily
10 remove that restricts freedom of movement or normal access to the
11 vulnerable adult's body. "Mechanical restraint" does not include the
12 use of devices, materials, or equipment that are (a) medically
13 authorized, as required, and (b) used in a manner that is consistent
14 with federal or state licensing or certification requirements for
15 facilities, hospitals, or programs authorized under chapter 71A.12
16 RCW.

17 (25) "Minor" means a person who is under 18 years of age.

18 (26) "Neglect" means: (a) A pattern of conduct or inaction by a
19 person or entity with a duty of care that fails to provide the goods
20 and services that maintain the physical or mental health of a
21 vulnerable adult, or that fails to avoid or prevent physical or
22 mental harm or pain to a vulnerable adult; or (b) an act or omission
23 by a person or entity with a duty of care that demonstrates a serious
24 disregard of consequences of such a magnitude as to constitute a
25 clear and present danger to the vulnerable adult's health, welfare,
26 or safety including, but not limited to, conduct prohibited under RCW
27 9A.42.100.

28 (27) "Nonconsensual" means a lack of freely given consent.

29 (28) "Nonphysical contact" includes, but is not limited to,
30 written notes, mail, telephone calls, email, text messages, contact
31 through social media applications, contact through other
32 technologies, and contact through third parties.

33 (29) "Petitioner" means any named petitioner or any other person
34 identified in the petition on whose behalf the petition is brought.

35 (30) "Physical restraint" means the application of physical force
36 without the use of any device, for the purpose of restraining the
37 free movement of a vulnerable adult's body. "Physical restraint" does
38 not include (a) briefly holding, without undue force, a vulnerable
39 adult in order to calm or comfort him or her, or (b) holding a

1 vulnerable adult's hand to safely escort him or her from one area to
2 another.

3 (31) "Possession" means having an item in one's custody or
4 control. Possession may be either actual or constructive. Actual
5 possession occurs when the item is in the actual physical custody of
6 the person charged with possession. Constructive possession occurs
7 when there is no actual physical possession, but there is dominion
8 and control over the item.

9 (32) "Respondent" means the person who is identified as the
10 respondent in a petition filed under this chapter.

11 (33) "Sexual conduct" means any of the following:

12 (a) Any intentional or knowing touching or fondling of the
13 genitals, anus, or breasts, directly or indirectly, including through
14 clothing;

15 (b) Any intentional or knowing display of the genitals, anus, or
16 breasts for the purposes of arousal or sexual gratification of the
17 respondent;

18 (c) Any intentional or knowing touching or fondling of the
19 genitals, anus, or breasts, directly or indirectly, including through
20 clothing, that the petitioner is forced to perform by another person
21 or the respondent;

22 (d) Any forced display of the petitioner's genitals, anus, or
23 breasts for the purposes of arousal or sexual gratification of the
24 respondent or others;

25 (e) Any intentional or knowing touching of the clothed or
26 unclothed body of a child under the age of 16, if done for the
27 purpose of sexual gratification or arousal of the respondent or
28 others; or

29 (f) Any coerced or forced touching or fondling by a child under
30 the age of 16, directly or indirectly, including through clothing, of
31 the genitals, anus, or breasts of the respondent or others.

32 (34) "Sexual penetration" means any contact, however slight,
33 between the sex organ or anus of one person by an object, the sex
34 organ, mouth, or anus of another person, or any intrusion, however
35 slight, of any part of the body of one person or of any animal or
36 object into the sex organ or anus of another person including, but
37 not limited to, cunnilingus, fellatio, or anal penetration. Evidence
38 of emission of semen is not required to prove sexual penetration.

39 (35) "Stalking" means any of the following:

40 (a) Any act of stalking as defined under RCW 9A.46.110;

1 (b) Any act of cyberstalking as defined under RCW 9.61.260; or

2 (c) Any course of conduct involving repeated or continuing
3 contacts, attempts to contact, monitoring, tracking, surveillance,
4 keeping under observation, disrupting activities in a harassing
5 manner, or following of another person that:

6 (i) Would cause a reasonable person to feel intimidated,
7 frightened, under duress, significantly disrupted, or threatened and
8 that actually causes such a feeling;

9 (ii) Serves no lawful purpose; and

10 (iii) The respondent knows, or reasonably should know, threatens,
11 frightens, or intimidates the person, even if the respondent did not
12 intend to intimidate, frighten, or threaten the person.

13 (36) "Temporary protection order" means a protection order that
14 is issued before the court has decided whether to issue a full
15 protection order. "Temporary protection order" includes ex parte
16 temporary protection orders, as well as temporary protection orders
17 that are reissued by the court pending the completion of a full
18 hearing to decide whether to issue a full protection order. An "ex
19 parte temporary protection order" means a temporary protection order
20 that is issued without prior notice to the respondent.

21 (37) "Unlawful harassment" means:

22 (a) A knowing and willful course of conduct directed at a
23 specific person that seriously alarms, annoys, harasses, or is
24 detrimental to such person, and that serves no legitimate or lawful
25 purpose. The course of conduct must be such as would cause a
26 reasonable person to suffer substantial emotional distress, and must
27 actually cause substantial emotional distress to the petitioner; or

28 (b) A single act of violence or threat of violence directed at a
29 specific person that seriously alarms, annoys, harasses, or is
30 detrimental to such person, and that serves no legitimate or lawful
31 purpose, which would cause a reasonable person to suffer substantial
32 emotional distress, and must actually cause substantial emotional
33 distress to the petitioner. A single threat of violence must include:

34 (i) A malicious and intentional threat as described in RCW
35 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

36 (38) "Vulnerable adult" includes a person:

37 (a) Sixty years of age or older who has the functional, mental,
38 or physical inability to care for himself or herself; or

39 (b) Found incapacitated under chapter 11.88 RCW; or

- 1 (c) Who has a developmental disability as defined under RCW
2 71A.10.020; or
3 (d) Admitted to any facility; or
4 (e) Receiving services from home health, hospice, or home care
5 agencies licensed or required to be licensed under chapter 70.127
6 RCW; or
7 (f) Receiving services from a person under contract with the
8 department of social and health services to provide services in the
9 home under chapter 74.09 or 74.39A RCW; or
10 (g) Who self-directs his or her own care and receives services
11 from a personal aide under chapter 74.39 RCW.

12
13

PART II
JURISDICTION AND VENUE

14 NEW SECTION. **Sec. 3.** REVIEW OF EXISTING COURT JURISDICTION. The
15 legislature finds that there are inconsistencies and differing
16 approaches within existing provisions governing the jurisdictional
17 division of authority and responsibility among superior courts and
18 courts of limited jurisdiction for protection order proceedings
19 addressed by this act. This act retains those jurisdictional
20 differences only as an interim measure, and creates an approach in
21 section 12 of this act to study the existing jurisdictional division
22 and make recommendations on the benefits and ramifications of
23 modifying or consolidating jurisdiction for the protection orders
24 addressed by this act.

25 NEW SECTION. **Sec. 4.** DOMESTIC VIOLENCE PROTECTION ORDERS AND
26 SEXUAL ASSAULT PROTECTION ORDERS. (1) The superior, district, and
27 municipal courts have jurisdiction over domestic violence protection
28 order proceedings and sexual assault protection order proceedings
29 under this chapter. The jurisdiction of district and municipal courts
30 is limited to enforcement of section 56(1) of this act, or the
31 equivalent municipal ordinance, and the issuance and enforcement of
32 temporary orders for protection provided for in section 38 of this
33 act if:

- 34 (a) A superior court has exercised or is exercising jurisdiction
35 over a proceeding involving the parties;

1 (b) The petition for relief under this chapter presents issues of
2 the residential schedule of, and contact with, children of the
3 parties; or

4 (c) The petition for relief under this chapter requests the court
5 to exclude a party from the dwelling which the parties share.

6 (2) When the jurisdiction of a district or municipal court is
7 limited to the issuance and enforcement of a temporary protection
8 order, the district or municipal court shall set the full hearing in
9 superior court and transfer the case. If the notice and order are not
10 served on the respondent in time for the full hearing, the issuing
11 court shall have concurrent jurisdiction with the superior court to
12 extend the temporary protection order.

13 NEW SECTION. **Sec. 5.** STALKING PROTECTION ORDERS. (1) The
14 district courts shall have original jurisdiction and cognizance of
15 stalking protection order proceedings brought under this chapter,
16 except a district court shall transfer such actions and proceedings
17 to the superior court when it is shown that:

18 (a) The petitioner, victim, or respondent to the petition is
19 under 18 years of age;

20 (b) A superior court has exercised or is exercising jurisdiction
21 over a proceeding involving the parties; or

22 (c) The action would have the effect of interfering with a
23 respondent's care, control, or custody of the respondent's minor
24 child.

25 (2) Municipal courts may exercise jurisdiction and cognizance of
26 any stalking protection order proceedings brought under this chapter
27 by adoption of local court rule, except a municipal court shall
28 transfer such actions and proceedings to the superior court when it
29 is shown that:

30 (a) The petitioner, victim, or respondent to the petition is
31 under 18 years of age;

32 (b) A superior court has exercised or is exercising jurisdiction
33 over a proceeding involving the parties; or

34 (c) The action would have the effect of interfering with a
35 respondent's care, control, or custody of the respondent's minor
36 child.

37 (3) Superior courts shall have concurrent jurisdiction to receive
38 the transfer of stalking protection order petitions in cases where a
39 district or municipal court judge makes findings of fact and

1 conclusions of law showing that meritorious reasons exist for the
2 transfer. The jurisdiction of district and municipal courts is
3 limited to enforcement of section 56(1) of this act, or the
4 equivalent municipal ordinance, and the issuance and enforcement of
5 temporary protection orders provided for in section 38 of this act if
6 the superior court is exercising jurisdiction over a proceeding under
7 this chapter involving the parties.

8 NEW SECTION. **Sec. 6.** ANTIHARASSMENT PROTECTION ORDERS. (1) The
9 district courts shall have original jurisdiction and cognizance of
10 antiharassment protection order proceedings brought under this
11 chapter, except the district court shall transfer such actions and
12 proceedings to the superior court when it is shown that:

- 13 (a) The respondent to the petition is under 18 years of age;
14 (b) A superior court has exercised or is exercising jurisdiction
15 over a proceeding involving the parties; or
16 (c) The action would have the effect of interfering with a
17 respondent's care, control, or custody of the respondent's minor
18 child.

19 (2) Municipal courts may exercise jurisdiction and cognizance of
20 antiharassment protection order proceedings brought under this
21 chapter by adoption of local court rule, except the municipal court
22 shall transfer such actions and proceedings to the superior court
23 when it is shown that:

- 24 (a) The respondent to the petition is under 18 years of age;
25 (b) A superior court has exercised or is exercising jurisdiction
26 over a proceeding involving the parties; or
27 (c) The action would have the effect of interfering with a
28 respondent's care, control, or custody of the respondent's minor
29 child.

30 (3) The civil jurisdiction of district and municipal courts under
31 this section is limited to the issuance and enforcement of temporary
32 protection orders in cases that require transfer to superior court
33 under subsections (1) and (2) of this section. The district or
34 municipal court shall transfer the case to superior court after the
35 temporary protection order is entered.

36 (4) Superior courts shall have concurrent jurisdiction to receive
37 transfer of antiharassment petitions in cases where a district or
38 municipal court judge makes findings of fact and conclusions of law
39 showing that meritorious reasons exist for the transfer.

1 (5) The municipal and district courts shall have jurisdiction and
2 cognizance of any criminal actions brought under section 57 of this
3 act.

4 NEW SECTION. **Sec. 7.** VULNERABLE ADULT PROTECTION ORDERS. The
5 superior courts have jurisdiction over vulnerable adult protection
6 order proceedings under this chapter.

7 NEW SECTION. **Sec. 8.** EXTREME RISK PROTECTION ORDERS. The
8 superior courts have jurisdiction over extreme risk protection order
9 proceedings under this chapter. The juvenile court may hear an
10 extreme risk protection order proceeding under this chapter if the
11 respondent is under the age of 18 years. Additionally, district and
12 municipal courts have limited jurisdiction over the issuance and
13 enforcement of temporary extreme risk protection orders issued under
14 section 43 of this act. The district or municipal court shall set the
15 full hearing in superior court and transfer the case. If the notice
16 and order are not served on the respondent in time for the full
17 hearing, the issuing court has concurrent jurisdiction with the
18 superior court to extend the temporary extreme risk protection order.

19 NEW SECTION. **Sec. 9.** VENUE. An action for a protection order
20 should be filed in the county or municipality where the petitioner
21 resides. The petitioner may also file in the county or municipality
22 where an act giving rise to the petition for a protection order
23 occurred; the county or municipality where a child to be protected by
24 the order primarily resides; or the county or municipality where the
25 petitioner resided prior to relocating if relocation was due to the
26 respondent's conduct.

27 NEW SECTION. **Sec. 10.** PERSONAL JURISDICTION OVER NONRESIDENTS.
28 (1) In a proceeding in which a petition for a protection order under
29 this chapter is sought, a court of this state may exercise personal
30 jurisdiction over a nonresident individual if:

31 (a) The individual is personally served with a petition within
32 this state;

33 (b) The individual submits to the jurisdiction of this state by
34 consent, entering a general appearance, or filing a responsive
35 document having the effect of waiving any objection to consent to
36 personal jurisdiction;

1 (c) The act or acts of the individual or the individual's agent
2 giving rise to the petition or enforcement of a protection order
3 occurred within this state;

4 (d)(i) The act or acts of the individual or the individual's
5 agent giving rise to the petition or enforcement of a protection
6 order occurred outside this state and are part of an ongoing pattern
7 that has an adverse effect on the petitioner or a member of the
8 petitioner's family or household and the petitioner resides in this
9 state; or

10 (ii) As a result of the acts giving rise to the petition or
11 enforcement of a protection order, the petitioner or a member of the
12 petitioner's family or household has sought safety or protection in
13 this state and currently resides in this state; or

14 (e) There is any other basis consistent with RCW 4.28.185 or with
15 the Constitutions of this state and the United States.

16 (2) For jurisdiction to be exercised under subsection (1)(d) of
17 this section, the individual must have communicated with the
18 petitioner or a member of the petitioner's family, directly or
19 indirectly, or made known a threat to the safety of the petitioner or
20 member of the petitioner's family, while the petitioner or member of
21 the petitioner's family resides in this state.

22 (3) For the purposes of this section:

23 (a) "Communicated" or "made known" includes the following means:
24 In person, through publication, by mail, telephonically, through an
25 electronic communication site or medium, by text, or through other
26 social media. Communication on any electronic medium that is
27 generally available to any individual residing in the state is
28 sufficient to exercise jurisdiction under subsection (1)(d) of this
29 section.

30 (b) An act or acts that "occurred within this state" include an
31 oral or written statement made or published by a person outside of
32 this state to any person in this state by means included in (a) of
33 this subsection, or by means of interstate commerce or foreign
34 commerce.

35 NEW SECTION. **Sec. 11.** OUT-OF-STATE CHILD CUSTODY JURISDICTIONAL
36 ISSUES. Jurisdictional issues regarding out-of-state proceedings
37 involving the custody or residential placement of any child of the
38 parties are governed by the uniform child custody jurisdiction and
39 enforcement act, chapter 26.27 RCW.

1 petitioner who has been sexually assaulted or stalked by an intimate
2 partner or a family or household member should, but is not required
3 to, seek a domestic violence protection order, rather than a sexual
4 assault protection order or a stalking protection order.

5 (b) A petition for a sexual assault protection order, which must
6 allege the existence of nonconsensual sexual conduct or nonconsensual
7 sexual penetration that was committed against the petitioner by the
8 respondent. A petitioner who has been sexually assaulted by an
9 intimate partner or a family or household member should, but is not
10 required to, seek a domestic violence protection order, rather than a
11 sexual assault protection order. A single incident of nonconsensual
12 sexual conduct or nonconsensual sexual penetration is sufficient
13 grounds for a petition for a sexual assault protection order. The
14 petitioner may petition for a sexual assault protection order on
15 behalf of:

16 (i) Himself or herself;

17 (ii) A minor child, where the petitioner is the parent, legal
18 guardian, or custodian;

19 (iii) A vulnerable adult, where the petitioner is an interested
20 person; or

21 (iv) Any other adult for whom the petitioner demonstrates to the
22 court's satisfaction that the petitioner is interested in the adult's
23 well-being, the court's intervention is necessary, and the adult
24 cannot file the petition because of age, disability, health, or
25 inaccessibility.

26 (c) A petition for a stalking protection order, which must allege
27 the existence of stalking committed against the petitioner or
28 petitioners by the respondent. A petitioner who has been stalked by
29 an intimate partner or a family or household member should, but is
30 not required to, seek a domestic violence protection order, rather
31 than a stalking protection order. The petitioner may petition for a
32 stalking protection order on behalf of:

33 (i) Himself or herself;

34 (ii) A minor child, where the petitioner is the parent, legal
35 guardian, or custodian;

36 (iii) A vulnerable adult, where the petitioner is an interested
37 person; or

38 (iv) Any other adult for whom the petitioner demonstrates to the
39 court's satisfaction that the petitioner is interested in the adult's
40 well-being, the court's intervention is necessary, and the adult

1 cannot file the petition because of age, disability, health, or
2 inaccessibility.

3 (d) A petition for a vulnerable adult protection order, which
4 must allege that the petitioner, or person on whose behalf the
5 petition is brought, is a vulnerable adult and that the petitioner,
6 or person on whose behalf the petition is brought, has been
7 abandoned, abused, financially exploited, or neglected, or is
8 threatened with abandonment, abuse, financial exploitation, or
9 neglect by the respondent. If the petition is filed by an interested
10 person, the affidavit or declaration must also include a statement of
11 why the petitioner qualifies as an interested person.

12 (e) A petition for an extreme risk protection order, which must
13 allege that the respondent poses a significant danger of causing
14 personal injury to self or others by having in the respondent's
15 custody or control, purchasing, possessing, accessing, receiving, or
16 attempting to purchase or receive, a firearm. The petition must also
17 identify the number, types, and locations of any firearms the
18 petitioner believes to be in the respondent's current ownership,
19 possession, custody, access, or control. A petition for an extreme
20 risk protection order may be filed by (i) an intimate partner or a
21 family or household member of the respondent; or (ii) a law
22 enforcement agency.

23 (f) A petition for an antiharassment protection order, which must
24 allege the existence of unlawful harassment committed against the
25 petitioner or petitioners by the respondent. If a petitioner is
26 seeking relief based on domestic violence, nonconsensual sexual
27 conduct, nonconsensual sexual penetration, or stalking, the
28 petitioner may, but is not required to, seek a domestic violence,
29 sexual assault, or stalking protection order, rather than an
30 antiharassment order. The petitioner may petition for an
31 antiharassment protection order on behalf of:

32 (i) Himself or herself;

33 (ii) A minor child, where the petitioner is the parent, legal
34 guardian, or custodian;

35 (iii) A vulnerable adult, where the petitioner is an interested
36 person; or

37 (iv) Any other adult for whom the petitioner demonstrates to the
38 court's satisfaction that the petitioner is interested in the adult's
39 well-being, the court's intervention is necessary, and the adult

1 cannot file the petition because of age, disability, health, or
2 inaccessibility.

3 (2) With the exception of vulnerable adult protection orders, a
4 person under 18 years of age who is 15 years of age or older may seek
5 relief under this chapter as a petitioner and is not required to seek
6 relief through a petition filed on his or her behalf. He or she may
7 also petition on behalf of a family or household member who is a
8 minor if chosen by the minor and capable of pursuing the minor's
9 stated interest in the action.

10 (3) A person under 15 years of age who is seeking relief under
11 this chapter is required to seek relief by a person authorized as a
12 petitioner under this section.

13 (4) A petition for any type of protection order must not be
14 dismissed or denied on the basis that the conduct alleged by the
15 petitioner would meet the criteria for the issuance of another type
16 of protection order.

17 (5) The protection order petition must contain a section where
18 the petitioner, regardless of petition type, may request specific
19 relief provided for in section 39 of this act that the petitioner
20 seeks for himself or herself or for family or household members who
21 are minors. The totality of selected relief, and any other relief the
22 court deems appropriate for the petitioner, or family or household
23 members who are minors, must be considered at the time of entry of
24 temporary protection orders and at the time of entry of full
25 protection orders.

26 (6) If a court reviewing the petition for a protection order or a
27 request for a temporary protection order determines that the petition
28 was not filed in the correct court, the court shall enter findings
29 establishing the correct court, and direct the clerk to transfer the
30 petition to the correct court and to provide notice of the transfer
31 to all parties who have appeared.

32 (7) Upon filing a petition for a protection order, the petitioner
33 may request that the court enter an ex parte temporary protection
34 order until a hearing on a full protection order may be held. An ex
35 parte temporary protection order shall be effective for a fixed
36 period of time and shall be issued initially for a period not to
37 exceed 14 days.

38 (8) The court shall set a hearing for a full protection order not
39 later than 14 days from the date of the filing of the petition for a
40 protection order, if the petition for a protection order is filed

1 before 5:00 p.m. on a judicial day. If a petition for a protection
2 order is filed after 5:00 p.m. on a judicial day or is filed on a
3 nonjudicial day, the court shall set a hearing for a full protection
4 order not later than 14 days from the first judicial day after the
5 petition is filed.

6 NEW SECTION. **Sec. 14.** FILING—PROVISIONS GOVERNING ALL
7 PETITIONS. The following apply to all petitions for protection orders
8 under this chapter.

9 (1)(a) Courts in all municipalities and counties must permit
10 petitions for protection orders and all other filings in connection
11 with the petition to be filed either: (i) In person; (ii) remotely
12 through an electronic filing system that is accessible on the
13 websites of every court clerk and through the website for the
14 Washington state courts, or through the use of an alternative online
15 portal; or (iii) by mail for persons who are incarcerated or who are
16 otherwise unable to file in person or remotely through an electronic
17 filing system.

18 (b) Electronic filings for protection orders may be made at any
19 time of the day. The electronic filing system should allow for auto-
20 enrollment of the petitioner to electronically track the progress of
21 the petition for a protection order. The electronic filing system
22 should allow for text messaging or email notification alerting the
23 petitioner once the petition has been processed and is under review
24 by a judicial officer; when the order has been signed, entered into
25 the Washington crime information center system, and served upon the
26 respondent; when the firearms have been removed and returned; and
27 reminders for court appearances. Respondents, once served, should be
28 able to sign up for similar electronic notification. The electronic
29 filing system must grant access to the parties and any attorneys of
30 record without charge.

31 (2) Court rules shall address that contact information provided
32 by the petitioner through the filing process, including on the law
33 enforcement information sheet, and contact information of parties and
34 witnesses shall be exempt from public disclosure. A respondent is
35 required to provide his or her contact information to complete a law
36 enforcement information sheet.

37 (3) A petition must be accompanied by a declaration signed under
38 penalty of perjury stating the specific facts and circumstances for

1 which relief is sought. Parties, attorneys, and witnesses may
2 electronically sign sworn statements in all filings.

3 (4) The petitioner and the respondent must disclose the existence
4 of any other litigation or of any other restraining, protection, or
5 no-contact orders between the parties, to the extent that such
6 information is known by the petitioner and the respondent. To the
7 extent possible, the court shall take judicial notice of any existing
8 restraining, protection, or no-contact orders between the parties
9 before entering a protection order. The court shall not include
10 provisions in a protection order that would allow the respondent to
11 engage in conduct that is prohibited by another restraining,
12 protection, or no-contact order between the parties that was entered
13 in a different proceeding. The obligation to disclose the existence
14 of any other litigation includes, but is not limited to, the
15 existence of any other litigation concerning the custody or
16 residential placement of a child of the parties as set forth in RCW
17 26.27.281. The court administrator shall verify for the court the
18 terms of any existing protection order governing the parties.

19 (5) The petition may be made regardless of whether or not there
20 is a pending lawsuit, complaint, petition, or other action between
21 the parties, except in cases where the court has realigned the
22 parties in accordance with section 26 of this act.

23 (6) Relief under this chapter must not be denied or delayed on
24 the grounds that the relief is available in another action. The court
25 shall not defer acting on a petition for a protection order nor grant
26 a petitioner less than the full relief that the petitioner is
27 otherwise entitled to under this chapter because there is, or could
28 be, another proceeding involving the parties including, but not
29 limited to, any potential or pending family law matter or criminal
30 matter.

31 (7) A person's right to petition for relief under this chapter is
32 not affected by the person leaving his or her residence or household.

33 (8) A petitioner is not required to post a bond to obtain relief
34 in any proceeding for a protection order.

35 (9) No fees for any type of filing or service of process may be
36 charged by a court or any public agency to petitioners seeking relief
37 under this chapter. Courts may not charge petitioners any fees or
38 surcharges the payment of which is a condition precedent to the
39 petitioner's ability to secure access to relief under this chapter.
40 Petitioners shall be provided the necessary number of certified

1 copies, forms, and instructional brochures free of charge. A
2 respondent who is served electronically with a protection order shall
3 be provided a certified copy of the order free of charge upon
4 request.

5 (10) If the petition states that disclosure of the petitioner's
6 address or other identifying location information would risk harm to
7 the petitioner or any member of the petitioner's family or household,
8 that address may be omitted from all documents filed with the court.
9 If the petitioner has not disclosed an address under this subsection,
10 the petitioner shall designate an alternative address or email
11 address at which the respondent may serve the petitioner.

12 (11) If the court deems it necessary, the court may appoint a
13 guardian ad litem for a petitioner or for a respondent who is under
14 18 years of age and who is not represented by counsel. If a guardian
15 ad litem is appointed by the court for either or both parties,
16 neither the petitioner nor the respondent shall be required by the
17 court to pay any costs associated with the appointment.

18 (12) Minor children must only be referred to in the petition and
19 in all other publicly available filed documents by their initials and
20 age.

21 (13) If a petitioner has requested an ex parte temporary
22 protection order, because these are often emergent situations, the
23 court shall prioritize scheduling and hold an ex parte hearing in
24 person, by telephone, by video, or by other electronic means on the
25 day the petition is filed if possible. Otherwise, it must be heard no
26 later than the following judicial day. The clerk shall ensure that
27 the request for an ex parte temporary protection order is presented
28 timely to a judicial officer as specified in this section.

29 (14) Courts shall not require a petitioner to file duplicative
30 forms. This includes, but is not limited to, a requirement that a
31 petitioner must file both a law enforcement information sheet and a
32 separate confidential information form.

33 (15) The Indian child welfare act applies in the following
34 manner.

35 (a) In a proceeding under this chapter where the petitioner seeks
36 to protect a minor and the petitioner is not the minor's parent as
37 defined by RCW 13.38.040, the petition must contain a statement
38 alleging whether the minor is or may be an Indian child as defined in
39 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and
40 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,

1 shall apply. A party should allege in the petition if these laws have
2 been satisfied in a prior proceeding and identify the proceeding.

3 (b) Every order entered in any proceeding under this chapter
4 where the petitioner is not a parent of the minor or minors protected
5 by the order must contain a finding that the federal Indian child
6 welfare act or chapter 13.38 RCW does or does not apply, or if there
7 is insufficient information to make a determination, the court must
8 make a finding that a determination must be made before a full
9 protection order may be entered. If there is reason to know the child
10 is an Indian child, but the court does not have sufficient evidence
11 to determine that the child is or is not an Indian child, 25 C.F.R.
12 Sec. 23.107(b) applies. Where there is a finding that the federal
13 Indian child welfare act or chapter 13.38 RCW does apply, the order
14 must also contain a finding that all notice, evidentiary
15 requirements, and placement preferences under the federal Indian
16 child welfare act and chapter 13.38 RCW have been satisfied, or a
17 finding that removal or placement of the child is necessary to
18 prevent imminent physical damage or harm to the child pursuant to 25
19 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
20 federal Indian child welfare act or chapter 13.38 RCW does not apply,
21 the order must also contain a finding as to why there is no reason to
22 know the child may be an Indian child.

23 NEW SECTION. **Sec. 15.** FILING—PROVISIONS APPLICABLE TO SPECIFIED
24 ORDERS. The following apply only to the specific type of protection
25 orders referenced in each subsection.

26 (1) The department of social and health services, in its
27 discretion, may file a petition for a vulnerable adult protection
28 order or a domestic violence protection order on behalf of, and with
29 the consent of, any vulnerable adult. When the department has reason
30 to believe a vulnerable adult lacks the ability or capacity to
31 consent, the department, in its discretion, may seek relief on behalf
32 of the vulnerable adult. Neither the department nor the state of
33 Washington is liable for seeking or failing to seek relief on behalf
34 of any persons under this section. The vulnerable adult shall not be
35 held responsible for any violations of the order by the respondent.

36 (2) If a parent in a proceeding under chapter 13.34 RCW has been
37 directed in connection with the proceeding to seek a protection order
38 against a specific person on behalf of either himself or herself or
39 family or household members who are minors, or both, the parent may

1 request that the department of children, youth, and families file
2 such a petition for a protection order on behalf of the parent and
3 applicable family or household members who are minors. The department
4 shall comply with such requests by a parent.

5 (3) (a) If the petitioner for an extreme risk protection order is
6 a law enforcement agency, the petitioner shall make a good faith
7 effort to provide notice to an intimate partner or family or
8 household member of the respondent and to any known third party who
9 may be at risk of violence. The notice must state that the petitioner
10 intends to petition the court for an extreme risk protection order or
11 has already done so, and include referrals to appropriate resources,
12 including behavioral health, domestic violence, and counseling
13 resources. The petitioner must attest in the petition to having
14 provided such notice, or attest to the steps that will be taken to
15 provide such notice.

16 (b) Recognizing that an extreme risk protection order may need to
17 be issued outside of normal business hours, courts shall allow law
18 enforcement petitioners to petition after hours for a temporary
19 extreme risk protection order using an on-call, after-hours judge, as
20 is done for approval of after-hours search warrants.

21 NEW SECTION. **Sec. 16.** DUTIES OF THE ADMINISTRATIVE OFFICE OF
22 THE COURTS—RECOMMENDATIONS FOR FILING AND DATA COLLECTION. (1) The
23 administrative office of the courts shall:

24 (a) By the effective date of this section, develop and distribute
25 standard forms for petitions and orders issued under this chapter,
26 and facilitate the use of online forms for electronic filings.

27 (i) For all protection orders except extreme risk protection
28 orders, the protection order must include, in a conspicuous location,
29 a notice of criminal penalties resulting from a violation of the
30 order, and the following statement: "You can be arrested even if the
31 protected person or persons invite or allow you to violate the order.
32 You alone are responsible for following the order. Only the court may
33 change the order. Requests for changes must be made in writing."

34 (ii) For extreme risk protection orders, the protection order
35 must include, in a conspicuous location, a notice of criminal
36 penalties resulting from a violation of the order, and the following
37 statement: "You have the sole responsibility to avoid or refrain from
38 violating this order's provisions. Only the court may change the
39 order. Requests for changes must be made in writing.";

1 (b) By the effective date of this section, develop and distribute
2 instructions and informational brochures regarding protection orders
3 and a court staff handbook on the protection order process, which
4 shall be made available online to view and download at no cost.
5 Developing additional methods to inform the public about protection
6 orders in understandable terms and in languages other than English
7 through videos and social media should also be considered. The
8 instructions, brochures, forms, and handbook must be prepared in
9 consultation with civil legal aid, culturally specific advocacy
10 programs, and domestic violence and sexual assault advocacy programs.
11 The instructions must be designed to assist petitioners in completing
12 the petition, and must include a sample of standard petition and
13 protection order forms. The instructions and standard petition must
14 include a means for the petitioner to identify, with only lay
15 knowledge, the firearms the respondent may own, possess, receive,
16 have access to, or have in the respondent's custody or control. The
17 instructions must provide pictures of types of firearms that the
18 petitioner may choose from to identify the relevant firearms, or an
19 equivalent means to allow petitioners to identify firearms without
20 requiring specific or technical knowledge regarding the firearms. The
21 court staff handbook must allow for the addition of a community
22 resource list by the court clerk. The informational brochure must
23 describe the use of, and the process for, obtaining, renewing,
24 modifying, terminating, and enforcing protection orders as provided
25 under this chapter, as well as the process for obtaining, modifying,
26 terminating, and enforcing an antiharassment no-contact order as
27 provided under chapter 9A.46 RCW, a domestic violence no-contact
28 order as provided under chapter 10.99 RCW, a restraining order as
29 provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a
30 foreign protection order as defined in chapter 26.52 RCW, and a
31 Canadian domestic violence protection order as defined in RCW
32 26.55.010;

33 (c) Determine the significant non-English-speaking or limited
34 English-speaking populations in the state. The administrative office
35 of the courts shall then arrange for translation of the instructions
36 and informational brochures required by this section, which must
37 contain a sample of the standard petition and protection order forms,
38 into the languages spoken by at least the top five significant non-
39 English-speaking populations, and shall distribute a master copy of
40 the translated instructions and informational brochures to all court

1 clerks and to the Washington supreme court's interpreter commission,
2 minority and justice commission, and gender and justice commission by
3 the effective date of this section. Such materials must be updated
4 and distributed if needed due to relevant changes in the law;

5 (d) (i) Distribute a master copy of the petition and order forms,
6 instructions, and informational brochures to all court clerks, and
7 distribute a master copy of the petition and order forms to all
8 superior, district, and municipal courts;

9 (ii) By October 1, 2021, in collaboration with civil legal aid
10 attorneys, domestic violence advocates, sexual assault advocates,
11 elder abuse advocates, and judicial officers, develop and distribute
12 a single petition form that a petitioner may use to file for any type
13 of protection order authorized by this chapter, with the exception of
14 extreme risk protection orders;

15 (iii) For extreme risk protection orders, develop and prepare:

16 (A) A standard petition and order form for an extreme risk
17 protection order, as well as a standard petition and order form for
18 an extreme risk protection order sought against a respondent under 18
19 years of age, titled "Extreme Risk Protection Order - Respondent
20 Under 18 Years";

21 (B) Pattern forms to assist in streamlining the process for those
22 persons who are eligible to seal records relating to an order under
23 (d) (i) of this subsection, including:

24 (I) A petition and declaration the respondent can complete to
25 ensure that requirements for public sealing have been met; and

26 (II) An order sealing the court records relating to that order;
27 and

28 (C) An informational brochure to be served on any respondent who
29 is subject to a temporary or full protection order under (d) (iii) (A)
30 of this subsection;

31 (e) Update the law enforcement information sheet, which it
32 provides for petitioners who are seeking a temporary protection
33 order, to help prompt the petitioner to disclose on the form whether
34 the person who the petitioner is seeking to restrain has a
35 disability, brain injury, or impairment requiring special assistance;
36 and

37 (f) Update the instructions, brochures, standard petition and
38 order for protection forms, and court staff handbook when changes in
39 the law make an update necessary.

1 (2) The Washington state women's commission, in consultation with
2 the administrative office of the courts and the gender and justice
3 commission, shall work with representatives of superior, district,
4 and municipal court judicial officers, court clerks, and
5 administrators, including those with experience in protection order
6 proceedings, as well as advocates and practitioners with expertise in
7 each type of protection order, and others with relevant expertise, to
8 develop recommendations for the legislature by December 1, 2021, on
9 the following matters:

10 (a) Standards for filing evidence in protection order proceedings
11 in a manner that protects victim safety and privacy, including
12 evidence in the form of text messages, social media messages, voice
13 mails, and other recordings, and the development of a sealed cover
14 sheet for explicit or intimate images and recordings; and

15 (b) Requirements for private vendors who provide services related
16 to filing systems for protection orders, as well as what data should
17 be collected.

18 NEW SECTION. **Sec. 17.** FILING—COURT CLERK DUTIES. (1) All court
19 clerks' offices shall make available the standardized forms,
20 instructions, and informational brochures required by this chapter,
21 and shall fill in and keep current specific program names and
22 telephone numbers for community resources, including civil legal aid
23 and volunteer lawyer programs. Any assistance or information provided
24 by clerks under this chapter, or any assistance or information
25 provided by any person, including court clerks, employees of the
26 department of social and health services, and other court
27 facilitators, to complete the forms provided by the court, does not
28 constitute the practice of law, and clerks are not responsible for
29 incorrect information contained in a petition.

30 (2) All court clerks shall obtain community resource lists as
31 described in (a) and (b) of this subsection, which the court shall
32 make available as part of, or in addition to, the informational
33 brochures described in section 16 of this act.

34 (a) The court clerk shall obtain a community resource list from a
35 domestic violence program and from a sexual assault program serving
36 the county in which the court is located. The community resource list
37 must include the names, telephone numbers, and, as available, website
38 links of domestic violence programs, sexual assault programs, and
39 elder abuse programs serving the community in which the court is

1 located, including law enforcement agencies, domestic violence
2 agencies, sexual assault agencies, civil legal aid programs, elder
3 abuse programs, interpreters, multicultural programs, and batterers'
4 treatment programs. The list must be made available in print and
5 online.

6 (b) The court clerk may create a community resource list of
7 crisis intervention, behavioral health, interpreter, counseling, and
8 other relevant resources serving the county in which the court is
9 located. The clerk may also create a community resource list for
10 respondents to include suicide prevention, treatment options, and
11 resources for when children are involved in protection order cases.
12 Any list shall be made available in print and online.

13 (c) Courts may make the community resource lists specified in (a)
14 and (b) of this subsection available as part of, or in addition to,
15 the informational brochures described in subsection (1) of this
16 section, and should translate them into the languages spoken by the
17 county's top five significant non-English-speaking populations.

18 (3) Court clerks should not make an assessment of the merits of a
19 petitioner's petition for a protection order or refuse to accept for
20 filing any petition that meets the basic procedural requirements.

21 **PART IV**
22 **SERVICE**

23 NEW SECTION. **Sec. 18.** SERVICE—METHODS OF SERVICE. (1) To
24 minimize delays and the need for more hearings, which can hinder
25 access to justice and undermine judicial economy, to lessen costs, to
26 guarantee actual notice to the respondent, and to simplify and
27 modernize processes for petitioners, respondents, law enforcement,
28 and the courts, the following methods of service are authorized for
29 protection order proceedings, including petitions, temporary
30 protection orders, reissuances of temporary protection orders, full
31 protection orders, motions to renew protection orders, and motions to
32 modify or terminate protection orders.

33 (a) Personal service, consistent with court rules for civil
34 proceedings, must be made by law enforcement to mitigate risks,
35 increase safety, and ensure swift recovery of firearms in cases
36 requiring the surrender of firearms, such as extreme risk protection
37 orders and protection orders with orders to surrender weapons; cases
38 that involve transferring the custody of a child or children from the

1 respondent to the petitioner; or cases involving vacating the
2 respondent from the parties' shared residence. Personal service
3 should also be used in cases involving a respondent who is
4 incarcerated. Personal service must otherwise be made by law
5 enforcement unless the petitioner elects to have the respondent
6 served by a third party who is not a party to the action and is over
7 18 years of age and competent to be a witness.

8 (b) (i) Service by electronic means, including service by email,
9 text message, social media applications, or other technologies, must
10 be prioritized for all orders at the time of the issuance of
11 temporary protection orders, with the exception of the following
12 cases, for which personal service must be prioritized: (A) Cases
13 requiring the surrender of firearms, such as extreme risk protection
14 orders and protection orders with orders to surrender weapons; (B)
15 cases that involve transferring the custody of a child or children
16 from the respondent to the petitioner; (C) cases involving vacating
17 the respondent from the parties' shared residence; or (D) cases
18 involving a respondent who is incarcerated. Once firearms and
19 concealed pistol licenses have been surrendered and verified by the
20 court, or there is evidence the respondent does not possess firearms,
21 the restrained party has been vacated from the shared residence, or
22 the custody of the child or children has been transferred, per court
23 order, then subsequent motions and orders may be served
24 electronically.

25 (ii) Service by electronic means must be effected by a law
26 enforcement officer, unless the petitioner elects to have the
27 respondent served by any person who is not a party to the action, is
28 over 18 years of age and competent to be a witness, and can provide
29 sworn proof of service to the court as required.

30 (iii) Electronic service must be effected by transmitting copies
31 of the petition and any supporting materials filed with the petition,
32 notice of hearing, and any orders, or relevant materials for motions,
33 to the respondent at the respondent's electronic address or the
34 respondent's electronic account associated with email, text
35 messaging, social media applications, or other technologies.
36 Verification of receipt may be accomplished through read-receipt
37 mechanisms, a response, a sworn statement from the person who
38 effected service verifying transmission and any follow-up
39 communications such as email or telephone contact used to further
40 verify, or an appearance by the respondent at a hearing. Sworn proof

1 of service must be filed with the court by the person who effected
2 service. Service by electronic means is complete upon transmission
3 when made prior to 5:00 p.m. on a judicial day. Service made on a
4 Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day
5 shall be deemed complete at 9:00 a.m. on the first judicial day
6 thereafter.

7 (c) Service by mail is permitted when electronic service is not
8 possible, and there have been two unsuccessful attempts at personal
9 service or when the petitioner requests it in lieu of electronic
10 service or personal service where personal service is not otherwise
11 required. If electronic service and personal service are not
12 successful, the court shall affirmatively order service by mail
13 without requiring additional motions to be filed by the petitioner.
14 Service by mail must be made by any person who is not a party to the
15 action and is over 18 years of age and competent to be a witness, by
16 mailing copies of the materials to be served to the party to be
17 served at the party's last known address or any other address
18 determined by the court to be appropriate. Two copies must be mailed,
19 postage prepaid, one by ordinary first-class mail and the other by a
20 form of mail requiring a tracking or certified information showing
21 when and where it was delivered. The envelopes must bear the return
22 address of the sender. Service is complete upon the mailing of two
23 copies as prescribed in this section.

24 (d) Service by publication is permitted only in those cases where
25 all other means of service have been unsuccessful or are not possible
26 due to lack of any known physical or electronic address of the
27 respondent. Publication must be made in a newspaper of general
28 circulation in the county where the petition was brought and in the
29 county of the last known address of the respondent once a week for
30 three consecutive weeks. The newspaper selected must be one of the
31 three most widely circulated papers in the county. The publication of
32 summons must not be made until the court orders service by
33 publication under this section. Service of the summons is considered
34 complete when the publication has been made for three consecutive
35 weeks. The summons must be signed by the petitioner. The summons must
36 contain the date of the first publication, and shall require the
37 respondent upon whom service by publication is desired to appear and
38 answer the petition on the date set for the hearing. The summons must
39 also contain a brief statement of the reason for the petition and a

1 summary of the provisions under the temporary protection order. The
2 summons must be essentially in the following form:

3 In the court of the state of Washington
4 for the county of

5, Petitioner

6 vs. No.

7, Respondent

8 The state of Washington to
9 (respondent):

10 You are hereby summoned to appear on the
11 day of, (year), at a.m./p.m., and
12 respond to the petition. If you fail to respond, a
13 protection order will be issued against you pursuant to
14 the provisions of chapter 7--- RCW (the new chapter
15 created in section 81 of this act), for a minimum of one
16 year from the date you are required to appear. A
17 temporary protection order has been issued against you,
18 restraining you from the following: (Insert a brief
19 statement of the provisions of the temporary protection
20 order). A copy of the petition, notice of hearing, and
21 temporary protection order has been filed with the clerk
22 of this court.

23

24 Petitioner.....

25 (2) The court may authorize multiple methods of service permitted
26 by this section and may consider use of any address determined by the
27 court to be appropriate in order to authorize service that is
28 reasonably probable to provide actual notice. The court shall favor
29 speedy and cost-effective methods of service to promote prompt and
30 accessible resolution of the merits of the petition.

31 (3) To promote judicial economy and reduce delays, for
32 respondents who are able to be served electronically, the respondent,
33 or the parent or guardian of the respondent for respondents under the
34 age of 18 or the guardian or conservator of an adult respondent,
35 shall be required to provide his or her electronic address or
36 electronic account associated with an email, text messaging, social
37 media application, or other technology, if it is a contact address

1 other than what was provided in the law enforcement information
2 sheet. This must occur at the earliest point at which the respondent,
3 parent, guardian, or conservator is in contact with the court so that
4 electronic service can be effected for all subsequent motions,
5 orders, and hearings.

6 (4) If an order entered by the court recites that the respondent
7 appeared before the court, either in person or remotely, the
8 necessity for further service is waived and proof of service of that
9 order is not necessary, including in cases where the respondent
10 leaves the hearing before a final ruling is issued or signed. The
11 court's order, entered after a hearing, need not be served on a
12 respondent who fails to appear before the court for the hearing, if
13 material terms of the order have not changed from those contained in
14 the temporary order, and it is shown to the court's satisfaction that
15 the respondent has previously been served with the temporary order.

16 (5) When the respondent for a protection order is under the age
17 of 18 or is an individual subject to a guardianship or
18 conservatorship under Title 11 RCW:

19 (a) When the respondent is a minor, service of a petition for a
20 protection order, modification, or renewal, shall be completed, as
21 defined in this chapter, upon both the respondent and the
22 respondent's parent or legal guardian.

23 (b) A copy of the protection order must be served on a parent,
24 guardian, or conservator of the respondent at any address where the
25 respondent resides, or the department of children, youth, and
26 families in the case where the respondent is the subject of a
27 dependency or court approved out-of-home placement. A minor
28 respondent shall not be served at the minor respondent's school
29 unless no other address for service is known.

30 (c) For extreme risk protection orders, the court shall also
31 provide a parent, guardian, or conservator of the respondent with
32 written notice of the legal obligation to safely secure any firearm
33 on the premises and the potential for criminal prosecution if a
34 prohibited person were to obtain access to any firearm. This notice
35 may be provided at the time the parent, guardian, or conservator of
36 the respondent appears in court or may be served along with a copy of
37 the order, whichever occurs first.

38 (6) The court shall not dismiss, over the objection of a
39 petitioner, a petition for a protection order or a motion to renew a
40 protection order based on the inability of law enforcement or the

1 petitioner to serve the respondent, unless the court determines that
2 all available methods of service have been attempted unsuccessfully.

3 NEW SECTION. **Sec. 19.** SERVICE BY A LAW ENFORCEMENT OFFICER.

4 When service is to be completed under this chapter by a law
5 enforcement officer:

6 (1) The clerk of the court shall have a copy of any order issued
7 under this chapter, as well as the petition for a protection order
8 and any supporting materials, electronically forwarded on or before
9 the next judicial day to the law enforcement agency specified in the
10 order for service upon the respondent;

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

14 (3) Where personal service is required, the first attempt at
15 service must occur within 24 hours of receiving the order from the
16 court whenever practicable, but not more than five days after
17 receiving the order. If the first attempt is not successful, no fewer
18 than two additional attempts should be made to serve the order,
19 particularly for respondents who present heightened risk of lethality
20 or other risk of physical harm to the petitioner or petitioner's
21 family or household members. Law enforcement shall document all
22 attempts at service on a return of service form and submit it to the
23 court in a timely manner;

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

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

1 return is a violation of the terms of the order. The law enforcement
2 officer must provide the respondent with copies of all forms with the
3 exception of the law enforcement information sheet and the return of
4 service form;

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

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

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

27 NEW SECTION. **Sec. 20.** MATERIALS TO BE SERVED. The following
28 materials must be served, depending on the type of relief sought.

29 (1) If the petitioner is seeking a hearing on a petition for a
30 protection order, the respondent must be served with the petition for
31 a protection order, any supporting declarations or other materials,
32 the notice of hearing, any temporary protection order issued by the
33 court, and any temporary order to surrender and prohibit weapons
34 issued by the court.

35 (2) If the petitioner is seeking the renewal or reissuance of a
36 protection order, the respondent must be served with the motion to
37 renew or reissue the protection order, any supporting declarations or
38 other materials, and the notice of hearing.

1 (3) If either party is seeking to modify or terminate a
2 protection order, the other party must be served with the motion to
3 modify or terminate the protection order, any supporting declarations
4 or other materials, and the notice of hearing.

5 (4) For any other motion filed by a party with the court, the
6 other party must be served with all materials the moving party
7 submitted to the court and with any notice of hearing issued by the
8 court related to the motion.

9 NEW SECTION. **Sec. 21.** TIME REQUIREMENTS. Service must be
10 completed on the nonmoving party not less than five judicial days
11 before the hearing date, unless waived by the nonmoving party. If
12 service cannot be made, the court shall set a new hearing date and
13 shall either require an additional attempt at obtaining service or
14 permit service by other means authorized in this chapter. If the
15 nonmoving party was served before the hearing, but less than five
16 judicial days before the hearing, it is not necessary to re-serve
17 materials that the nonmoving party already received, but any new
18 notice of hearing and reissued order must be served on the nonmoving
19 party. The court shall not require more than two attempts at
20 obtaining service before permitting service by other means authorized
21 in this chapter unless the moving party requests additional time to
22 attempt service. If the court permits service by mail or by
23 publication, the court shall set the hearing date not later than 24
24 days from the date of the order authorizing such service.

25 NEW SECTION. **Sec. 22.** VULNERABLE ADULT PROTECTION ORDERS—
26 SERVICE WHEN VULNERABLE ADULT IS NOT THE PETITIONER. (1) When a
27 petition for a vulnerable adult protection order is filed by someone
28 other than the vulnerable adult, notice of the petition and hearing
29 must be personally served upon the vulnerable adult not less than
30 five judicial days before the hearing.

31 (2) In addition to copies of all pleadings filed by the
32 petitioner, the petitioner shall provide a written notice to the
33 vulnerable adult using a standard notice form developed by the
34 administrative office of the courts. The standard notice form shall
35 be designed to explain to the vulnerable adult in clear, plain
36 language the purpose and nature of the petition and that the
37 vulnerable adult has the right to participate in the hearing and to
38 either support or object to the petition.

1 (3) When good faith attempts to personally serve the vulnerable
2 adult have been unsuccessful, the court shall permit service by
3 electronic means or by mail. The court may authorize service by
4 publication if the court determines that personal service, service by
5 electronic means, and service by mail cannot be obtained. If timely
6 service under this section cannot be made, the court shall continue
7 the hearing date until the substitute service approved by the court
8 has been satisfied.

9 NEW SECTION. **Sec. 23.** DEVELOPMENT OF BEST PRACTICES. Courts and
10 law enforcement agencies shall adopt rules, protocols, and pattern
11 forms to standardize and implement best practices for service,
12 including mechanisms and verification options for electronic service
13 and electronic returns of service, as well as best practices for
14 efficient transmission of court documents to law enforcement for
15 entry into criminal justice databases and returns of service or
16 property.

17 **PART V**
18 **HEARINGS**

19 NEW SECTION. **Sec. 24.** HEARING PROCEDURES. In hearings under
20 this chapter, the following apply:

21 (1) Hearings under this chapter are special proceedings. The
22 procedures established under this chapter for protection order
23 hearings supersede inconsistent civil court rules. Courts should
24 evaluate the needs and procedures best suited to individual hearings
25 based on consideration of the totality of the circumstances,
26 including disparities that may be apparent in the parties' resources
27 and representation by counsel.

28 (2) (a) Courts shall prioritize hearings on petitions for ex parte
29 temporary protection orders over less emergent proceedings.

30 (b) For extreme risk protection order hearings where a law
31 enforcement agency is the petitioner, the court shall prioritize
32 scheduling because of the importance of immediate temporary removal
33 of firearms in situations of extreme risk and the goal of minimizing
34 the time law enforcement must otherwise wait for a particular case to
35 be called, which can hinder their other patrol and supervisory
36 duties. Courts also may allow a law enforcement petitioner to
37 participate telephonically, or allow another representative from that

1 law enforcement agency or the prosecutor's office to present the
2 information to the court if personal presence of the petitioning
3 officer is not required for testimonial purposes.

4 (3) A hearing on a petition for a protection order must be set by
5 the court regardless of whether the court has granted or denied a
6 request for a temporary protection order in the proceeding.

7 (4) If the petitioner informs the court prior to a scheduled
8 hearing that the respondent has not been served at least five
9 judicial days before the hearing date, or if the parties have
10 informed the court of an agreed date of continuance for the hearing,
11 the court shall reissue any temporary protection order previously
12 issued, cancel the scheduled hearing, and reset the hearing date.

13 (5) When considering any request to stay, continue, or delay a
14 hearing under this chapter because of the pendency of a parallel
15 criminal investigation or prosecution of the respondent, courts shall
16 apply a rebuttable presumption against such delay and give due
17 recognition to the purpose of this chapter to provide victims quick
18 and effective relief. Courts must consider on the record the
19 following factors:

20 (a) The extent to which a defendant's Fifth Amendment rights are
21 or are not implicated, given the special nature of protection order
22 proceedings, which burden a defendant's Fifth Amendment privilege
23 substantially less than do other civil proceedings;

24 (b) Similarities between the civil and criminal cases;

25 (c) Status of the criminal case;

26 (d) The interests of the petitioners in proceeding expeditiously
27 with litigation and the potential prejudice and risk to petitioners
28 of a delay;

29 (e) The burden that any particular aspect of the proceeding may
30 impose on respondents;

31 (f) The convenience of the court in the management of its cases
32 and the efficient use of judicial resources;

33 (g) The interests of persons not parties to the civil litigation;
34 and

35 (h) The interest of the public in the pending civil and criminal
36 litigation.

37 (6) Hearings shall be conducted upon live testimony of the
38 parties and sworn declarations unless the court finds that live
39 testimony of witnesses other than the parties is necessary and
40 material. If either party requests a continuance to allow for proper

1 notice of witnesses or to afford a party time to seek counsel, the
2 court should continue the hearing. If the court continues the
3 hearing, the court shall reissue any temporary orders.

4 (7) Prehearing discovery under the civil court rules, including,
5 but not limited to, depositions, requests for production, or requests
6 for admission, is not permitted unless specifically authorized by the
7 court for good cause shown, upon motion of a party.

8 (8) The rules of evidence need not be applied, other than with
9 respect to privileges, the requirements of the rape shield statute
10 under RCW 9A.44.020, and evidence rules 412 and 413.

11 (9) (a) The prior sexual activity or the reputation of the
12 petitioner is inadmissible except:

13 (i) As evidence concerning the past sexual conduct of the
14 petitioner with the respondent when this evidence is offered by the
15 respondent upon the issue of whether the petitioner consented to the
16 sexual conduct alleged for the purpose of a protection order; or

17 (ii) When constitutionally required to be admitted.

18 (b) To determine admissibility, a written motion must be made six
19 judicial days prior to the protection order hearing. The motion must
20 include an offer of proof of the relevancy of the proposed evidence
21 and reasonably specific information as to the date, time, and place
22 of the past sexual conduct between the petitioner and the respondent.
23 If the court finds that the offer of proof is relevant to the issue
24 of the victim's consent, the court shall conduct a hearing in camera.
25 The court may not admit evidence under this subsection unless it
26 determines at the hearing that the evidence is relevant and the
27 probative value of the evidence outweighs the danger of unfair
28 prejudice. The evidence shall be admissible at the hearing to the
29 extent an order made by the court specifies the evidence that may be
30 admitted. The motion, related papers, and the record of the hearing
31 must be sealed and remain under seal unless the court orders
32 otherwise.

33 (10) Parties may request an opportunity to cross-examine
34 witnesses, to pursue discovery, to provide oral testimony by nonparty
35 witnesses, or for other procedures. The court shall determine whether
36 to grant such requests, and whether to continue the hearing to permit
37 the parties to prepare.

38 (11) When a petitioner has alleged incapacity to consent to
39 sexual conduct or sexual penetration due to intoxicants, alcohol, or

1 other condition, the court must determine on the record whether the
2 petitioner had the capacity to consent.

3 (12) If the court finds that the petition for a protection order
4 does not contain sufficient allegations as a matter of law to support
5 the issuance of a protection order, the court shall continue the
6 matter for 14 days and offer the petitioner the opportunity to file
7 an amended petition, unless the court finds in writing that the
8 amendment would be futile. If no amended petition is filed, the
9 petition shall be dismissed after 14 days. All temporary protection
10 orders shall expire upon the court's finding that the petition is
11 insufficient.

12 (13) Courts shall not require parties to submit duplicate or
13 working copies of pleadings or other materials filed with the court.

14 (14) Courts shall, if possible, have petitioners and respondents
15 in protection order proceedings gather in separate locations and
16 enter and depart the court room at staggered times. Where the option
17 is available, for safety purposes, the court should arrange for
18 petitioners to leave the court premises first and to have court
19 security escort petitioners to their vehicles or transportation.

20 NEW SECTION. **Sec. 25.** HEARINGS—REMOTE HEARINGS. (1) Hearings on
21 protection orders, including hearings concerning temporary protection
22 orders, full protection orders, compliance, reissuance, renewal,
23 modification, or termination, may be conducted in person or remotely
24 in order to enhance access for all parties.

25 (2) In the court's discretion, parties and witnesses may attend a
26 hearing on a petition for a protection order, or any hearings
27 conducted pursuant to this chapter, in person or remotely, including
28 by telephone, video, or other electronic means. At the time of
29 filing, the petitioner may specify whether the petitioner requests to
30 appear at the hearing remotely by telephone, video, or other
31 electronic means. No later than three judicial days before the
32 hearing, the respondent or the petitioner may request to appear at
33 the hearing, with witnesses, remotely by telephone, video, or other
34 electronic means. The court shall grant any request for a remote
35 appearance unless the court finds good cause to require in-person
36 attendance or attendance through a specific means.

37 (3) Courts shall require assurances of the identity of persons
38 who appear by telephone, video, or other electronic means. Courts may
39 not charge fees for remote appearances.

1 (4) Courts shall not post or stream proceedings or recordings of
2 protection order hearings online without a waiver from all parties.
3 Unless the court orders a hearing to be closed to the public
4 consistent with the requirements of Washington law, courts should
5 provide in-person access to members of the public who wish to observe
6 or listen to a hearing conducted by telephone, video, or other
7 electronic means.

8 (5) If a hearing is held with any parties or witnesses appearing
9 remotely, the following apply:

10 (a) Courts should include directions to access a hearing remotely
11 in the order setting the hearing and in any order granting a
12 respondent's request for a remote appearance. Such orders shall also
13 include directions to request an interpreter and accommodations for
14 disabilities;

15 (b) Courts should endeavor to give a party or witness appearing
16 by telephone no more than a one-hour waiting time by the court for
17 the hearing to begin;

18 (c) Courts should inform the parties before the hearing begins on
19 how the hearing is being recorded, the ability of the public to view
20 the hearing, and the availability of the recording of the hearing;

21 (d) To minimize trauma, while allowing remote hearings to be
22 observed by the public, courts should take appropriate measures to
23 prevent members of the public or the parties from harassing or
24 intimidating any party or witness to a case. Such practices may
25 include, but are not limited to, disallowing members of the public
26 from communicating with the parties or with the court, ensuring court
27 controls over microphone and viewing settings, and announcing
28 limitations on allowing others to record the hearing;

29 (e) Courts shall use technology that accommodates American sign
30 language and other languages;

31 (f) To help ensure that remote access does not undermine personal
32 safety or privacy, or introduce other risks, courts should protect
33 the privacy of telephone numbers, emails, and other contact
34 information for parties and witnesses. Courts should inform parties
35 and witnesses appearing remotely not to state their addresses or
36 telephone numbers at the hearing, and advise parties and witnesses
37 that they may use virtual backgrounds to help ensure that their
38 backgrounds do not reveal their location;

39 (g) Courts should provide the parties, in orders setting the
40 hearing, with a telephone number and an email address for the court,

1 which the parties may use to inform the court if they have been
2 unable to appear remotely for a hearing. Before dismissing a petition
3 due to the petitioner not appearing for a remote hearing or the court
4 not being able to reach the petitioner via telephone or video, and
5 before granting relief due to the respondent not appearing for a
6 remote hearing or the court not being able to reach the respondent
7 via telephone or video, the court shall check for any notifications
8 to the court regarding issues with remote access or other
9 technological difficulties. If any party has provided such
10 notification to the court, the court shall not dismiss or grant the
11 petition, but shall reset the hearing. Such relief may be sought on a
12 motion for a reconsideration for good cause if a party was unable to
13 provide the notification on the day of the hearing prior to the
14 court's ruling. If a party is unable to promptly notify the court by
15 telephone or email of the party's reasons for being unable to appear
16 due to issues with remote access or other technological difficulties,
17 the party may inform the court of such issues or difficulties by mail
18 or by other means available, and the court shall consider whether
19 there is good cause to order a new hearing; and

20 (h) Courts should consider a party's request that the court
21 continue a remote hearing, and reset the hearing for a specified
22 time, if the party demonstrates to the court that the party would be
23 unable to appear at the remote hearing outside of the presence of
24 others who reside with the party, but are not part of the proceeding
25 including, but not limited to, children, and that the presence of
26 those individuals may hinder testimony or the ability to provide
27 complete and detailed responses. The court should grant a first
28 request for good cause shown. Subsequent requests may be granted in
29 the court's discretion.

30 NEW SECTION. **Sec. 26.** REALIGNMENT OF PARTIES IN DOMESTIC
31 VIOLENCE AND ANTIHARASSMENT PROTECTION ORDER PROCEEDINGS. In
32 proceedings where the petitioner is seeking a domestic violence
33 protection order or an antiharassment protection order, the court may
34 realign the designation of the parties as "petitioner" and
35 "respondent" where the court finds that the original petitioner is
36 the abuser or harasser and the original respondent is the victim of
37 domestic violence or unlawful harassment. The court may issue a
38 temporary protection order in accordance with this chapter until the

1 victim is able to prepare a petition for a protection order in
2 accordance with this chapter.

3 NEW SECTION. **Sec. 27.** EXTREME RISK PROTECTION ORDER HEARINGS.
4 For extreme risk protection order hearings, the following also apply.

5 (1) The court may:

6 (a) Examine under oath the petitioner, the respondent, and any
7 witnesses they may produce, or, in lieu of examination, consider
8 sworn declarations of the petitioner, the respondent, and any
9 witnesses they may produce; and

10 (b) Ensure that a reasonable search has been conducted for
11 criminal history records and civil protection order history related
12 to the respondent.

13 (2) During the hearing, the court shall consider whether a
14 behavioral health evaluation is appropriate, and may order such
15 evaluation if appropriate.

16 (3) In determining whether grounds for an extreme risk protection
17 order exist, the court may consider any relevant evidence including,
18 but not limited to, any of the following:

19 (a) A recent act or threat of violence by the respondent against
20 self or others, whether or not such violence or threat of violence
21 involves a firearm;

22 (b) A pattern of acts or threats of violence by the respondent
23 within the past 12 months including, but not limited to, acts or
24 threats of violence by the respondent against self or others;

25 (c) Any behaviors that present an imminent threat of harm to self
26 or others;

27 (d) A violation by the respondent of a protection order or a no-
28 contact order issued;

29 (e) A previous or existing extreme risk protection order issued
30 against the respondent;

31 (f) A violation of a previous or existing extreme risk protection
32 order issued against the respondent;

33 (g) A conviction of the respondent for a crime that constitutes
34 domestic violence as defined in RCW 10.99.020;

35 (h) A conviction of the respondent under RCW 9A.36.080;

36 (i) The respondent's ownership of, access to, or intent to
37 possess, firearms;

38 (j) The unlawful or reckless use, display, or brandishing of a
39 firearm by the respondent;

1 (k) The history of use, attempted use, or threatened use of
2 physical force by the respondent against another person, or the
3 respondent's history of stalking another person;

4 (l) Any prior arrest of the respondent for a felony offense or
5 violent crime;

6 (m) Corroborated evidence of the abuse of controlled substances
7 or alcohol by the respondent; and

8 (n) Evidence of recent acquisition of firearms by the respondent.

9 NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER
10 HEARINGS. For vulnerable adult protection order hearings, the
11 following also apply.

12 (1) When a petition for a vulnerable adult protection order is
13 filed by someone other than the vulnerable adult or the vulnerable
14 adult's full guardian over either the person or the estate, or both,
15 and the vulnerable adult for whom protection is sought advises the
16 court at the hearing that the vulnerable adult does not want all or
17 part of the protection sought in the petition, then the court may
18 dismiss the petition or the provisions that the vulnerable adult
19 objects to and any existing vulnerable adult protection order, or the
20 court may take additional testimony or evidence, or order additional
21 evidentiary hearings to determine whether the vulnerable adult is
22 unable, due to incapacity, undue influence, or duress, to protect his
23 or her person or estate in connection with the issues raised in the
24 petition or order. If an additional evidentiary hearing is ordered
25 and the court determines that there is reason to believe that there
26 is a genuine issue about whether the vulnerable adult is unable to
27 protect his or her person or estate in connection with the issues
28 raised in the petition or order, the court may issue a temporary
29 protection order of the vulnerable adult pending a decision after the
30 evidentiary hearing.

31 (2) Pursuant to subsection (1) of this section, an evidentiary
32 hearing on the issue of whether the vulnerable adult is unable, due
33 to incapacity, undue influence, or duress, to protect his or her
34 person or estate in connection with the issues raised in the petition
35 or order, must be held within 14 days of entry of the temporary
36 protection order. If the court did not enter a temporary protection
37 order, the evidentiary hearing must be held within 14 days of the
38 prior hearing on the petition. Notice of the time and place of the
39 evidentiary hearing must be served upon the vulnerable adult and the

1 respondent not less than five judicial days before the hearing. If
2 timely service cannot be made, the court may set a new hearing date.
3 A hearing under this subsection is not necessary if the vulnerable
4 adult has been determined to be fully incapacitated over either the
5 person or the estate, or both, under the guardianship laws, chapter
6 11.88 RCW. If a hearing is scheduled under this subsection, the
7 protection order must remain in effect pending the court's decision
8 at the subsequent hearing.

9 (3) At the hearing held pursuant to subsection (1) of this
10 section, the court shall give the vulnerable adult, the respondent,
11 the petitioner, and, in the court's discretion, other interested
12 persons, the opportunity to testify and submit relevant evidence.

13 (4) If the court determines that the vulnerable adult is capable
14 of protecting his or her person or estate in connection with the
15 issues raised in the petition, and the vulnerable adult continues to
16 object to the protection order, the court shall dismiss the order or
17 may modify the order if agreed to by the vulnerable adult. If the
18 court determines that the vulnerable adult is not capable of
19 protecting his or her person or estate in connection with the issues
20 raised in the petition or order, and that the vulnerable adult
21 continues to need protection, the court shall order relief consistent
22 with this chapter as it deems necessary for the protection of the
23 vulnerable adult. In the entry of any order that is inconsistent with
24 the expressed wishes of the vulnerable adult, the court's order is
25 governed by the legislative findings contained in section 1 of this
26 act.

27 NEW SECTION. **Sec. 29.** GRANT OF ORDER, DENIAL OF ORDER, AND
28 IMPROPER GROUNDS. (1) The court shall issue a protection order if it
29 finds by a preponderance of the evidence that the petitioner has
30 proved the required criteria specified in (a) through (f) of this
31 subsection for obtaining a protection order under this chapter.

32 (a) For a domestic violence protection order, that the petitioner
33 has been subjected to domestic violence by the respondent.

34 (b) For a sexual assault protection order, that the petitioner
35 has been subjected to nonconsensual sexual conduct or nonconsensual
36 sexual penetration by the respondent.

37 (c) For a stalking protection order, that the petitioner has been
38 subjected to stalking by the respondent.

1 (d) For a vulnerable adult protection order, that the petitioner
2 has been abandoned, abused, financially exploited, or neglected, or
3 is threatened with abandonment, abuse, financial exploitation, or
4 neglect by the respondent.

5 (e) For an extreme risk protection order, that the respondent
6 poses a significant danger of causing personal injury to self or
7 others by having in the respondent's custody or control, purchasing,
8 possessing, accessing, receiving, or attempting to purchase or
9 receive, a firearm.

10 (f) For an antiharassment protection order, that the petitioner
11 has been subjected to unlawful harassment by the respondent.

12 (2) The court may not deny or dismiss a petition for a protection
13 order on the grounds that:

14 (a) The petitioner or the respondent is a minor, unless
15 provisions in this chapter specifically limit relief or remedies
16 based upon a party's age;

17 (b) The petitioner did not report the conduct giving rise to the
18 petition to law enforcement;

19 (c) A no-contact order or a restraining order that restrains the
20 respondent's contact with the petitioner has been issued in a
21 criminal proceeding or in a domestic relations proceeding;

22 (d) The relief sought by the petitioner may be available in a
23 different action or proceeding, or criminal charges are pending
24 against the respondent;

25 (e) The conduct at issue did not occur recently or because of the
26 passage of time since the last incident of conduct giving rise to the
27 petition; or

28 (f) The respondent no longer lives near the petitioner.

29 (3) In proceedings where the petitioner alleges that the
30 respondent engaged in nonconsensual sexual conduct or nonconsensual
31 sexual penetration, the court shall not require proof of physical
32 injury on the person of the petitioner or any other forensic
33 evidence. Denial of a remedy to the petitioner may not be based, in
34 whole or in part, on evidence that:

35 (a) The respondent was voluntarily intoxicated;

36 (b) The petitioner was voluntarily intoxicated; or

37 (c) The petitioner engaged in limited consensual sexual touching.

38 (4) In proceedings where the petitioner alleges that the
39 respondent engaged in stalking, the court may not require proof of

1 the respondent's intentions regarding the acts alleged by the
2 petitioner.

3 (5) If the court declines to issue a protection order, the court
4 shall state in writing the particular reasons for the court's denial.
5 If the court declines a request to include one or more of the
6 petitioner's family or household member who is a minor or a
7 vulnerable adult in the order, the court shall state the reasons for
8 that denial in writing. The court shall also explain from the bench:

9 (a) That the petitioner may refile a petition for a protection
10 order at any time if the petitioner has new evidence to present that
11 would support the issuance of a protection order;

12 (b) The parties' rights to seek revision, reconsideration, or
13 appeal of the order; and

14 (c) The parties' rights to have access to the court transcript or
15 recording of the hearing.

16 (6) A court's ruling on a protection order must be filed by the
17 court in writing and must be made by the court on the mandatory form
18 developed by the administrative office of the courts.

19 NEW SECTION. **Sec. 30.** JUDICIAL INFORMATION SYSTEM CONSULTATION.

20 (1) Before ruling on an order under this chapter, the court shall
21 consult the judicial information system to determine the criminal
22 history, history of criminal victimization, history of being a
23 respondent or petitioner in a protection order proceeding, or
24 pendency of other proceedings involving the parties. The court may
25 take judicial notice of a parallel criminal proceeding for the
26 related conduct involving the same parties, including whether the
27 defendant in that action waived speedy trial.

28 (2) Before granting an order under this chapter directing
29 residential placement of a child or restraining or limiting a party's
30 contact with his or her child, the court shall consult the judicial
31 information system, if available, to determine the pendency of other
32 proceedings involving the residential placement of any child of the
33 parties for whom residential placement has been requested.

34 (3) When the court proposes to consider information from the
35 judicial information system or another criminal or civil database,
36 the court shall: Disclose the information to each party present at
37 the hearing; on timely request, provide each party with an
38 opportunity to be heard; and take appropriate measures to alleviate

1 safety concerns of the parties. The court has discretion not to
2 disclose information that the court does not propose to consider.

3 NEW SECTION. **Sec. 31.** COMPLIANCE HEARINGS. For compliance
4 hearings:

5 (1) Only the respondent is required to appear if the court is
6 reviewing compliance with any conditions of the order. The petitioner
7 may appear at such hearing and provide evidence to the court
8 regarding the respondent's compliance with the order. The petitioner
9 may also file a declaration in response to the respondent's
10 representation of compliance with any conditions of the order. After
11 reviewing such a declaration by the petitioner, the court may ask the
12 petitioner to appear at the hearing or provide additional declaration
13 or documentation to address disputed issues.

14 (2) Any orders entered by the court pursuant to a compliance
15 hearing must be served on the respondent if the respondent failed to
16 appear at the hearing at which the court entered the orders.

17 (3) The court shall use its best efforts to notify the petitioner
18 of the outcome of the compliance hearing including, but not limited
19 to, informing the petitioner on whether the respondent is found to be
20 out of compliance with an order to surrender and prohibit weapons.
21 Such notice should be provided to the petitioner by electronic means
22 if possible, but may also be made by telephone or another method that
23 allows notification to be provided without unnecessary delay.

24 NEW SECTION. **Sec. 32.** APPOINTMENT OF COUNSEL. The court may
25 appoint counsel to represent the petitioner if the respondent is
26 represented by counsel.

27 NEW SECTION. **Sec. 33.** INTERPRETERS. (1) Pursuant to chapter
28 2.42 RCW, in order to ensure that parties have meaningful access to
29 the court, an interpreter shall be appointed for any party who,
30 because of a hearing or speech impairment, cannot readily understand
31 or communicate in spoken language. Notwithstanding the provisions of
32 chapter 2.42 RCW, the court shall not:

33 (a) Appoint an interpreter who is not trained to provide
34 interpretation services; or

35 (b) Appoint a person to provide interpretation services if that
36 person is serving as an advocate for the party.

1 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties
2 have meaningful access to the court, an interpreter shall be
3 appointed for any party who cannot readily speak or understand the
4 English language. Notwithstanding the provisions of chapter 2.43 RCW,
5 the court shall not:

6 (a) Appoint an interpreter who is not trained to provide
7 interpretation services; or

8 (b) Appoint a person to provide interpretation services if that
9 person is serving as an advocate for the party.

10 (3) Once an interpreter has been appointed for a party, the party
11 shall no longer be required to make further requests for the
12 appointment of an interpreter for subsequent hearings or proceedings.
13 The clerk shall identify the party as a person who needs interpreter
14 services and shall be responsible for ensuring that an interpreter is
15 available for every subsequent hearing.

16 (4) The interpreter shall translate or interpret for the party in
17 preparing forms, participating in the hearing and court-ordered
18 assessments, and translating any orders.

19 (5) The same interpreter shall not serve parties on both sides of
20 the proceeding, unless the court finds good cause on the record to do
21 so because it is not possible to obtain more than one interpreter for
22 the proceeding.

23 (6) Courts shall make a private space available for parties and
24 interpreters to meet and confer.

25 (7) When a hearing is conducted through telephone, video, or
26 other electronic means, the court must make appropriate
27 accommodations to permit interpreters to serve the parties as needed.

28 NEW SECTION. **Sec. 34.** PROTECTION ORDER ADVOCATE AND SUPPORT
29 PERSON. (1) Whether or not the petitioner has retained an attorney, a
30 sexual assault or domestic violence advocate, as defined in RCW
31 5.60.060, shall be allowed to accompany the petitioner and confer
32 with the petitioner during court proceedings. The sexual assault or
33 domestic violence advocate shall not provide legal representation nor
34 interpretation services. Court administrators shall allow sexual
35 assault and domestic violence advocates to assist petitioners with
36 their protection orders. Sexual assault and domestic violence
37 advocates are not engaged in the unauthorized practice of law when
38 providing assistance of the types specified in this section. Unless
39 the sexual assault or domestic violence advocate seeks to speak

1 directly to the court, advocates shall not be required to be
2 identified on the record beyond stating their role as a sexual
3 assault or domestic violence advocate and identifying the program for
4 which they work or volunteer for. Communications between the
5 petitioner and a sexual assault and domestic violence advocate are
6 protected as provided by RCW 5.60.060.

7 (2) Whether or not the petitioner has retained an attorney, a
8 protection order advocate must be allowed to accompany the petitioner
9 to any legal proceeding including, but not limited to, sitting or
10 standing next to the petitioner and conferring with the petitioner
11 during court proceedings, or addressing the court when invited to do
12 so.

13 (a) For purposes of this section, "protection order advocate"
14 means any employee or volunteer from a program that provides, as some
15 part of its services, information, advocacy, counseling, or support
16 to persons seeking protection orders.

17 (b) The protection order advocate shall not provide legal
18 representation nor interpretation services.

19 (c) Unless a protection order advocate seeks to speak directly to
20 the court, protection order advocates shall not be required to be
21 identified on the record beyond stating his or her role as a
22 protection order advocate and identifying the program for which he or
23 she works or volunteers.

24 (d) A protection order advocate who is not employed by, or under
25 the direct supervision of, a law enforcement agency, a prosecutor's
26 office, the child protective services section of the department of
27 children, youth, and families as defined in RCW 26.44.020, or other
28 governmental entity, has the same privileges, rights, and
29 responsibilities as a sexual assault advocate and domestic violence
30 advocate under RCW 5.60.060.

31 (3) Whether or not the petitioner has retained an attorney, if a
32 petitioner does not have an advocate, the petitioner shall be allowed
33 a support person to accompany the petitioner to any legal proceeding
34 including, but not limited to, sitting or standing next to the
35 petitioner and conferring with the petitioner during court
36 proceedings. The support person may be any third party of the
37 petitioner's choosing, provided that:

38 (a) The support person shall not provide legal representation nor
39 interpretation services; and

1 (b) A support person who is not employed by, or under the direct
2 supervision of, a law enforcement agency, a prosecutor's office, the
3 child protective services section of the department of children,
4 youth, and families as defined in RCW 26.44.020, or other government
5 entity, may not, without the consent of the petitioner, be examined
6 as to any communication between the petitioner and the support person
7 regarding the petition.

8 NEW SECTION. **Sec. 35.** TRAINING. To help ensure familiarity with
9 the unique nature of protection order proceedings, and an
10 understanding of trauma-informed practices, best practices in use of
11 new technologies for remote hearings, and evolving uses of technology
12 as part of coercive control techniques, judicial officers, including
13 persons who serve as judicial officers pro tempore, should receive
14 training on procedural justice, trauma-informed practices, gender-
15 based violence dynamics, elder abuse, juvenile sex offending, teen
16 dating violence, and requirements for the surrender of weapons before
17 presiding over protection order hearings. Trainings should be
18 provided on an ongoing basis as best practices, research on trauma,
19 and legislation continue to evolve. As a method of continuous
20 training, court commissioners, including pro tempore commissioners,
21 shall be notified by the presiding judge or court administrator upon
22 revision of any decision made under this chapter.

23 NEW SECTION. **Sec. 36.** RECOMMENDATIONS ON IMPROVING PROTECTION
24 ORDER PROCEEDINGS. The Washington state women's commission, in
25 consultation with the administrative office of the courts and the
26 gender and justice commission, shall work with representatives of
27 superior, district, and municipal court judicial officers, court
28 clerks, and administrators, including those with experience in
29 protection order proceedings, as well as advocates and practitioners
30 with expertise in each type of protection order, and others with
31 relevant expertise, to consider and develop recommendations
32 regarding: (1) Uses of technology to reduce administrative burdens in
33 protection order proceedings; (2) improving access to unrepresented
34 parties in protection order proceedings, including promoting access
35 for pro bono attorneys for remote protection order proceedings, in
36 consultation with the Washington state bar association; (3)
37 developing best practices for courts when there are civil protection
38 order and criminal proceedings that concern the same alleged conduct;

1 and (4) developing best practices in data collection and sharing,
2 including demographic information, in order to promote research and
3 study on protection orders and transparency of protection order data
4 for the public, in partnership with the Washington state center for
5 court research, the Washington state institute for public policy, the
6 University of Washington, and the urban Indian health institute. The
7 commission shall provide a report of its recommendations to the
8 legislature by December 1, 2021.

9 **PART VI**

10 **ORDERS, DURATION, RELIEF, AND REMEDIES**

11 NEW SECTION. **Sec. 37.** Sections 38 through 42 of this act apply
12 to all orders other than extreme risk protection orders.

13 NEW SECTION. **Sec. 38.** EX PARTE TEMPORARY PROTECTION ORDERS,
14 OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) Where it appears
15 from the petition and any additional evidence that the respondent has
16 engaged in conduct against the petitioner that serves as a basis for
17 a protection order under this chapter, and the petitioner alleges
18 that irreparable injury could result if an order is not issued
19 immediately without prior notice to the respondent, the court may
20 grant an ex parte temporary protection order, pending a full hearing.
21 The court has broad discretion to grant such relief as the court
22 deems proper, including the forms of relief listed in section 39 of
23 this act, provided that the court shall not order a form of relief
24 listed in section 39 of this act if it would not be feasible or
25 appropriate for the respondent to comply with such a requirement
26 before a full hearing may be held on the petition for a protection
27 order. If the court does not order all the relief requested by the
28 petitioner in an ex parte temporary protection order, the court shall
29 still consider ordering such relief at the full hearing on the
30 petition for a protection order. In issuing the order, the court
31 shall consider the provisions of RCW 9.41.800, and order the
32 respondent to surrender, and prohibit the respondent from accessing,
33 having in his or her custody or control, possessing, purchasing,
34 attempting to purchase or receive, or receiving, all firearms,
35 dangerous weapons, and any concealed pistol license, as required in
36 RCW 9.41.800.

1 (2) Any order issued under this section must contain the date,
2 time of issuance, and expiration date.

3 (3) If the court declines to issue an ex parte temporary
4 protection order, the court shall state the particular reasons for
5 the court's denial in writing. The court's denial of a motion for an
6 ex parte temporary protection order shall be filed with the court. If
7 an ex parte temporary protection order is denied, the court shall
8 still set a full hearing on the petition for a protection order.

9 (4) A petitioner may not obtain an ex parte temporary
10 antiharassment protection order against a respondent if the
11 petitioner has previously obtained two such ex parte orders against
12 the same respondent, but has failed to obtain the issuance of a civil
13 antiharassment protection order, unless good cause for such failure
14 can be shown.

15 NEW SECTION. **Sec. 39.** RELIEF FOR TEMPORARY AND FULL PROTECTION
16 ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) In issuing
17 any type of protection order, other than an extreme risk protection
18 order, the court shall have broad discretion to grant such relief as
19 the court deems proper, including an order that provides relief as
20 follows:

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

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

33 (c) Exclude the respondent from the dwelling that the parties
34 share; from the residence, workplace, or school of the petitioner; or
35 from the day care or school of a minor child;

36 (d) Restrain the respondent from knowingly coming within, or
37 knowingly remaining within, a specified distance from a specified
38 location including, but not limited to, a residence, school, day
39 care, workplace, the protected party's person, and the protected

1 party's vehicle. The specified distance shall presumptively be at
2 least 1,000 feet, unless the court for good cause finds that a
3 shorter specified distance is appropriate;

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

15 (f) Order the respondent to participate in a state-certified
16 domestic violence perpetrator treatment program approved under RCW
17 26.50.150 (as recodified by this act) or a state-certified sex
18 offender treatment program approved under RCW 18.155.070;

19 (g) Order the respondent to obtain a mental health or chemical
20 dependency evaluation. If the court determines that a mental health
21 evaluation is necessary, the court shall clearly document the reason
22 for this determination and provide a specific question or questions
23 to be answered by the mental health professional. The court shall
24 consider the ability of the respondent to pay for an evaluation;

25 (h) In cases where the petitioner and the respondent are students
26 who attend the same public or private elementary, middle, or high
27 school, the court, when issuing a protection order and providing
28 relief, shall consider, among the other facts of the case, the
29 severity of the act, any continuing physical danger, emotional
30 distress, or educational disruption to the petitioner, and the
31 financial difficulty and educational disruption that would be caused
32 by a transfer of the respondent to another school. The court may
33 order that the respondent not attend the public or private
34 elementary, middle, or high school attended by the petitioner. In the
35 event the court orders a transfer of the respondent to another
36 school, the parents or legal guardians of the respondent are
37 responsible for transportation and other costs associated with the
38 change of school by the respondent. The court shall send notice of
39 the restriction on attending the same school as the petitioner to the

1 public or private school the respondent will attend and to the school
2 the petitioner attends;

3 (i) Require the respondent to pay the administrative court costs
4 and service fees, as established by the county or municipality
5 incurring the expense, and to reimburse the petitioner for costs
6 incurred in bringing the action, including reasonable attorneys' fees
7 or limited license legal technician fees when such fees are incurred
8 by a person licensed and practicing in accordance with state supreme
9 court admission and practice rule 28, the limited practice rule for
10 limited license legal technicians;

11 (j) Restrain the respondent from harassing, following,
12 monitoring, keeping under physical or electronic surveillance,
13 cyberstalking as defined in RCW 9.61.260, and using telephonic,
14 audiovisual, or other electronic means to monitor the actions,
15 location, or communication of the petitioner or the petitioner's
16 family or household members who are minors or other members of the
17 petitioner's household. For the purposes of this subsection,
18 "communication" includes both "wire communication" and "electronic
19 communication" as defined in RCW 9.73.260;

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

27 (l) Consider the provisions of RCW 9.41.800, and order the
28 respondent to surrender, and prohibit the respondent from accessing,
29 having in his or her custody or control, possessing, purchasing,
30 attempting to purchase or receive, or receiving, all firearms,
31 dangerous weapons, and any concealed pistol license, as required in
32 RCW 9.41.800;

33 (m) Order possession and use of essential personal effects. The
34 court shall list the essential personal effects with sufficient
35 specificity to make it clear which property is included. Personal
36 effects may include pets. The court may order that a petitioner be
37 granted the exclusive custody or control of any pet owned, possessed,
38 leased, kept, or held by the petitioner, respondent, or minor child
39 residing with either the petitioner or respondent, and may prohibit
40 the respondent from interfering with the petitioner's efforts to

1 obtain the pet. The court may also prohibit the respondent from
2 knowingly coming within, or knowingly remaining within, a specified
3 distance of specified locations where the pet is regularly found;

4 (n) Order use of a vehicle;

5 (o) Enter an order restricting the respondent from engaging in
6 abusive litigation as set forth in chapter 26.51 RCW or in frivolous
7 filings against the petitioner, making harassing or libelous
8 communications about the petitioner to third parties, or making false
9 reports to investigative agencies. A petitioner may request this
10 relief in the petition or by separate motion. A petitioner may
11 request this relief by separate motion at any time within five years
12 of the date the protection order is entered even if the order has
13 since expired. A stand-alone motion for an order restricting abusive
14 litigation may be brought by a party who meets the requirements of
15 chapter 26.51 RCW regardless of whether the party has previously
16 sought a protection order under this chapter, provided the motion is
17 made within five years of the date the order that made a finding of
18 domestic violence was entered. In cases where a finding of domestic
19 violence was entered pursuant to an order under chapter 26.09, 26.26,
20 or 26.26A RCW, a motion for an order restricting abusive litigation
21 may be brought under the family law case or as a stand-alone action
22 filed under this chapter, when it is not reasonable or practical to
23 file under the family law case;

24 (p) Restrain the respondent from committing acts of abandonment,
25 abuse, neglect, or financial exploitation against a vulnerable adult;

26 (q) Require an accounting by the respondent of the disposition of
27 the vulnerable adult's income or other resources;

28 (r) Restrain the transfer of either the respondent's or
29 vulnerable adult's property, or both, for a specified period not
30 exceeding 90 days;

31 (s) Order financial relief and restrain the transfer of jointly
32 owned assets;

33 (t) Restrain the respondent from possessing or distributing
34 intimate images, as defined in RCW 9A.86.010, depicting the
35 petitioner including, but not limited to, requiring the respondent
36 to: Take down and delete all intimate images and recordings of the
37 petitioner in the respondent's possession or control; and cease any
38 and all disclosure of those intimate images. The court may also
39 inform the respondent that it would be appropriate to ask third
40 parties in possession or control of the intimate images of this

1 protection order to take down and delete the intimate images so that
2 the order may not inadvertently be violated; or

3 (u) Order other relief as it deems necessary for the protection
4 of the petitioner and other family or household members who are
5 minors or vulnerable adults for whom the petitioner has sought
6 protection, including orders or directives to a law enforcement
7 officer, as allowed under this chapter.

8 (2) The court in granting a temporary antiharassment protection
9 order or a civil antiharassment protection order shall not prohibit
10 the respondent from exercising constitutionally protected free
11 speech. Nothing in this section prohibits the petitioner from
12 utilizing other civil or criminal remedies to restrain conduct or
13 communications not otherwise constitutionally protected.

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

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

19 (b) The court may not order the petitioner to pay the
20 respondent's attorneys' fees or other costs.

21 (c) The court shall not issue a full protection order to any
22 party except upon notice to the respondent and the opportunity for a
23 hearing pursuant to a petition or counter-petition filed and served
24 by the party seeking relief in accordance with this chapter. Except
25 as provided in section 26 of this act, the court shall not issue a
26 temporary protection order to any party unless the party has filed a
27 petition or counter-petition for a protection order seeking relief in
28 accordance with this chapter.

29 (d) Under no circumstances shall the court deny the petitioner
30 the type of protection order sought in the petition on the grounds
31 that the court finds that a different type of protection order would
32 have a less severe impact on the respondent.

33 (4) The order shall specify the date the order expires, if any.
34 For permanent orders, the court shall set the date to expire 99 years
35 from the issuance date. The order shall also state whether the court
36 issued the protection order following personal service, service by
37 electronic means, service by mail, or service by publication, and
38 whether the court has approved service by mail or publication of an
39 order issued under this section.

1 NEW SECTION. **Sec. 40.** DURATION OF FULL PROTECTION ORDERS, OTHER
2 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When issuing an order
3 after notice to the respondent and a hearing, the court may either
4 grant relief for a fixed period of time or enter a permanent order of
5 protection. The court shall not grant relief for less than one year
6 unless the petitioner has specifically requested relief for a shorter
7 period of time.

8 (2)(a) If a protection order restrains the respondent from
9 contacting the respondent's minor children, the restraint must be for
10 a fixed period not to exceed one year. This limitation is not
11 applicable to protection orders issued under chapter 26.09, 26.26A,
12 or 26.26B RCW.

13 (b) If the petitioner has petitioned for relief on behalf of the
14 respondent's minor children, the court shall advise the petitioner
15 that if the petitioner wants to continue protection for a period
16 beyond one year, the petitioner may either petition for renewal
17 pursuant to the provisions of this chapter or may seek relief
18 pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

19 NEW SECTION. **Sec. 41.** LAW ENFORCEMENT STAND-BY TO RECOVER
20 POSSESSIONS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When
21 an order is issued under this chapter upon request of the petitioner,
22 the court may order a law enforcement officer to accompany the
23 petitioner and assist in placing the petitioner in possession of
24 those items indicated in the order or to otherwise assist in the
25 execution of the order of protection. The order must list all items
26 that are to be included with sufficient specificity to make it clear
27 which property is included. Orders issued under this chapter must
28 include a designation of the appropriate law enforcement agency to
29 execute, serve, or enforce the order.

30 (2) Upon order of a court, a law enforcement officer shall
31 accompany the petitioner and assist in placing the petitioner in
32 possession of all items listed in the order and to otherwise assist
33 in the execution of the order.

34 (3) Where orders involve surrender of firearms, dangerous
35 weapons, and concealed pistol licenses, those items must be secured
36 and accounted for in a manner that prioritizes safety and compliance
37 with court orders.

1 NEW SECTION. **Sec. 42.** ENTRY OF PROTECTION ORDER DATA, OTHER
2 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) The clerk of the court
3 shall enter any protection order, including temporary protection
4 orders, issued under this chapter into a statewide judicial
5 information system on the same day such order is issued.

6 (2) A copy of a protection order granted under this chapter,
7 including temporary protection orders, must be forwarded immediately
8 by the clerk of the court, by electronic means if possible, to the
9 law enforcement agency specified in the order. Upon receipt of the
10 order, the law enforcement agency shall immediately enter the order
11 into any computer-based criminal intelligence information system
12 available in this state used by law enforcement agencies to list
13 outstanding warrants. The order must remain in the computer until the
14 expiration date specified on the order. If the court has entered an
15 order that prohibits the respondent from possessing or purchasing a
16 firearm, the law enforcement agency shall also enter the order into
17 the national instant criminal background check system and any other
18 federal or state computer-based systems used by law enforcement or
19 others to identify prohibited purchasers of firearms. The order must
20 remain in each system for the period stated in the order, and the law
21 enforcement agency shall only expunge orders from the systems that
22 have expired or terminated. Entry into the computer-based criminal
23 intelligence information system constitutes notice to all law
24 enforcement agencies of the existence of the order. The order is
25 fully enforceable in any county in the state.

26 (3) The information entered into the computer-based criminal
27 intelligence information system must include notice to law
28 enforcement on whether the order was personally served, served by
29 electronic means, served by publication, or served by mail.

30 (4) If a law enforcement agency receives a protection order for
31 entry or service, but the order falls outside the agency's
32 jurisdiction, the agency may enter and serve the order or may
33 immediately forward it to the appropriate law enforcement agency for
34 entry and service, and shall provide documentation back to the court
35 verifying which law enforcement agency has entered and will serve the
36 order.

37 NEW SECTION. **Sec. 43.** TEMPORARY PROTECTION ORDERS—EXTREME RISK
38 PROTECTION ORDERS. (1) In considering whether to issue a temporary

1 extreme risk protection order, the court shall consider all relevant
2 evidence, including the evidence described in section 27 of this act.

3 (2) If a court finds there is reasonable cause to believe that
4 the respondent poses a significant danger of causing personal injury
5 to self or others in the near future by having in the respondent's
6 custody or control, purchasing, possessing, accessing, receiving, or
7 attempting to purchase or receive, a firearm, the court shall issue a
8 temporary extreme risk protection order.

9 (3) A temporary extreme risk protection order must include:

10 (a) A statement of the grounds asserted for the order;

11 (b) The date and time the order was issued;

12 (c) The date and time the order expires;

13 (d) The address of the court in which any responsive pleading
14 should be filed;

15 (e) The date and time of the scheduled hearing;

16 (f) A description of the requirements for the surrender of
17 firearms under section 45 of this act; and

18 (g) The following statement: "To the subject of this protection
19 order: This order is valid until the date and time noted above. You
20 are required to surrender all firearms in your custody, control, or
21 possession. You may not have in your custody or control, access,
22 possess, purchase, receive, or attempt to purchase or receive, a
23 firearm, or a concealed pistol license, while this order is in
24 effect. You must surrender to the (insert name of local law
25 enforcement agency) all firearms in your custody, control, or
26 possession, and any concealed pistol license issued to you under RCW
27 9.41.070 immediately. A hearing will be held on the date and at the
28 time noted above to determine if an extreme risk protection order
29 should be issued. Failure to appear at that hearing may result in a
30 court making an order against you that is valid for one year. You may
31 seek the advice of an attorney as to any matter connected with this
32 order."

33 (4) A temporary extreme risk protection order issued expires upon
34 the full hearing on the petition for an extreme risk protection
35 order, unless reissued by the court.

36 (5) A temporary extreme risk protection order must be served by a
37 law enforcement officer in the same manner as provided for in section
38 19 of this act for service of the notice of hearing and petition, and
39 must be served concurrently with the notice of hearing and petition.

1 (6) If the court declines to issue a temporary extreme risk
2 protection order, the court shall state the particular reasons for
3 the court's denial.

4 NEW SECTION. **Sec. 44.** FULL ORDERS—EXTREME RISK PROTECTION
5 ORDERS. (1) An extreme risk protection order issued after notice and
6 a hearing must include:

7 (a) A statement of the grounds supporting the issuance of the
8 order;

9 (b) The date and time the order was issued;

10 (c) The date and time the order expires;

11 (d) Whether a behavioral health evaluation of the respondent is
12 required;

13 (e) The address of the court in which any responsive pleading
14 should be filed;

15 (f) A description of the requirements for the surrender of
16 firearms under section 45 of this act; and

17 (g) The following statement: "To the subject of this protection
18 order: This order will last until the date and time noted above. If
19 you have not done so already, you must surrender to the (insert name
20 of local law enforcement agency) all firearms in your custody,
21 control, or possession, and any concealed pistol license issued to
22 you under RCW 9.41.070 immediately. You may not have in your custody
23 or control, access, possess, purchase, receive, or attempt to
24 purchase or receive, a firearm, or a concealed pistol license, while
25 this order is in effect. You have the right to request one hearing to
26 terminate this order every 12-month period that this order is in
27 effect, starting from the date of this order and continuing through
28 any renewals. You may seek the advice of an attorney as to any matter
29 connected with this order."

30 (2) When the court issues an extreme risk protection order, the
31 court shall inform the respondent that the respondent is entitled to
32 request termination of the order in the manner prescribed by section
33 62 of this act. The court shall provide the respondent with a form to
34 request a termination hearing.

35 NEW SECTION. **Sec. 45.** SURRENDER OF FIREARMS—EXTREME RISK
36 PROTECTION ORDERS. (1) Upon the issuance of any extreme risk
37 protection order under this chapter, including a temporary extreme
38 risk protection order, the court shall:

1 (a) Order the respondent to surrender to the local law
2 enforcement agency all firearms in the respondent's custody, control,
3 or possession, and any concealed pistol license issued under RCW
4 9.41.070; and

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

8 (2) The law enforcement officer serving any extreme risk
9 protection order under this chapter, including a temporary extreme
10 risk protection order, shall request that the respondent immediately
11 surrender all firearms in his or her custody, control, or possession,
12 and any concealed pistol license issued under RCW 9.41.070, and
13 conduct any search permitted by law for such firearms. The law
14 enforcement officer shall take possession of all firearms belonging
15 to the respondent that are surrendered, in plain sight, or discovered
16 pursuant to a lawful search. The order must be personally served upon
17 the respondent or defendant if the order is entered in open court in
18 the presence of the respondent or defendant. The respondent or
19 defendant shall acknowledge receipt and service. If the respondent or
20 defendant refuses service, an agent of the court may indicate on the
21 record that the respondent or defendant refused service. The court
22 shall enter the service and receipt into the record. A copy of the
23 order and service must be transmitted immediately to law enforcement.
24 Alternatively, if personal service by a law enforcement officer is
25 not possible, the respondent shall surrender the firearms in a safe
26 manner to the control of the local law enforcement agency within 24
27 hours of being served with the order by alternate service.

28 (3) At the time of surrender, a law enforcement officer taking
29 possession of a firearm or concealed pistol license shall issue a
30 receipt identifying all firearms that have been surrendered and
31 provide a copy of the receipt to the respondent. Within 72 hours
32 after service of the order, the officer serving the order shall file
33 the original receipt with the court and shall ensure that his or her
34 law enforcement agency retains a copy of the receipt.

35 (4) Upon the sworn statement or testimony of the petitioner or of
36 any law enforcement officer alleging that the respondent has failed
37 to comply with the surrender of firearms as required by an order
38 issued under this chapter, the court shall determine whether probable
39 cause exists to believe that the respondent has failed to surrender
40 all firearms in his or her possession, custody, or control. If

1 probable cause for a violation of the order exists, the court shall
2 issue a warrant describing the firearms and authorizing a search of
3 the locations where the firearms are reasonably believed to be and
4 the seizure of any firearms discovered pursuant to such search.

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

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

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

17 (c) The firearm is not otherwise unlawfully possessed by the
18 owner.

19 (6) Upon the issuance of a one-year extreme risk protection
20 order, the court shall order a new compliance review hearing date and
21 require the respondent to appear not later than three judicial days
22 from the issuance of the order. The court shall require a showing
23 that the respondent has surrendered any firearms in the respondent's
24 custody, control, or possession, and any concealed pistol license
25 issued under RCW 9.41.070 to a law enforcement agency. The compliance
26 review hearing is not required upon a satisfactory showing on which
27 the court can otherwise enter findings on the record that the
28 respondent has timely and completely surrendered all firearms in the
29 respondent's custody, control, or possession, and any concealed
30 pistol license issued under RCW 9.41.070 to a law enforcement agency,
31 and is in compliance with the order. If the court does not have a
32 sufficient record before it on which to make such a finding, the
33 court must set a review hearing to occur as soon as possible, at
34 which the respondent must be present and provide proof of compliance
35 with the court's order.

36 (7) (a) If a court finds at the compliance review hearing, or any
37 other hearing where compliance with the order is addressed, that
38 there is probable cause to believe the respondent was aware of, and
39 failed to fully comply with, the order, failed to appear at the
40 compliance review hearing, or violated the order after the court

1 entered findings of compliance, pursuant to its authority under
2 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
3 own motion, or upon the motion of the prosecutor, city attorney, or
4 the petitioner's counsel, to impose remedial sanctions, and issue an
5 order requiring the respondent to appear, provide proof of compliance
6 with the order, and show cause why the respondent should not be held
7 in contempt of court.

8 (b) If the respondent is not present in court at the compliance
9 review hearing or if the court issues an order to appear and show
10 cause after a compliance review hearing, the clerk of the court shall
11 electronically transmit a copy of the order to show cause to the law
12 enforcement agency where the respondent resides for personal service
13 or service in the manner provided in the civil rules of superior
14 court or applicable statute.

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

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

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

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

34 (B) Provide the court with verification that any concealed pistol
35 license issued to the respondent has been surrendered and that a law
36 enforcement agency with authority to revoke the license has been
37 notified.

38 (iii) If the law enforcement agency has a reasonable suspicion
39 that the respondent is not in full compliance with the terms of the
40 order, the law enforcement agency must submit the basis for its

1 belief to the court, and may do so through the filing of an
2 affidavit.

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

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

11 (8) (a) To help ensure that accurate and comprehensive information
12 about firearms compliance is provided to judicial officers, a
13 representative from either the prosecuting attorney's office or city
14 attorney's office, or both, from the relevant jurisdiction may appear
15 and be heard at any hearing that concerns:

16 (i) Compliance with an extreme risk protection order; or

17 (ii) Compliance with an order to surrender and prohibit weapons
18 issued in connection with another type of protection order.

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

24 (9) (a) The court, on motion of the state or city, or on motion of
25 the court if no representative from the prosecuting attorney's office
26 or city attorney's office from the relevant jurisdiction is present,
27 may order that a respondent shall not be excused from complying with,
28 or testifying about complying with, an order to surrender and
29 prohibit firearms under this section on the grounds that the
30 respondent's testimony or compliance may tend to incriminate or
31 subject the respondent to a penalty or forfeiture. However, no
32 testimony or other information compelled under the order over an
33 assertion of a privilege against self-incrimination, nor any
34 information directly or indirectly derived from such testimony or
35 information, may be used against the respondent in any criminal case,
36 except a prosecution for perjury, giving a false statement, or
37 otherwise failing to comply with an order to testify, or as provided
38 in (b) of this subsection.

39 (b) A grant of immunity pursuant to this subsection pertains only
40 to immunity from prosecution related to those firearms, dangerous

1 weapons, or concealed pistol licenses that are timely surrendered to
2 law enforcement in compliance with an order to surrender and prohibit
3 firearms under this section. Such compelled surrender, or compelled
4 testimony regarding surrender, may nevertheless be used as evidence
5 in an investigation or prosecution related to the respondent having
6 in his or her custody or control, accessing, possessing, purchasing,
7 receiving, or attempting to purchase or receive, other firearms,
8 dangerous weapons, or concealed pistol licenses unlawfully in
9 violation of the order, to the extent such use is consistent with a
10 grant of immunity pursuant to this subsection that is coextensive
11 with the constitutional privilege against self-incrimination.

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

16 (10) All law enforcement agencies must develop and implement
17 policies and procedures regarding the acceptance, storage, and return
18 of firearms required to be surrendered under this chapter. A law
19 enforcement agency holding any surrendered firearm or concealed
20 pistol license shall comply with the provisions of RCW 9.41.340 and
21 9.41.345 before the return of the firearm or concealed pistol license
22 to the owner or individual from whom it was obtained.

23 NEW SECTION. **Sec. 46.** FIREARMS RETURN AND DISPOSAL—EXTREME RISK
24 PROTECTION ORDERS. (1) If an extreme risk protection order is
25 terminated or expires without renewal, a law enforcement agency
26 holding any firearm that has been surrendered pursuant to this
27 chapter shall return any surrendered firearm requested by a
28 respondent only after confirming, through a background check, that
29 the respondent is currently eligible to own or possess firearms under
30 federal and state law, and after confirming with the court that the
31 extreme risk protection order has terminated or has expired without
32 renewal.

33 (2) A law enforcement agency must, if requested, provide prior
34 notice of the return of a firearm to a respondent to family or
35 household members and to an intimate partner of the respondent in the
36 manner provided in RCW 9.41.340 and 9.41.345.

37 (3) Any firearm surrendered by a respondent pursuant to section
38 45 of this act that remains unclaimed by the lawful owner shall be

1 disposed of in accordance with the law enforcement agency's policies
2 and procedures for the disposal of firearms in police custody.

3 NEW SECTION. **Sec. 47.** REPORTING OF ORDERS—EXTREME RISK
4 PROTECTION ORDERS. (1) The clerk of the court shall enter any extreme
5 risk protection order, including temporary extreme risk protection
6 orders, issued under this chapter into a statewide judicial
7 information system on the same day such order is issued.

8 (2) A copy of an extreme risk protection order granted under this
9 chapter, including temporary extreme risk protection orders, must be
10 forwarded immediately by the clerk of the court, by electronic means
11 if possible, to the law enforcement agency specified in the order.
12 Upon receipt of the order, the law enforcement agency shall
13 immediately enter the order into the national instant criminal
14 background check system, any other federal or state computer-based
15 systems used by law enforcement or others to identify prohibited
16 purchasers of firearms, and any computer-based criminal intelligence
17 information system available in this state used by law enforcement
18 agencies to list outstanding warrants. The order must remain in each
19 system for the period stated in the order, and the law enforcement
20 agency shall only expunge orders from the systems that have expired
21 or terminated. Entry into the computer-based criminal intelligence
22 information system constitutes notice to all law enforcement agencies
23 of the existence of the order. The order is fully enforceable in any
24 county in the state.

25 (3) The information entered into the computer-based criminal
26 intelligence information system must include notice to law
27 enforcement whether the order was personally served, served by
28 electronic means, served by publication, or served by mail.

29 (4) If a law enforcement agency receives a protection order for
30 entry or service, but the order falls outside the agency's
31 jurisdiction, the agency may enter and serve the order or may
32 immediately forward it to the appropriate law enforcement agency for
33 entry and service, and shall provide documentation back to the court
34 verifying which law enforcement agency has entered and will serve the
35 order.

36 (5) The issuing court shall, within three judicial days after the
37 issuance of any extreme risk protection order, including a temporary
38 extreme risk protection order, forward a copy of the respondent's
39 driver's license or identicard, or comparable information, along with

1 the date of order issuance, to the department of licensing. Upon
2 receipt of the information, the department of licensing shall
3 determine if the respondent has a concealed pistol license. If the
4 respondent does have a concealed pistol license, the department of
5 licensing shall immediately notify a law enforcement agency that the
6 court has directed the revocation of the license. The law enforcement
7 agency, upon receipt of such notification, shall immediately revoke
8 the license.

9 (6) If an extreme risk protection order is terminated before its
10 expiration date, the clerk of the court shall forward on the same day
11 a copy of the termination order to the department of licensing and
12 the law enforcement agency specified in the termination order. Upon
13 receipt of the order, the law enforcement agency shall promptly
14 remove the order from any computer-based system in which it was
15 entered pursuant to subsection (2) of this section.

16 NEW SECTION. **Sec. 48.** SEALING OF RECORDS—EXTREME RISK
17 PROTECTION ORDERS. (1) A respondent under the age of 18, or a
18 respondent whose extreme risk protection order was based solely on
19 threats of self-harm by the respondent, may petition the court to
20 have the court records sealed from public view at the time of the
21 issuance of the full order, at any time during the life of the order,
22 or at any time after its expiration.

23 (2) The court shall seal the court records from public view if
24 there are no other active protection orders against the restrained
25 party, there are no pending violations of the order, and there is
26 evidence of full compliance with the surrender of firearms as ordered
27 by the extreme risk protection order.

28 (3) Nothing in this section changes the requirement for the order
29 to be entered into, and maintained in, computer-based systems as
30 required in section 47 of this act.

31 NEW SECTION. **Sec. 49.** CERTAIN FINDINGS AND INFORMATION IN
32 ORDERS. (1) Orders issued by the court following a hearing must
33 identify the persons who participated in the hearing and whether each
34 person appeared in person, by telephone, by video, or by other
35 electronic means. If the respondent appeared at the hearing, the
36 order must identify that the respondent has knowledge of the court's
37 order.

1 (2) Courts shall not accept agreed orders unless there are
2 findings indicating whether the respondent is a credible threat to
3 the physical safety of the protected person or child.

4 (3) The court shall ensure that in issuing protection orders,
5 including, but not limited to, orders to reissue temporary protection
6 orders and orders to renew protection orders, the court specifies
7 whether the respondent is ordered to surrender, and prohibited from
8 possessing, firearms and dangerous weapons.

9 (4) If the court issued a temporary protection order that
10 included a temporary order to surrender and prohibit weapons, the
11 temporary order to surrender and prohibit weapons must automatically
12 reissue with the temporary protection order. If the court determines
13 by a preponderance of the evidence that irreparable injury to the
14 petitioner will not result through the modification or termination of
15 the order to surrender and prohibit weapons as originally entered,
16 then the court must make specific findings.

17 (5) If the court has information regarding any of the
18 respondent's known aliases, that information must be included in the
19 protection order.

20 NEW SECTION. **Sec. 50.** ERRORS IN PROTECTION ORDERS. After a
21 protection order is issued, the court may correct clerical or
22 technical errors in the order at any time. The court may correct
23 errors either on the court's own initiative or upon notice to the
24 court of an error. If the court corrects an error in an order, the
25 court shall provide notice of the correction to the parties and the
26 person who notified the court of the error, and shall provide a copy
27 of the corrected order. The court shall direct the clerk to forward
28 the corrected order on or before the next judicial day to the law
29 enforcement agency specified in the order.

30 NEW SECTION. **Sec. 51.** SEALING OF RECORDS. The judicial
31 information system committee's data dissemination committee shall
32 develop recommendations on best practices for courts to consider for
33 whether and when the sealing of records in protection order cases is
34 appropriate or necessary under this chapter. The committee shall also
35 consider methods to ensure compliance with the provisions of the
36 federal violence against women act under 18 U.S.C. Sec. 2265(d)(3)
37 that prohibit internet publication of filing or registration

1 information of protection orders when such publication is likely to
2 reveal the identity or location of the person protected by the order.

3 NEW SECTION. **Sec. 52.** ISSUANCE OF ORDERS NOT DISMISSED OR
4 SUSPENDED. The practice of dismissing or suspending a criminal
5 prosecution in exchange for the issuance of a protection order
6 undermines the purposes of this chapter. Nothing in this chapter
7 shall be construed as encouraging that practice.

8 **PART VII**

9 **REISSUANCE AND RENEWAL**

10 NEW SECTION. **Sec. 53.** REISSUANCE OF TEMPORARY PROTECTION
11 ORDERS. (1) A temporary protection order issued under this chapter
12 may be reissued for the following reasons:

- 13 (a) Agreement of the parties;
14 (b) To provide additional time to effect service of the temporary
15 protection order on the respondent; or
16 (c) If the court, in writing, finds good cause to reissue the
17 order.

18 (2) Any temporary orders to surrender and prohibit weapons must
19 also be automatically reissued with the temporary protection order.

20 (3) To ensure that a petitioner is not delayed in receiving a
21 hearing on a petition for a protection order, there is a rebuttable
22 presumption that a temporary protection order should not be reissued
23 more than once or for more than 30 days at the request of the
24 respondent, absent agreement of the parties, good cause, or the need
25 to provide additional time to effect service.

26 (4) When considering any request to stay, continue, or delay a
27 hearing under this chapter because of the pendency of a parallel
28 criminal investigation or prosecution of the respondent, courts shall
29 apply a rebuttable presumption against such delay and give due
30 recognition to the purpose of this chapter to provide victims quick
31 and effective relief. Courts must consider on the record the
32 following factors:

33 (a) The extent to which a defendant's Fifth Amendment rights are
34 or are not implicated, given the special nature of protection order
35 proceedings which burden a defendant's Fifth Amendment privilege
36 substantially less than do other civil proceedings;

37 (b) Similarities between the civil and criminal cases;

1 (c) Status of the criminal case;

2 (d) The interests of the petitioners in proceeding expeditiously
3 with litigation and the potential prejudice and risk to petitioners
4 of a delay;

5 (e) The burden that any particular aspect of the proceeding may
6 impose on respondents;

7 (f) The convenience of the court in the management of its cases
8 and the efficient use of judicial resources;

9 (g) The interests of persons not parties to the civil litigation;
10 and

11 (h) The interest of the public in the pending civil and criminal
12 litigation.

13 (5) Courts shall not require a petitioner to complete a new law
14 enforcement information sheet when a temporary protection order is
15 reissued or when a full order for a fixed time period is entered,
16 unless the petitioner indicates that the information needs to be
17 updated or amended. The clerk shall maintain in a restricted file the
18 original law enforcement information sheet that the petitioner
19 completed when filing the original petition for a protection order.
20 The law enforcement information sheet shall not be disclosed to the
21 respondent or be subject to public disclosure.

22 NEW SECTION. **Sec. 54.** RENEWAL OF PROTECTION ORDERS, OTHER THAN
23 EXTREME RISK PROTECTION ORDERS. The following provisions apply to the
24 renewal of all full protection orders issued under this chapter, with
25 the exception of the renewal of extreme risk protection orders.

26 (1) If the court grants a protection order for a fixed time
27 period, the petitioner may file a motion to renew the order at any
28 time within the 90 days before the order expires. The motion for
29 renewal must state the reasons the petitioner seeks to renew the
30 protection order. Upon receipt of a motion for renewal, the court
31 shall order a hearing, which must be not later than 14 days from the
32 date of the order. Service must be made on the respondent not less
33 than five judicial days before the hearing, as provided in section 18
34 of this act.

35 (2) If the motion for renewal is uncontested and the petitioner
36 seeks no modification of the order, the order may be renewed on the
37 basis of the petitioner's motion and statement of the reason for the
38 requested renewal.

1 (3) The petitioner bears no burden of proving that he or she has
2 a current reasonable fear of harm by the respondent.

3 (4) The court shall grant the motion for renewal unless the
4 respondent proves by a preponderance of the evidence that there has
5 been a substantial change in circumstances and the following:

6 (a) For a domestic violence protection order, that the respondent
7 proves that the respondent will not resume acts of domestic violence
8 against the petitioner or the petitioner's family or household
9 members who are minors or vulnerable adults when the order expires;

10 (b) For a sexual assault protection order, that the respondent
11 proves that the respondent will not engage in, or attempt to engage
12 in, physical or nonphysical contact with the petitioner when the
13 order expires;

14 (c) For a stalking protection order, that the respondent proves
15 that the respondent will not resume acts of stalking against the
16 petitioner or the petitioner's family or household members when the
17 order expires;

18 (d) For a vulnerable adult protection order, that the respondent
19 proves that the respondent will not resume acts of abandonment,
20 abuse, financial exploitation, or neglect against the vulnerable
21 adult when the order expires; or

22 (e) For an antiharassment protection order, that the respondent
23 proves that the respondent will not resume harassment of the
24 petitioner when the order expires.

25 (5) In determining whether there has been a substantial change in
26 circumstances, the court may consider the following unweighted
27 factors, and no inference is to be drawn from the order in which the
28 factors are listed:

29 (a) Whether the respondent has committed or threatened sexual
30 assault; domestic violence; stalking; abandonment, abuse, financial
31 exploitation, or neglect of a vulnerable adult; or other harmful acts
32 against the petitioner or any other person since the protection order
33 was entered;

34 (b) Whether the respondent has violated the terms of the
35 protection order and the time that has passed since the entry of the
36 order;

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

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

1 (e) Whether the respondent has either: Acknowledged
2 responsibility for acts of sexual assault, domestic violence, or
3 stalking, or acts of abandonment, abuse, financial exploitation, or
4 neglect of a vulnerable adult, or behavior that resulted in the entry
5 of the protection order; or successfully completed state-certified
6 perpetrator treatment or counseling since the protection order was
7 entered;

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

11 (g) Other factors relating to a substantial change in
12 circumstances.

13 (6) The court shall not deny a motion to renew a protection order
14 for any of the following reasons:

15 (a) The respondent has not violated the protection order
16 previously issued by the court;

17 (b) The petitioner or the respondent is a minor;

18 (c) The petitioner did not report the conduct giving rise to the
19 protection order, or subsequent violations of the protection order,
20 to law enforcement;

21 (d) A no-contact order or a restraining order that restrains the
22 respondent's contact with the petitioner has been issued in a
23 criminal proceeding or in a domestic relations proceeding;

24 (e) The relief sought by the petitioner may be available in a
25 different action or proceeding;

26 (f) The passage of time since the last incident of conduct giving
27 rise to the issuance of the protection order; or

28 (g) The respondent no longer lives near the petitioner.

29 (7) The terms of the original protection order must not be
30 changed on a motion for renewal unless the petitioner has requested
31 the change.

32 (8) The court may renew the protection order for another fixed
33 time period of no less than one year, or may enter a permanent order
34 as provided in this section.

35 (9) If the protection order includes the parties' children, a
36 renewed protection order may be issued for more than one year,
37 subject to subsequent orders entered in a proceeding under chapter
38 26.09, 26.26A, or 26.26B RCW.

1 (10) The court may award court costs, service fees, and
2 reasonable attorneys' fees to the petitioner as provided in section
3 39 of this act.

4 (11) If the court declines to renew the protection order, the
5 court shall state, in writing in the order, the particular reasons
6 for the court's denial. If the court declines to renew a protection
7 order that had restrained the respondent from having contact with
8 children protected by the order, the court shall determine on the
9 record whether the respondent and the children should undergo
10 reunification therapy. Any reunification therapy provider should be
11 made aware of the respondent's history of domestic violence and
12 should have training and experience in the dynamics of intimate
13 partner violence.

14 NEW SECTION. **Sec. 55.** RENEWAL—EXTREME RISK PROTECTION ORDERS.

15 The following provisions apply to the renewal of extreme risk
16 protection orders.

17 (1) The court must notify the petitioner of the impending
18 expiration of an extreme risk protection order. Notice must be
19 received by the petitioner 105 calendar days before the date the
20 order expires.

21 (2) An intimate partner or family or household member of a
22 respondent, or a law enforcement agency, may by motion request a
23 renewal of an extreme risk protection order at any time within 90
24 days before the expiration of the order.

25 (a) Upon receipt of the motion to renew, the court shall order
26 that a hearing be held not later than 14 days from the date the order
27 issues.

28 (b) In determining whether to renew an extreme risk protection
29 order issued under this section, the court shall consider all
30 relevant evidence presented by the petitioner and follow the same
31 procedure as provided in section 27 of this act.

32 (c) If the court finds by a preponderance of the evidence that
33 the requirements for the issuance of an extreme risk protection order
34 as provided in section 27 of this act continue to be met, the court
35 shall renew the order. However, if, after notice, the motion for
36 renewal is uncontested and the petitioner seeks no modification of
37 the order, the order may be renewed on the basis of the petitioner's
38 motion and statement of the reason for the requested renewal.

1 (d) The renewal of an extreme risk protection order has a
2 duration of one year, subject to termination as provided in section
3 62 of this act or further renewal by order of the court.

4 **PART VIII**
5 **VIOLATIONS AND ENFORCEMENT**

6 NEW SECTION. **Sec. 56.** VIOLATION OF ORDER AND PENALTIES, OTHER
7 THAN ANTIHARASSMENT PROTECTION ORDERS OR EXTREME RISK PROTECTION
8 ORDERS. (1)(a) Whenever a domestic violence protection order, a
9 sexual assault protection order, a stalking protection order, or a
10 vulnerable adult protection order is granted under this chapter, or
11 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
12 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
13 protection order as defined in RCW 26.52.020, or there is a Canadian
14 domestic violence protection order as defined in RCW 26.55.010, and
15 the respondent or person to be restrained knows of the order, a
16 violation of any of the following provisions of the order is a gross
17 misdemeanor, except as provided in subsections (4) and (5) of this
18 section:

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

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

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

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

31 (v) 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

1 performed. The order also may include a requirement that the
2 respondent pay the costs of the monitoring. The court shall consider
3 the ability of the convicted person to pay for electronic monitoring;
4 and

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

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

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

34 (4) Any assault that is a violation of a domestic violence
35 protection order, a sexual assault protection order, a stalking
36 protection order, or a vulnerable adult protection order, or an order
37 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
38 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
39 in RCW 26.52.020, or a Canadian domestic violence protection order as
40 defined in RCW 26.55.010, and that does not amount to assault in the

1 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
2 felony, and any conduct in violation of such an order that is
3 reckless and creates a substantial risk of death or serious physical
4 injury to another person is a class C felony.

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

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

35 NEW SECTION. **Sec. 57.** ENFORCEMENT AND PENALTIES—ANTI-HARASSMENT
36 PROTECTION ORDERS. (1) When the court issues an anti-harassment
37 protection order under this chapter, the court shall advise the
38 petitioner that the respondent may not be subjected to the penalties

1 set forth in this section for a violation of the order unless the
2 respondent knows of the order.

3 (2) A willful disobedience by a respondent age 18 years or over
4 of any of the following provisions of an antiharassment protection
5 order issued under this chapter is a gross misdemeanor:

6 (a) The restraint provisions prohibiting acts or threats of
7 violence against, or unlawful harassment or stalking of, a protected
8 party, or restraint provisions prohibiting contact with a protected
9 party;

10 (b) A provision excluding the person from a residence, workplace,
11 school, or day care;

12 (c) A provision prohibiting the person from knowingly coming
13 within, or knowingly remaining within, a specified distance of a
14 location, a protected party's person, or a protected party's vehicle;
15 or

16 (d) A provision prohibiting interfering with the protected
17 party's efforts to remove a pet owned, possessed, leased, kept, or
18 held by the petitioner, respondent, or a minor child residing with
19 either the petitioner or the respondent.

20 (3) Any respondent age 18 years or over who willfully disobeys
21 the terms of any antiharassment protection order issued under this
22 chapter may also, in the court's discretion, be found in contempt of
23 court and subject to penalties under chapter 7.21 RCW.

24 (4) Any respondent under the age of 18 years who willfully
25 disobeys the terms of an antiharassment protection order issued under
26 this chapter may, in the court's discretion, be found in contempt of
27 court and subject to the sanction specified in RCW 7.21.030(4),
28 provided that the sanction specified in RCW 7.21.030(4) may be
29 imposed only for willful disobedience of the provisions listed in
30 subsection (2) of this section.

31 (5) A defendant arrested for violating any antiharassment
32 protection order issued under this chapter is required to appear in
33 person before a magistrate within one judicial day after the arrest.
34 At the time of the appearance, the court shall determine the
35 necessity of imposing a no-contact order or other conditions of
36 pretrial release in accordance with RCW 9A.46.050.

37 (6) A defendant who is charged by citation, complaint, or
38 information with violating any antiharassment protection order issued
39 under this chapter and not arrested shall appear in court for
40 arraignment in accordance with RCW 9A.46.050.

1 (7) Appearances required under this section are mandatory and
2 cannot be waived.

3 NEW SECTION. **Sec. 58.** PENALTIES—EXTREME RISK PROTECTION ORDERS.

4 (1) Any person who files a petition for an extreme risk protection
5 order knowing the information in such petition to be materially
6 false, or with the intent to harass the respondent, is guilty of a
7 gross misdemeanor.

8 (2) Any person who has in his or her custody or control,
9 accesses, purchases, possesses, or receives, or attempts to purchase
10 or receive, a firearm with knowledge that he or she is prohibited
11 from doing so by an extreme risk protection order is guilty of
12 unlawful possession of a firearm in the second degree under RCW
13 9.41.040, and further is prohibited from having in his or her custody
14 or control, accessing, purchasing, possessing, or receiving, or
15 attempting to purchase or receive, a firearm for a period of five
16 years from the date the existing order expires.

17 NEW SECTION. **Sec. 59.** ENFORCEMENT—KNOWLEDGE OF ORDER. (1) When

18 the court issues a protection order under this chapter, the court
19 shall advise the petitioner that the respondent may not be subjected
20 to the penalties set forth in this chapter for a violation of the
21 order unless the respondent knows of the order.

22 (2) When a law enforcement officer investigates a report of an
23 alleged violation of a protection order issued under this chapter,
24 the officer shall attempt to determine whether the respondent knew of
25 the existence of the protection order. If the law enforcement officer
26 determines that the respondent did not, or probably did not, know
27 about the protection order and the officer is provided a current copy
28 of the order, the officer shall serve the order on the respondent if
29 the respondent is present. If the respondent is not present, the
30 officer shall make reasonable efforts to serve a copy of the order on
31 the respondent. If the officer serves the respondent with the
32 petitioner's copy of the order, the officer shall give the petitioner
33 a receipt indicating that the petitioner's copy has been served on
34 the respondent. After the officer has served the order on the
35 respondent, the officer shall enforce prospective compliance with the
36 order.

37 (3) Presentation of an unexpired, certified copy of a protection
38 order with proof of service is sufficient for a law enforcement

1 officer to enforce the order regardless of the presence of the order
2 in the law enforcement computer-based criminal intelligence
3 information system.

4 NEW SECTION. **Sec. 60.** ENFORCEMENT—PROSECUTOR ASSISTANCE. When a
5 party alleging a violation of a protection order issued under this
6 chapter states that the party is unable to afford private counsel and
7 asks the prosecuting attorney for the county or the attorney for the
8 municipality in which the order was issued for assistance, the
9 attorney shall initiate and prosecute a contempt proceeding if there
10 is probable cause to believe that the violation occurred. In this
11 action, the court may require the violator of the order to pay the
12 costs incurred in bringing the action, including a reasonable
13 attorney's fee.

14 **PART IX**
15 **MODIFICATION AND TERMINATION**

16 NEW SECTION. **Sec. 61.** MODIFICATION OR TERMINATION OF PROTECTION
17 ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS AND VULNERABLE
18 ADULT PROTECTION ORDERS. This section applies to modification or
19 termination of domestic violence protection orders, sexual assault
20 protection orders, stalking protection orders, and antiharassment
21 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

1 by a preponderance of the evidence that there has been a substantial
2 change in circumstances such that the respondent will not resume,
3 engage in, or attempt to engage in, the following acts against the
4 petitioner or those persons protected by the protection order if the
5 order is terminated or modified:

6 (a) Acts of domestic violence, in cases involving domestic
7 violence protection orders;

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

10 (c) Acts of stalking, in cases involving stalking protection
11 orders; or

12 (d) Acts of unlawful harassment, in cases involving
13 antiharassment protection orders.

14 The petitioner bears no burden of proving that he or she has a
15 current reasonable fear of harm by the respondent.

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

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

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

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

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

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

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

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

1 (h) Other factors relating to a substantial change in
2 circumstances.

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

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

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

16 (8) If a person who is protected by a protection order has a
17 child or adopts a child after a protection order has been issued, but
18 before the protection order has expired, the petitioner may seek to
19 include the new child in the order of protection on an ex parte
20 basis.

21 (9) A court may require the respondent to pay the petitioner for
22 costs incurred in responding to a motion to modify or terminate a
23 protection order, including reasonable attorneys' fees.

24 NEW SECTION. **Sec. 62.** TERMINATION OF EXTREME RISK PROTECTION
25 ORDERS. This section applies to the termination of extreme risk
26 protection orders.

27 (1) The respondent may submit one written request for a hearing
28 to terminate an extreme risk protection order issued under this
29 chapter every 12-month period that the order is in effect, starting
30 from the date of the order and continuing through any renewals.

31 (2) Upon receipt of the request for a hearing to terminate an
32 extreme risk protection order, the court shall set a date for a
33 hearing. The hearing must occur no sooner than 14 days and no later
34 than 30 days from the date of service of the request upon the
35 petitioner.

36 (3) The respondent shall have the burden of proving by a
37 preponderance of the evidence that the respondent does not pose a
38 significant danger of causing personal injury to self or others by
39 having in his or her custody or control, accessing, possessing,

1 purchasing, receiving, or attempting to purchase or receive, a
2 firearm or other dangerous weapons. The court may consider any
3 relevant evidence, including evidence of the considerations listed in
4 section 27 of this act.

5 (4) If the court finds after the hearing that the respondent has
6 met his or her burden, the court shall terminate the order.

7 NEW SECTION. **Sec. 63.** MODIFICATION OR TERMINATION OF VULNERABLE
8 ADULT PROTECTION ORDERS. This section applies to the modification or
9 termination of vulnerable adult protection orders.

10 (1) Any vulnerable adult who has not been adjudicated fully
11 incapacitated under chapter 11.88 RCW, or the vulnerable adult's
12 guardian, may file a motion to modify or terminate the protection
13 order.

14 (2) In a hearing on a motion to modify or terminate the
15 protection order, the court shall grant such relief consistent with
16 section 39 of this act as it deems necessary for the protection of
17 the vulnerable adult, including modification or termination of the
18 protection order.

19 NEW SECTION. **Sec. 64.** REPORTING OF MODIFICATION OR TERMINATION
20 OF ORDER. In any situation where a protection order issued under this
21 chapter is modified or terminated before its expiration date, the
22 clerk of the court shall forward on the same day a true copy of the
23 modified order or the termination order to the law enforcement agency
24 specified in the modified or termination order. Upon receipt of the
25 order, the law enforcement agency shall promptly enter it in the
26 computer-based criminal intelligence information system, or if the
27 order is terminated, remove the order from the computer-based
28 criminal intelligence information system.

29 **PART X**
30 **MISCELLANEOUS**

31 NEW SECTION. **Sec. 65.** ORDERS UNDER THIS AND OTHER CHAPTERS,
32 ENFORCEMENT, AND CONSOLIDATION—VALIDITY AND ENFORCEMENT OF ORDERS
33 UNDER PRIOR CHAPTERS. (1)(a) Any order available under this chapter,
34 other than an extreme risk protection order, may be issued in actions
35 under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW. If a protection
36 order is issued in an action under chapter 13.32A, 26.09, 26.26A, or

1 26.26B RCW, the order must be issued on the forms mandated by section
2 16 of this act. An order issued in accordance with this subsection
3 (1)(a) is fully enforceable and must be enforced under the provisions
4 of this chapter.

5 (b) If a party files an action under chapter 13.32A, 26.09,
6 26.26A, or 26.26B RCW, an order issued previously under this chapter
7 between the same parties may be consolidated by the court under that
8 action and cause number. Any order issued under this chapter after
9 consolidation must contain the original cause number and the cause
10 number of the action under chapter 13.32A, 26.09, 26.26A, or 26.26B
11 RCW.

12 (2) Nothing in this act affects the validity of protection orders
13 issued prior to the effective date of this section under chapter
14 7.90, 7.92, 7.94, 10.14, 26.50, or 74.34 RCW. Protection orders
15 entered prior to the effective date of this section under chapter
16 7.90, 7.92, 7.94, 10.14, 26.50, or 74.34 RCW are subject to the
17 provisions of this act and are fully enforceable under the applicable
18 provisions of sections 56 through 60 of this act and may be modified
19 or terminated in accordance with the applicable provisions of
20 sections 61 through 65 of this act.

21 NEW SECTION. **Sec. 66.** JUDICIAL INFORMATION SYSTEM AND DATABASE.
22 To prevent the issuance of competing protection orders in different
23 courts and to give courts needed information for the issuance of
24 orders, the judicial information system must be available in each
25 district, municipal, and superior court, and must include a database
26 containing the following information:

27 (1) The names of the parties and the cause number for every order
28 of protection issued under this chapter, every criminal no-contact
29 order issued under chapters 9A.46 and 10.99 RCW, every dissolution
30 action under chapter 26.09 RCW, every minor guardianship action under
31 chapter 11.130 RCW, every parentage action under chapter 26.26A or
32 26.26B RCW, every restraining order issued on behalf of an abused
33 child or adult dependent person under chapter 26.44 RCW, every
34 foreign protection order filed under chapter 26.52 RCW, and every
35 Canadian domestic violence protection order filed under chapter 26.55
36 RCW. When a guardian or the department of social and health services
37 or department of children, youth, and families has petitioned for
38 relief on behalf of an abused child, adult dependent person, or
39 vulnerable adult, the name of the person on whose behalf relief was

1 sought must be included in the database as a party rather than the
2 guardian or appropriate department;

3 (2) A criminal history of the parties; and

4 (3) Other relevant information necessary to assist courts in
5 issuing orders under this chapter as determined by the judicial
6 information system committee.

7 NEW SECTION. **Sec. 67.** TITLE TO REAL ESTATE—EFFECT. Nothing in
8 this chapter may affect the title to real estate: PROVIDED, That a
9 judgment for costs or fees awarded under this chapter constitutes a
10 lien on real estate to the extent provided in chapter 4.56 RCW.

11 NEW SECTION. **Sec. 68.** PROCEEDINGS ADDITIONAL—FILING OF CRIMINAL
12 CHARGES NOT REQUIRED. (1) Any proceeding under this chapter is in
13 addition to other civil or criminal remedies.

14 (2) Nothing in this chapter shall be construed as requiring
15 criminal charges to be filed as a condition of a protection order
16 being issued.

17 NEW SECTION. **Sec. 69.** OTHER AUTHORITY RETAINED. This chapter
18 does not affect the ability of a law enforcement officer to remove a
19 firearm or concealed pistol license from any person or to conduct any
20 search and seizure for firearms pursuant to other lawful authority.

21 NEW SECTION. **Sec. 70.** LIABILITY. (1) Except as provided in
22 section 58 of this act, this chapter does not impose criminal or
23 civil liability on any person or entity for acts or omissions related
24 to obtaining an extreme risk protection order or a temporary extreme
25 risk protection order including, but not limited to, reporting,
26 declining to report, investigating, declining to investigate, filing,
27 or declining to file a petition under this chapter.

28 (2) No law enforcement officer may be held criminally or civilly
29 liable for making an arrest under section 56 of this act if the
30 officer acts in good faith.

31 NEW SECTION. **Sec. 71.** PROTECTION ORDER COMMISSIONERS—
32 APPOINTMENT AUTHORIZED. In each county, the superior court may
33 appoint one or more attorneys to act as protection order
34 commissioners pursuant to this chapter to exercise all powers and

1 perform all duties of a court commissioner appointed pursuant to RCW
2 2.24.010, provided that such positions may not be created without
3 prior consent of the county legislative authority. A person appointed
4 as a protection order commissioner under this chapter may also be
5 appointed to any other commissioner position authorized by law.
6 Protection order commissioners should receive training as specified
7 in section 35 of this act.

8 **Sec. 72.** RCW 7.--.--- and 2021 c ... (this act) s 2 are each
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Abandonment" means action or inaction by a person or entity
13 with a duty of care for a vulnerable adult that leaves the vulnerable
14 adult without the means or ability to obtain necessary food,
15 clothing, shelter, or health care.

16 (2) "Abuse," for the purposes of a vulnerable adult protection
17 order, means intentional, willful, or reckless action or inaction
18 that inflicts injury, unreasonable confinement, intimidation, or
19 punishment on a vulnerable adult. In instances of abuse of a
20 vulnerable adult who is unable to express or demonstrate physical
21 harm, pain, or mental anguish, the abuse is presumed to cause
22 physical harm, pain, or mental anguish. "Abuse" includes sexual
23 abuse, mental abuse, physical abuse, personal exploitation, and
24 improper use of restraint against a vulnerable adult, which have the
25 following meanings:

26 (a) "Improper use of restraint" means the inappropriate use of
27 chemical, physical, or mechanical restraints for convenience or
28 discipline, or in a manner that: (i) Is inconsistent with federal or
29 state licensing or certification requirements for facilities,
30 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
31 not medically authorized; or (iii) otherwise constitutes abuse under
32 this section.

33 (b) "Mental abuse" means an intentional, willful, or reckless
34 verbal or nonverbal action that threatens, humiliates, harasses,
35 coerces, intimidates, isolates, unreasonably confines, or punishes a
36 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
37 swearing, or withholding or tampering with prescribed medications or
38 their dosage.

1 (c) "Personal exploitation" means an act of forcing, compelling,
2 or exerting undue influence over a vulnerable adult causing the
3 vulnerable adult to act in a way that is inconsistent with relevant
4 past behavior, or causing the vulnerable adult to perform services
5 for the benefit of another.

6 (d) "Physical abuse" means the intentional, willful, or reckless
7 action of inflicting bodily injury or physical mistreatment.
8 "Physical abuse" includes, but is not limited to, striking with or
9 without an object, slapping, pinching, strangulation, suffocation,
10 kicking, shoving, or prodding.

11 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
12 including, but not limited to, unwanted or inappropriate touching,
13 rape, molestation, indecent liberties, sexual coercion, sexually
14 explicit photographing or recording, voyeurism, indecent exposure,
15 and sexual harassment. "Sexual abuse" also includes any sexual
16 conduct between a staff person, who is not also a resident or client,
17 of a facility or a staff person of a program authorized under chapter
18 71A.12 RCW, and a vulnerable adult living in that facility or
19 receiving service from a program authorized under chapter 71A.12 RCW,
20 whether or not the sexual conduct is consensual.

21 (3) "Chemical restraint" means the administration of any drug to
22 manage a vulnerable adult's behavior in a way that reduces the safety
23 risk to the vulnerable adult or others, has the temporary effect of
24 restricting the vulnerable adult's freedom of movement, and is not
25 standard treatment for the vulnerable adult's medical or psychiatric
26 condition.

27 (4) "Coercive control" means a pattern of behavior that in
28 purpose or effect unreasonably interferes with a person's free will
29 and personal liberty and is used to cause another to suffer physical
30 or psychological harm. Examples of coercive control include, but are
31 not limited to, unreasonably engaging in any of the following:

32 (a) Making threats of harm, dependence, isolation, intimidation,
33 and/or physical forms of violence;

34 (b) Isolating the other party from friends, relatives, or other
35 sources of support;

36 (c) Depriving the other party of basic necessities or committing
37 other forms of economic abuse;

38 (d) Controlling, regulating, or monitoring the other party's
39 movements, communications, daily behavior, finances, economic
40 resources, or access to services;

1 (e) Compelling the other party by force, threat of force, or
2 intimidation, including threats based on actual or suspected
3 immigration status such as threats to contact federal agencies, to
4 engage in conduct from which the other party has a right to abstain
5 or to abstain from conduct in which the other party has a right to
6 engage;

7 (f) Using technology, including, but not limited to,
8 cyberstalking, monitoring, surveillance, impersonation, or
9 distribution of intimate images, to harass, stalk, or abuse;

10 (g) Engaging in vexatious or abusive litigation against a
11 petitioner to harass, coerce, or control the petitioner; to diminish
12 or exhaust the petitioner's financial resources; or to compromise the
13 petitioner's employment or housing;

14 (h) Engaging in psychological aggression; and

15 (i) Frightening, humiliating, degrading, or punishing the other
16 party.

17 (5) "Consent" in the context of sexual acts means that at the
18 time of sexual contact, there are actual words or conduct indicating
19 freely given agreement to that sexual contact. Consent must be
20 ongoing and may be revoked at any time. Conduct short of voluntary
21 agreement does not constitute consent as a matter of law. Consent
22 cannot be freely given when a person does not have capacity due to
23 disability, intoxication, or age. Consent cannot be freely given when
24 the other party has authority or control over the care or custody of
25 a person incarcerated or detained.

26 (6) (a) "Course of conduct" means a pattern of conduct composed of
27 a series of acts over a period of time, however short, evidencing a
28 continuity of purpose. "Course of conduct" includes any form of
29 communication, contact, or conduct, including the sending of an
30 electronic communication, but does not include constitutionally
31 protected free speech. Constitutionally protected activity is not
32 included within the meaning of "course of conduct."

33 (b) In determining whether the course of conduct serves any
34 legitimate or lawful purpose, a court should consider whether:

35 (i) Any current contact between the parties was initiated by the
36 respondent only or was initiated by both parties;

37 (ii) The respondent has been given clear notice that all further
38 contact with the petitioner is unwanted;

39 (iii) The respondent's course of conduct appears designed to
40 alarm, annoy, or harass the petitioner;

1 (iv) The respondent is acting pursuant to any statutory authority
2 including, but not limited to, acts which are reasonably necessary
3 to:

4 (A) Protect property or liberty interests;

5 (B) Enforce the law; or

6 (C) Meet specific statutory duties or requirements;

7 (v) The respondent's course of conduct has the purpose or effect
8 of unreasonably interfering with the petitioner's privacy or the
9 purpose or effect of creating an intimidating, hostile, or offensive
10 living environment for the petitioner; or

11 (vi) Contact by the respondent with the petitioner or the
12 petitioner's family has been limited in any manner by any previous
13 court order.

14 (7) "Court clerk" means court administrators in courts of limited
15 jurisdiction and elected court clerks.

16 (8) "Dating relationship" means a social relationship of a
17 romantic nature. Factors that the court may consider in making this
18 determination include: (a) The length of time the relationship has
19 existed; (b) the nature of the relationship; and (c) the frequency of
20 interaction between the parties.

21 (9) "Domestic violence" means:

22 (a) Physical harm, bodily injury, assault, or the infliction of
23 fear of physical harm, bodily injury, or assault; nonconsensual
24 sexual conduct or nonconsensual sexual penetration; coercive control;
25 unlawful harassment; or stalking of one intimate partner by another
26 intimate partner; or

27 (b) Physical harm, bodily injury, assault, or the infliction of
28 fear of physical harm, bodily injury, or assault; nonconsensual
29 sexual conduct or nonconsensual sexual penetration; coercive control;
30 unlawful harassment; or stalking of one family or household member by
31 another family or household member.

32 (10) "Electronic monitoring" has the same meaning as in RCW
33 9.94A.030.

34 (11) "Essential personal effects" means those items necessary for
35 a person's immediate health, welfare, and livelihood. "Essential
36 personal effects" includes, but is not limited to, clothing, cribs,
37 bedding, medications, personal hygiene items, cellular phones and
38 other electronic devices, and documents, including immigration,
39 health care, financial, travel, and identity documents.

1 (12) "Facility" means a residence licensed or required to be
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
5 habilitation centers; or any other facility licensed or certified by
6 the department of social and health services.

7 (13) "Family or household members" means: (a) Persons related by
8 blood, marriage, domestic partnership, or adoption; (b) persons who
9 currently or formerly resided together; (c) persons who have a
10 biological or legal parent-child relationship, including stepparents
11 and stepchildren and grandparents and grandchildren, or a parent's
12 intimate partner and children; and (d) a person who is acting or has
13 acted as a legal guardian.

14 (14) "Financial exploitation" means the illegal or improper use
15 of, control over, or withholding of, the property, income, resources,
16 or trust funds of the vulnerable adult by any person or entity for
17 any person's or entity's profit or advantage other than for the
18 vulnerable adult's profit or advantage. "Financial exploitation"
19 includes, but is not limited to:

20 (a) The use of deception, intimidation, or undue influence by a
21 person or entity in a position of trust and confidence with a
22 vulnerable adult to obtain or use the property, income, resources,
23 government benefits, health insurance benefits, or trust funds of the
24 vulnerable adult for the benefit of a person or entity other than the
25 vulnerable adult;

26 (b) The breach of a fiduciary duty, including, but not limited
27 to, the misuse of a power of attorney, trust, or a guardianship or
28 conservatorship appointment, that results in the unauthorized
29 appropriation, sale, or transfer of the property, income, resources,
30 or trust funds of the vulnerable adult for the benefit of a person or
31 entity other than the vulnerable adult; or

32 (c) Obtaining or using a vulnerable adult's property, income,
33 resources, or trust funds without lawful authority, by a person or
34 entity who knows or clearly should know that the vulnerable adult
35 lacks the capacity to consent to the release or use of the vulnerable
36 adult's property, income, resources, or trust funds.

37 (15) "Firearm" means a weapon or device from which a projectile
38 or projectiles may be fired by an explosive such as gunpowder.
39 "Firearm" does not include a flare gun or other pyrotechnic visual
40 distress signaling device, or a powder-actuated tool or other device

1 designed solely to be used for construction purposes. "Firearm" also
2 includes parts that can be assembled to make a firearm.

3 (16) "Full hearing" means a hearing where the court determines
4 whether to issue a full protection order.

5 (17) "Full protection order" means a protection order that is
6 issued by the court after notice to the respondent and where the
7 parties had the opportunity for a full hearing by the court. "Full
8 protection order" includes a protection order entered by the court by
9 agreement of the parties to resolve the petition for a protection
10 order without a full hearing.

11 (18) "Hospital" means a facility licensed under chapter 70.41 or
12 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
13 employee, agent, officer, director, or independent contractor
14 thereof.

15 (~~(19) ("Incapacitated person" means a person who is at a~~
16 ~~significant risk of personal or financial harm under RCW 11.88.010(1)~~
17 ~~(a), (b), (c), or (d).~~

18 ~~(20))~~ "Interested person" means a person who demonstrates to the
19 court's satisfaction that the person is interested in the welfare of
20 a vulnerable adult, that the person has a good faith belief that the
21 court's intervention is necessary, and that the vulnerable adult is
22 unable, due to incapacity, undue influence, or duress at the time the
23 petition is filed, to protect his or her own interests.

24 (~~(21))~~ (20) "Intimate partner" means: (a) Spouses or domestic
25 partners; (b) former spouses or former domestic partners; (c) persons
26 who have a child in common regardless of whether they have been
27 married or have lived together at any time; or (d) persons who have
28 or have had a dating relationship where both persons are at least 13
29 years of age or older.

30 (~~(22))~~ (21)(a) "Isolate" or "isolation" means to restrict a
31 person's ability to communicate, visit, interact, or otherwise
32 associate with persons of his or her choosing. Isolation may be
33 evidenced by acts including, but not limited to:

34 (i) Acts that prevent a person from sending, making, or receiving
35 his or her personal mail, electronic communications, or telephone
36 calls; or

37 (ii) Acts that prevent or obstruct a person from meeting with
38 others, such as telling a prospective visitor or caller that the
39 person is not present or does not wish contact, where the statement
40 is contrary to the express wishes of the person.

1 (b) The term "isolate" or "isolation" may not be construed in a
2 manner that prevents a guardian or limited guardian from performing
3 his or her fiduciary obligations under chapter ~~((11.92))~~ 11.130 RCW
4 or prevents a hospital or facility from providing treatment
5 consistent with the standard of care for delivery of health services.

6 ~~((23))~~ (22) "Judicial day" means days of the week other than
7 Saturdays, Sundays, or legal holidays.

8 ~~((24))~~ (23) "Mechanical restraint" means any device attached or
9 adjacent to a vulnerable adult's body that the vulnerable adult
10 cannot easily remove that restricts freedom of movement or normal
11 access to the vulnerable adult's body. "Mechanical restraint" does
12 not include the use of devices, materials, or equipment that are (a)
13 medically authorized, as required, and (b) used in a manner that is
14 consistent with federal or state licensing or certification
15 requirements for facilities, hospitals, or programs authorized under
16 chapter 71A.12 RCW.

17 ~~((25))~~ (24) "Minor" means a person who is under 18 years of
18 age.

19 ~~((26))~~ (25) "Neglect" means: (a) A pattern of conduct or
20 inaction by a person or entity with a duty of care that fails to
21 provide the goods and services that maintain the physical or mental
22 health of a vulnerable adult, or that fails to avoid or prevent
23 physical or mental harm or pain to a vulnerable adult; or (b) an act
24 or omission by a person or entity with a duty of care that
25 demonstrates a serious disregard of consequences of such a magnitude
26 as to constitute a clear and present danger to the vulnerable adult's
27 health, welfare, or safety including, but not limited to, conduct
28 prohibited under RCW 9A.42.100.

29 ~~((27))~~ (26) "Nonconsensual" means a lack of freely given
30 consent.

31 ~~((28))~~ (27) "Nonphysical contact" includes, but is not limited
32 to, written notes, mail, telephone calls, email, text messages,
33 contact through social media applications, contact through other
34 technologies, and contact through third parties.

35 ~~((29))~~ (28) "Petitioner" means any named petitioner or any
36 other person identified in the petition on whose behalf the petition
37 is brought.

38 ~~((30))~~ (29) "Physical restraint" means the application of
39 physical force without the use of any device, for the purpose of
40 restraining the free movement of a vulnerable adult's body. "Physical

1 restraint" does not include (a) briefly holding, without undue force,
2 a vulnerable adult in order to calm or comfort him or her, or (b)
3 holding a vulnerable adult's hand to safely escort him or her from
4 one area to another.

5 ~~((31))~~ (30) "Possession" means having an item in one's custody
6 or control. Possession may be either actual or constructive. Actual
7 possession occurs when the item is in the actual physical custody of
8 the person charged with possession. Constructive possession occurs
9 when there is no actual physical possession, but there is dominion
10 and control over the item.

11 ~~((32))~~ (31) "Respondent" means the person who is identified as
12 the respondent in a petition filed under this chapter.

13 ~~((33))~~ (32) "Sexual conduct" means any of the following:

14 (a) Any intentional or knowing touching or fondling of the
15 genitals, anus, or breasts, directly or indirectly, including through
16 clothing;

17 (b) Any intentional or knowing display of the genitals, anus, or
18 breasts for the purposes of arousal or sexual gratification of the
19 respondent;

20 (c) Any intentional or knowing touching or fondling of the
21 genitals, anus, or breasts, directly or indirectly, including through
22 clothing, that the petitioner is forced to perform by another person
23 or the respondent;

24 (d) Any forced display of the petitioner's genitals, anus, or
25 breasts for the purposes of arousal or sexual gratification of the
26 respondent or others;

27 (e) Any intentional or knowing touching of the clothed or
28 unclothed body of a child under the age of 16, if done for the
29 purpose of sexual gratification or arousal of the respondent or
30 others; or

31 (f) Any coerced or forced touching or fondling by a child under
32 the age of 16, directly or indirectly, including through clothing, of
33 the genitals, anus, or breasts of the respondent or others.

34 ~~((34))~~ (33) "Sexual penetration" means any contact, however
35 slight, between the sex organ or anus of one person by an object, the
36 sex organ, mouth, or anus of another person, or any intrusion,
37 however slight, of any part of the body of one person or of any
38 animal or object into the sex organ or anus of another person
39 including, but not limited to, cunnilingus, fellatio, or anal

1 penetration. Evidence of emission of semen is not required to prove
2 sexual penetration.

3 ~~((35))~~ (34) "Stalking" means any of the following:

4 (a) Any act of stalking as defined under RCW 9A.46.110;

5 (b) Any act of cyberstalking as defined under RCW 9.61.260; or

6 (c) Any course of conduct involving repeated or continuing
7 contacts, attempts to contact, monitoring, tracking, surveillance,
8 keeping under observation, disrupting activities in a harassing
9 manner, or following of another person that:

10 (i) Would cause a reasonable person to feel intimidated,
11 frightened, under duress, significantly disrupted, or threatened and
12 that actually causes such a feeling;

13 (ii) Serves no lawful purpose; and

14 (iii) The respondent knows, or reasonably should know, threatens,
15 frightens, or intimidates the person, even if the respondent did not
16 intend to intimidate, frighten, or threaten the person.

17 ~~((36))~~ (35) "Temporary protection order" means a protection
18 order that is issued before the court has decided whether to issue a
19 full protection order. "Temporary protection order" includes ex parte
20 temporary protection orders, as well as temporary protection orders
21 that are reissued by the court pending the completion of a full
22 hearing to decide whether to issue a full protection order. An "ex
23 parte temporary protection order" means a temporary protection order
24 that is issued without prior notice to the respondent.

25 ~~((37))~~ (36) "Unlawful harassment" means:

26 (a) A knowing and willful course of conduct directed at a
27 specific person that seriously alarms, annoys, harasses, or is
28 detrimental to such person, and that serves no legitimate or lawful
29 purpose. The course of conduct must be such as would cause a
30 reasonable person to suffer substantial emotional distress, and must
31 actually cause substantial emotional distress to the petitioner; or

32 (b) A single act of violence or threat of violence directed at a
33 specific person that seriously alarms, annoys, harasses, or is
34 detrimental to such person, and that serves no legitimate or lawful
35 purpose, which would cause a reasonable person to suffer substantial
36 emotional distress, and must actually cause substantial emotional
37 distress to the petitioner. A single threat of violence must include:

38 (i) A malicious and intentional threat as described in RCW
39 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

40 ~~((38))~~ (37) "Vulnerable adult" includes a person:

1 (a) Sixty years of age or older who has the functional, mental,
2 or physical inability to care for himself or herself; or

3 (b) (~~Found incapacitated under chapter 11.88 RCW~~) Subject to a
4 guardianship under RCW 11.130.265 or adult subject to conservatorship
5 under RCW 11.130.360; or

6 (c) Who has a developmental disability as defined under RCW
7 71A.10.020; or

8 (d) Admitted to any facility; or

9 (e) Receiving services from home health, hospice, or home care
10 agencies licensed or required to be licensed under chapter 70.127
11 RCW; or

12 (f) Receiving services from a person under contract with the
13 department of social and health services to provide services in the
14 home under chapter 74.09 or 74.39A RCW; or

15 (g) Who self-directs his or her own care and receives services
16 from a personal aide under chapter 74.39 RCW.

17 **Sec. 73.** RCW 7.--.--- and 2021 c ... (this act) s 28 are each
18 amended to read as follows:

19 For vulnerable adult protection order hearings, the following
20 also apply.

21 (1) When a petition for a vulnerable adult protection order is
22 filed by someone other than the vulnerable adult or the vulnerable
23 adult's (~~full~~) guardian (~~over either the~~), conservator, or person
24 (~~or the estate~~) acting under a protective arrangement, or both, and
25 the vulnerable adult for whom protection is sought advises the court
26 at the hearing that the vulnerable adult does not want all or part of
27 the protection sought in the petition, then the court may dismiss the
28 petition or the provisions that the vulnerable adult objects to and
29 any existing vulnerable adult protection order, or the court may take
30 additional testimony or evidence, or order additional evidentiary
31 hearings to determine whether the vulnerable adult is unable, due to
32 incapacity, undue influence, or duress, to protect his or her person
33 or estate in connection with the issues raised in the petition or
34 order. If an additional evidentiary hearing is ordered and the court
35 determines that there is reason to believe that there is a genuine
36 issue about whether the vulnerable adult is unable to protect his or
37 her person or estate in connection with the issues raised in the
38 petition or order, the court may issue a temporary protection order

1 of the vulnerable adult pending a decision after the evidentiary
2 hearing.

3 (2) Pursuant to subsection (1) of this section, an evidentiary
4 hearing on the issue of whether the vulnerable adult is unable, due
5 to incapacity, undue influence, or duress, to protect his or her
6 person or estate in connection with the issues raised in the petition
7 or order, must be held within 14 days of entry of the temporary
8 protection order. If the court did not enter a temporary protection
9 order, the evidentiary hearing must be held within 14 days of the
10 prior hearing on the petition. Notice of the time and place of the
11 evidentiary hearing must be served upon the vulnerable adult and the
12 respondent not less than five judicial days before the hearing. If
13 timely service cannot be made, the court may set a new hearing date.
14 A hearing under this subsection is not necessary if the vulnerable
15 adult has been determined to be ~~((fully incapacitated over either the
16 person or the estate, or both, under the))~~ subject to a guardianship
17 ~~((laws)),~~ conservatorship, or other protective arrangement under
18 chapter ~~((11.88))~~ 11.130 RCW. If a hearing is scheduled under this
19 subsection, the protection order must remain in effect pending the
20 court's decision at the subsequent hearing.

21 (3) At the hearing held pursuant to subsection (1) of this
22 section, the court shall give the vulnerable adult, the respondent,
23 the petitioner, and, in the court's discretion, other interested
24 persons, the opportunity to testify and submit relevant evidence.

25 (4) If the court determines that the vulnerable adult is capable
26 of protecting his or her person or estate in connection with the
27 issues raised in the petition, and the vulnerable adult continues to
28 object to the protection order, the court shall dismiss the order or
29 may modify the order if agreed to by the vulnerable adult. If the
30 court determines that the vulnerable adult is not capable of
31 protecting his or her person or estate in connection with the issues
32 raised in the petition or order, and that the vulnerable adult
33 continues to need protection, the court shall order relief consistent
34 with this chapter as it deems necessary for the protection of the
35 vulnerable adult. In the entry of any order that is inconsistent with
36 the expressed wishes of the vulnerable adult, the court's order is
37 governed by the legislative findings contained in RCW 7.--.---
38 (section 1, chapter . . . (this act), Laws of 2021).

1 specifically listed as prohibiting firearm possession under
2 subsection (1) of this section, or any of the following crimes when
3 committed by one family or household member against another or by one
4 intimate partner against another, committed on or after July 1, 1993:
5 Assault in the fourth degree, coercion, stalking, reckless
6 endangerment, criminal trespass in the first degree, or violation of
7 the provisions of a protection order or no-contact order restraining
8 the person or excluding the person from a residence ((~~RCW 26.50.060,~~
9 ~~26.50.070, 26.50.130,~~) chapter 7.--- RCW (the new chapter created in
10 section 81 of this act) or RCW 10.99.040);

11 (ii) After having previously been convicted or found not guilty
12 by reason of insanity in this state or elsewhere of harassment when
13 committed by one family or household member against another or by one
14 intimate partner against another, committed on or after June 7, 2018;

15 (iii) During any period of time that the person is subject to an
16 extreme risk protection order issued under chapter 7.--- RCW (the new
17 chapter created in section 81 of this act) that was issued after a
18 hearing for which the person received actual notice, and at which the
19 person had an opportunity to participate, whether the court then
20 issues a full order or reissues a temporary order. If the court
21 enters an agreed order by the parties without a hearing, such an
22 order meets the requirements of this subsection;

23 (iv) During any period of time that the person is subject to a
24 court order issued under chapter ((~~7.90, 7.92,~~) 7.--- (the new
25 chapter created in section 81 of this act), 9A.46, ((~~10.14,~~) 10.99,
26 26.09, ((~~26.10,~~) 26.26A, or 26.26B((~~, or 26.50~~)) RCW that:

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

33 (B) Restrains the person from harassing, stalking, or threatening
34 the person protected under the order or child of the person or
35 protected person, or engaging in other conduct that would place the
36 protected person in reasonable fear of bodily injury to the protected
37 person or child; and

38 (C) (I) Includes a finding that the person represents a credible
39 threat to the physical safety of the protected person or child and by
40 its terms explicitly prohibits the use, attempted use, or threatened

1 use of physical force against the protected person or child that
2 would reasonably be expected to cause bodily injury; or

3 (II) Includes an order under RCW 9.41.800 requiring the person to
4 surrender all firearms and prohibiting the person from accessing,
5 ~~((obtaining, or))~~ having in his or her custody or control,
6 possessing, purchasing, receiving, or attempting to purchase or
7 receive, firearms;

8 ~~((iv))~~ (v) After having previously been involuntarily committed
9 ~~((for mental health treatment))~~ based on a mental disorder under RCW
10 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or
11 equivalent statutes of another jurisdiction, unless his or her right
12 to possess a firearm has been restored as provided in RCW 9.41.047;

13 ~~((v))~~ (vi) After dismissal of criminal charges based on
14 incompetency to stand trial under RCW 10.77.088 when the court has
15 made a finding indicating that the defendant has a history of one or
16 more violent acts, unless his or her right to possess a firearm has
17 been restored as provided in RCW 9.41.047;

18 ~~((vi))~~ (vii) If the person is under ~~((eighteen))~~ 18 years of
19 age, except as provided in RCW 9.41.042; and/or

20 ~~((vii))~~ (viii) If the person is free on bond or personal
21 recognizance pending trial, appeal, or sentencing for a serious
22 offense as defined in RCW 9.41.010.

23 (b) ~~((a)(iii) of this subsection does not apply to a sexual~~
24 ~~assault protection order under chapter 7.90 RCW if the order has been~~
25 ~~modified pursuant to RCW 7.90.170 to remove any restrictions on~~
26 ~~firearm purchase, transfer, or possession.~~

27 ~~(e))~~ Unlawful possession of a firearm in the second degree is a
28 class C felony punishable according to chapter 9A.20 RCW.

29 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,
30 as used in this chapter, a person has been "convicted," whether in an
31 adult court or adjudicated in a juvenile court, at such time as a
32 plea of guilty has been accepted or a verdict of guilty has been
33 filed, notwithstanding the pendency of any future proceedings
34 including, but not limited to, sentencing or disposition, post-trial
35 or post-fact-finding motions, and appeals. Conviction includes a
36 dismissal entered after a period of probation, suspension, or
37 deferral of sentence, and also includes equivalent dispositions by
38 courts in jurisdictions other than Washington state. A person shall
39 not be precluded from possession of a firearm if the conviction has
40 been the subject of a pardon, annulment, certificate of

1 rehabilitation, or other equivalent procedure based on a finding of
2 the rehabilitation of the person convicted or the conviction or
3 disposition has been the subject of a pardon, annulment, or other
4 equivalent procedure based on a finding of innocence. Where no record
5 of the court's disposition of the charges can be found, there shall
6 be a rebuttable presumption that the person was not convicted of the
7 charge.

8 (4) (a) Notwithstanding subsection (1) or (2) of this section, a
9 person convicted or found not guilty by reason of insanity of an
10 offense prohibiting the possession of a firearm under this section
11 other than murder, manslaughter, robbery, rape, indecent liberties,
12 arson, assault, kidnapping, extortion, burglary, or violations with
13 respect to controlled substances under RCW 69.50.401 and 69.50.410,
14 who received a probationary sentence under RCW 9.95.200, and who
15 received a dismissal of the charge under RCW 9.95.240, shall not be
16 precluded from possession of a firearm as a result of the conviction
17 or finding of not guilty by reason of insanity. Notwithstanding any
18 other provisions of this section, if a person is prohibited from
19 possession of a firearm under subsection (1) or (2) of this section
20 and has not previously been convicted or found not guilty by reason
21 of insanity of a sex offense prohibiting firearm ownership under
22 subsection (1) or (2) of this section and/or any felony defined under
23 any law as a class A felony or with a maximum sentence of at least
24 (~~twenty~~) 20 years, or both, the individual may petition a court of
25 record to have his or her right to possess a firearm restored:

26 (i) Under RCW 9.41.047; and/or

27 (ii) (A) If the conviction or finding of not guilty by reason of
28 insanity was for a felony offense, after five or more consecutive
29 years in the community without being convicted or found not guilty by
30 reason of insanity or currently charged with any felony, gross
31 misdemeanor, or misdemeanor crimes, if the individual has no prior
32 felony convictions that prohibit the possession of a firearm counted
33 as part of the offender score under RCW 9.94A.525; or

34 (B) If the conviction or finding of not guilty by reason of
35 insanity was for a nonfelony offense, after three or more consecutive
36 years in the community without being convicted or found not guilty by
37 reason of insanity or currently charged with any felony, gross
38 misdemeanor, or misdemeanor crimes, if the individual has no prior
39 felony convictions that prohibit the possession of a firearm counted

1 as part of the offender score under RCW 9.94A.525 and the individual
2 has completed all conditions of the sentence.

3 (b) An individual may petition a court of record to have his or
4 her right to possess a firearm restored under (a) of this subsection
5 only at:

6 (i) The court of record that ordered the petitioner's prohibition
7 on possession of a firearm; or

8 (ii) The superior court in the county in which the petitioner
9 resides.

10 (5) In addition to any other penalty provided for by law, if a
11 person under the age of (~~eighteen~~) 18 years is found by a court to
12 have possessed a firearm in a vehicle in violation of subsection (1)
13 or (2) of this section or to have committed an offense while armed
14 with a firearm during which offense a motor vehicle served an
15 integral function, the court shall notify the department of licensing
16 within (~~twenty-four~~) 24 hours and the person's privilege to drive
17 shall be revoked under RCW 46.20.265, unless the offense is the
18 juvenile's first offense in violation of this section and has not
19 committed an offense while armed with a firearm, an unlawful
20 possession of a firearm offense, or an offense in violation of
21 chapter 66.44, 69.52, 69.41, or 69.50 RCW.

22 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
23 or interpreted as preventing an offender from being charged and
24 subsequently convicted for the separate felony crimes of theft of a
25 firearm or possession of a stolen firearm, or both, in addition to
26 being charged and subsequently convicted under this section for
27 unlawful possession of a firearm in the first or second degree.
28 Notwithstanding any other law, if the offender is convicted under
29 this section for unlawful possession of a firearm in the first or
30 second degree and for the felony crimes of theft of a firearm or
31 possession of a stolen firearm, or both, then the offender shall
32 serve consecutive sentences for each of the felony crimes of
33 conviction listed in this subsection.

34 (7) Each firearm unlawfully possessed under this section shall be
35 a separate offense.

36 **Sec. 76.** RCW 9.41.075 and 2005 c 453 s 4 are each amended to
37 read as follows:

38 (1) The license shall be revoked by (~~the license-issuing~~
39 authority) a law enforcement agency immediately upon:

1 (a) Discovery by the ((issuing authority)) law enforcement agency
2 that the ((person)) licensee was ineligible under RCW 9.41.070 for a
3 concealed pistol license when applying for the license or license
4 renewal;

5 (b) Conviction of the licensee, or the licensee being found not
6 guilty by reason of insanity, of an offense, or commitment of the
7 licensee for mental health treatment, that makes a person ineligible
8 under RCW 9.41.040 to possess a firearm;

9 (c) Conviction of the licensee for a third violation of this
10 chapter within five calendar years; ((or))

11 (d) An order that the licensee forfeit a firearm under RCW
12 9.41.098(1)(d); or

13 (e) The law enforcement agency's receipt of an order to surrender
14 and prohibit weapons or an extreme risk protection order, other than
15 an ex parte temporary protection order, issued against the licensee.

16 (2)(a) Unless the person may lawfully possess a pistol without a
17 concealed pistol license, an ineligible person to whom a concealed
18 pistol license was issued shall, within ((fourteen)) 14 days of
19 license revocation, lawfully transfer ownership of any pistol
20 acquired while the person was in possession of the license.

21 (b) Upon discovering a person issued a concealed pistol license
22 was ineligible for the license, the ((issuing authority)) law
23 enforcement agency shall contact the department of licensing to
24 determine whether the person purchased a pistol while in possession
25 of the license. If the person did purchase a pistol while in
26 possession of the concealed pistol license, if the person may not
27 lawfully possess a pistol without a concealed pistol license, the
28 ((issuing authority)) law enforcement agency shall require the person
29 to present satisfactory evidence of having lawfully transferred
30 ownership of the pistol. The ((issuing authority)) law enforcement
31 agency shall require the person to produce the evidence within
32 ((fifteen)) 15 days of the revocation of the license.

33 (3) When a licensee is ordered to forfeit a firearm under RCW
34 9.41.098(1)(d), the ((issuing authority)) law enforcement agency
35 shall:

36 (a) On the first forfeiture, revoke the license for one year;

37 (b) On the second forfeiture, revoke the license for two years;

38 or

39 (c) On the third or subsequent forfeiture, revoke the license for
40 five years.

1 Any person whose license is revoked as a result of a forfeiture
2 of a firearm under RCW 9.41.098(1)(d) may not reapply for a new
3 license until the end of the revocation period.

4 (4) The (~~issuing authority~~) law enforcement agency shall
5 notify, in writing, the department of licensing of the revocation of
6 a license. The department of licensing shall record the revocation.

7 **Sec. 77.** RCW 9.41.800 and 2019 c 245 s 1 and 2019 c 46 s 5006
8 are each reenacted and amended to read as follows:

9 (1) Any court when entering an order authorized under chapter
10 (~~7.92 RCW, RCW 7.90.090~~) 7.--- RCW (the new chapter created in
11 section 81 of this act), RCW 9A.46.080, (~~10.14.080,~~) 10.99.040,
12 10.99.045, 26.09.050, 26.09.060, (~~26.10.040, 26.10.115,~~)
13 26.26B.020, (~~26.50.060, 26.50.070,~~) or 26.26A.470 shall, upon a
14 showing by (~~clear and convincing~~) a preponderance of the evidence,
15 that a party has: Used, displayed, or threatened to use a firearm or
16 other dangerous weapon in a felony, or is ineligible to possess a
17 firearm under the provisions of RCW 9.41.040:

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

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

22 (c) Prohibit the party from accessing, (~~obtaining, or~~) having
23 in his or her custody or control, possessing, purchasing, receiving,
24 or attempting to purchase or receive, any firearms or other dangerous
25 weapons;

26 (d) Prohibit the party from obtaining or possessing a concealed
27 pistol license;

28 (e) Other than for ex parte temporary protection orders, unless
29 the ex parte temporary protection order was reissued after the party
30 received noticed and had an opportunity to be heard, direct law
31 enforcement to revoke any concealed pistol license issued to the
32 party.

33 (2) (~~Any court when entering an order authorized under chapter~~
34 ~~7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,~~
35 ~~26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,~~
36 ~~26.50.070, or 26.26A.470 may, upon a showing by a preponderance of~~
37 ~~the evidence but not by clear and convincing evidence, that a party~~
38 ~~has: Used, displayed, or threatened to use a firearm or other~~

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

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

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

7 ~~(c) Prohibit the party from accessing, obtaining, or possessing~~
8 ~~any firearms or other dangerous weapons;~~

9 ~~(d) Prohibit the party from obtaining or possessing a concealed~~
10 ~~pistol license.~~

11 ~~(3))~~ During any period of time that the ((~~person~~)) party is
12 subject to a court order issued under chapter ((~~7.90, 7.92~~)) 7.---
13 (the new chapter created in section 81 of this act), 9A.46,
14 ((~~10.14,~~)) 10.99, 26.09, ((~~26.10,~~)) 26.26A, or 26.26B((~~, or 26.50~~))
15 RCW that:

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

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

28 (c) (i) Includes a finding that the ((~~person~~)) party represents a
29 credible threat to the physical safety of the intimate partner,
30 protected person, or child; and

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

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

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

39 (C) Prohibit the party from accessing, ((~~obtaining, or~~)) having
40 in his or her custody or control, possessing, purchasing, receiving,

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

3 (D) Prohibit the party from obtaining or possessing a concealed
4 pistol license.

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

11 ~~((5))~~ (4) In addition to the provisions of subsections (1)~~((7~~
12 ~~-(2),~~) and ~~((4))~~ (3) of this section, the court may enter an order
13 requiring a party to comply with the provisions in subsection (1) of
14 this section if it finds that the possession of a firearm or other
15 dangerous weapon by any party presents a serious and imminent threat
16 to public health or safety, or to the health or safety of any
17 individual.

18 ~~((6))~~ (5) The requirements of subsections (1)~~((, (2),~~) and
19 ~~((5))~~ (4) of this section may be for a period of time less than the
20 duration of the order.

21 ~~((7))~~ (6) The court ~~((may))~~ shall require the party to
22 surrender all firearms and other dangerous weapons in his or her
23 immediate possession or control or subject to his or her immediate
24 possession or control, and any concealed pistol license issued under
25 RCW 9.41.070, to the local law enforcement agency. Law enforcement
26 officers shall use law enforcement databases to assist in locating
27 the ~~((respondent))~~ party in situations where the protected person
28 does not know where the ~~((respondent))~~ party lives or where there is
29 evidence that the ~~((respondent))~~ party is trying to evade service.

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

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

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

1 **Sec. 78.** RCW 9.41.801 and 2020 c 126 s 1 are each amended to
2 read as follows:

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

10 (2) A law enforcement officer serving a protection order, no-
11 contact order, or restraining order that includes an order to
12 surrender all firearms, dangerous weapons, and a concealed pistol
13 license under RCW 9.41.800 shall inform the respondent that the order
14 is effective upon service and the respondent must immediately
15 surrender all firearms and dangerous weapons in (~~his or her~~) the
16 respondent's custody, control, or possession and any concealed pistol
17 license issued under RCW 9.41.070, and conduct any search permitted
18 by law for such firearms, dangerous weapons, and concealed pistol
19 license. The law enforcement officer shall take possession of all
20 firearms, dangerous weapons, and any concealed pistol license
21 belonging to the respondent that are surrendered, in plain sight, or
22 discovered pursuant to a lawful search. The order must be personally
23 served upon the respondent or defendant if the order is entered in
24 open court in the presence of the respondent or defendant. The
25 respondent or defendant shall acknowledge receipt and service. If the
26 respondent or defendant refuses service, an agent of the court may
27 indicate on the record that the respondent or defendant refused
28 service. The court shall enter the service and receipt into the
29 record. A copy of the order and service shall be transmitted
30 immediately to law enforcement. The respondent must immediately
31 surrender all firearms, dangerous weapons, and any concealed pistol
32 license in a safe manner to the control of the local law enforcement
33 agency on the day of the hearing at which the respondent was present.

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

1 a copy of the receipt, electronically whenever electronic filing is
2 available.

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

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

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

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

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

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

1 possession, and any concealed pistol license issued under RCW
2 9.41.070, to a law enforcement agency. If the court does not have a
3 sufficient record before it on which to make such a finding, the
4 court must set a review hearing to occur as soon as possible at which
5 the respondent must be present and provide proof of compliance with
6 the court's order. Courts shall make available forms that petitioners
7 may complete and submit to the court in response to a respondent's
8 declaration of whether the respondent has surrendered weapons.

9 (7) (a) If a court finds at the compliance review hearing, or any
10 other hearing where compliance with the order to surrender and
11 prohibit weapons is addressed, that there is probable cause to
12 believe the respondent was aware of and failed to fully comply with
13 the order, failed to appear at the compliance review hearing, or
14 violated the order after the court entered findings of compliance,
15 pursuant to its authority under chapter 7.21 RCW, the court may
16 initiate a contempt proceeding to impose remedial sanctions on its
17 own motion, or upon the motion of the prosecutor, city attorney, or
18 the petitioner's counsel, and issue an order requiring the respondent
19 to appear, provide proof of compliance with the order, and show cause
20 why the respondent should 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 (~~an~~
17 ~~affidavit~~) a 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 at any hearing that concerns:

31 (i) Compliance with an extreme risk protection order; or

32 (ii) Compliance with an order to surrender and prohibit weapons
33 issued in connection with another type of protection order.

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

39 (9) (a) The court, on motion of the state or city, or on motion of
40 the court if no representative from the prosecuting attorney's office

1 or city attorney's office from the relevant jurisdiction is present,
2 may order that a respondent or defendant shall not be excused from
3 complying with, or testifying about complying with, an order to
4 surrender and prohibit firearms under RCW 9.41.800 or any statute
5 listed therein on the ground that the respondent's or defendant's
6 testimony or compliance may tend to incriminate or subject the
7 respondent or defendant to a penalty or forfeiture. However, no
8 testimony or other information compelled under the order over an
9 assertion of a privilege against self-incrimination, nor any
10 information directly or indirectly derived from such testimony or
11 information, may be used against the respondent or defendant in any
12 criminal case, except a prosecution for perjury, giving a false
13 statement, or otherwise failing to comply with an order to testify,
14 or as provided in (b) of this subsection.

15 (b) A grant of immunity pursuant to this subsection pertains only
16 to immunity from prosecution related to those firearms, dangerous
17 weapons, or concealed pistol licenses that are timely surrendered to
18 law enforcement in compliance with an order to surrender and prohibit
19 firearms under RCW 9.41.800 or any statute listed therein. Such
20 compelled surrender, or compelled testimony regarding surrender, may
21 nevertheless be used as evidence in an investigation or prosecution
22 related to the respondent or defendant having in his or her custody
23 or control, accessing, possessing, purchasing, receiving, or
24 attempting to purchase or receive, other firearms, dangerous weapons,
25 or concealed pistol licenses unlawfully in violation of the order, to
26 the extent such use is consistent with a grant of immunity pursuant
27 to this subsection that is coextensive with the constitutional
28 privilege against self-incrimination.

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

38 ((+9)) (11) The administrative office of the courts shall create
39 a statewide pattern form to assist the courts in ensuring timely and
40 complete compliance in a consistent manner with orders issued under

1 this chapter. The administrative office of the courts shall report
2 annually on the number of orders issued under this chapter by each
3 court, the degree of compliance, and the number of firearms obtained,
4 and may make recommendations regarding additional procedures to
5 enhance compliance and victim safety.

6 NEW SECTION. **Sec. 79.** A new section is added to chapter 9.41
7 RCW to read as follows:

8 For the purpose of assisting courts in ensuring compliance with
9 an order to surrender and prohibit weapons or an extreme risk
10 protection order, the department of licensing, or the agency with
11 responsibility for maintaining that information should it be an
12 agency other than the department of licensing, shall make the
13 following information available to prosecuting attorneys' offices,
14 city attorneys' offices, public defender agency staff, probation
15 services personnel, and judicial officers and staff of municipal,
16 district, and superior courts for the following law enforcement
17 purposes:

- 18 (1) Determining whether a person is ineligible to possess
19 firearms;
- 20 (2) Determining a person's firearms purchase history; and
- 21 (3) Determining whether a person has or previously had a
22 concealed pistol license, or has applied for a concealed pistol
23 license.

24 **Sec. 80.** RCW 10.99.045 and 2010 c 274 s 301 are each amended to
25 read as follows:

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

29 (2) A defendant who is charged by citation, complaint, or
30 information with an offense involving domestic violence as defined by
31 RCW 10.99.020 and not arrested shall appear in court for arraignment
32 in person as soon as practicable, but in no event later than
33 (~~fourteen~~) 14 days after the next day on which court is in session
34 following the issuance of the citation or the filing of the complaint
35 or information.

36 (3)(a) At the time of the appearances provided in subsection (1)
37 or (2) of this section, the court shall determine the necessity of
38 imposing a no-contact order or other conditions of pretrial release

1 according to the procedures established by court rule for a
2 preliminary appearance or an arraignment. The court may include in
3 the order any conditions authorized under RCW 9.41.800 and 10.99.040.

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

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

8 (ii) If available, the defendant's criminal history that occurred
9 in any tribal jurisdiction; ~~((and))~~

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

11 (iv) The defendant's firearms purchase history, including any
12 concealed pistol license history.

13 (c) For the purposes of (b) of this subsection, criminal history
14 includes all previous convictions and orders of deferred prosecution,
15 as reported through the judicial information system or otherwise
16 available to the court or prosecutor, current to within the period
17 specified in (d) of this subsection before the date of the
18 appearance.

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

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

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

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

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

33 NEW SECTION. **Sec. 81.** Sections 1, 2, and 4 through 71 of this
34 act constitute a new chapter in Title 7 RCW.

35 **PART XII**

36 **CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS**

1 **Sec. 82.** RCW 26.55.010 and 2019 c 263 s 902 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Canadian domestic violence protection order" means a
6 judgment or part of a judgment or order issued in a civil proceeding
7 by a court of Canada under law of the issuing jurisdiction which
8 relates to domestic violence (~~(and prohibits a respondent from:~~

9 ~~(a) Being in physical proximity to a protected individual or~~
10 ~~following a protected individual;~~

11 ~~(b) Directly or indirectly contacting or communicating with a~~
12 ~~protected individual or other individual described in the order;~~

13 ~~(c) Being within a certain distance of a specified place or~~
14 ~~location associated with a protected individual; or~~

15 ~~(d) Molesting, annoying, harassing, or engaging in threatening~~
16 ~~conduct directed at a protected individual)).~~

17 (2) "Domestic violence protection order" means an injunction or
18 other order issued by a (~~(tribunal)~~) court which relates to domestic
19 or family violence laws to prevent an individual from engaging in
20 violent or threatening acts against, harassment of, direct or
21 indirect contact or communication with, or being in physical
22 proximity to another individual.

23 (3) "Issuing court" means the court that issues a Canadian
24 domestic violence protection order.

25 (4) "Law enforcement officer" means an individual authorized by
26 law of this state other than this chapter to enforce a domestic
27 violence protection order.

28 (5) "Person" means an individual, estate, business or nonprofit
29 entity, public corporation, government or governmental subdivision,
30 agency, or instrumentality, or other legal entity.

31 (6) "Protected individual" means an individual protected by a
32 Canadian domestic violence protection order.

33 (7) "Record" means information that is inscribed on a tangible
34 medium or that is stored in an electronic or other medium and is
35 retrievable in perceivable form.

36 (8) "Respondent" means an individual against whom a Canadian
37 domestic violence protection order is issued.

38 (9) "State" means a state of the United States, the District of
39 Columbia, Puerto Rico, the United States Virgin Islands, or any

1 territory or insular possession subject to the jurisdiction of the
2 United States. The term includes a federally recognized Indian tribe.

3 ~~((10) "Tribunal" means a court, agency, or other entity
4 authorized by law of this state other than this chapter to establish,
5 enforce, or modify a domestic protection order.))~~

6 NEW SECTION. **Sec. 83.** A new section is added to chapter 26.55
7 RCW to read as follows:

8 (1) A Canadian domestic violence protection order that identifies
9 both a protected individual and a respondent and appears valid on its
10 face is prima facie evidence of its enforceability under this act.

11 (2) A Canadian domestic violence protection order is enforceable
12 only to the extent it prohibits a respondent from the following
13 conduct as ordered by a Canadian court:

14 (a) Being in physical proximity to a protected individual or
15 following a protected individual;

16 (b) Directly or indirectly contacting or communicating with a
17 protected individual or other individual described in the order;

18 (c) Being within a certain distance of a specified place or
19 location associated with a protected individual; or

20 (d) Molesting, annoying, harassing, or engaging in threatening
21 conduct directed at a protected individual.

22 (3) Neither filing with the clerk of the court under RCW
23 26.55.040 nor obtaining an order granting recognition and enforcement
24 under RCW 26.55.030 is required prior to the enforcement of a
25 Canadian domestic violence protection order by a law enforcement
26 officer.

27 **Sec. 84.** RCW 26.55.020 and 2019 c 263 s 903 are each amended to
28 read as follows:

29 (1) If a law enforcement officer determines under subsection (2)
30 or (3) of this section that there is probable cause to believe a
31 ~~((valid))~~ Canadian domestic violence protection order exists and that
32 one or more of the provisions of the order ~~((has))~~ identified in
33 section 83 of this act have been violated, the officer shall enforce
34 the terms of the Canadian domestic violence protection order as if
35 the terms were in an order ~~((of a tribunal. Presentation to a law~~
36 ~~enforcement officer of a certified copy of a Canadian domestic~~
37 ~~violence protection order is not required for enforcement))~~ issued in
38 Washington state.

1 (2) Presentation to a law enforcement officer of a record of a
2 Canadian domestic violence protection order that identifies both a
3 protected individual and a respondent, and on its face is in effect,
4 constitutes probable cause to believe that ~~((a valid))~~ an enforceable
5 order exists.

6 (3) If a record of a Canadian domestic violence protection order
7 is not presented as provided in subsection (2) of this section, a law
8 enforcement officer ~~((may consider))~~ is not prohibited from
9 considering other relevant information in determining whether there
10 is probable cause to believe that a ~~((valid))~~ Canadian domestic
11 violence protection order exists.

12 (4) If a law enforcement officer determines that ~~((an otherwise~~
13 ~~valid))~~ a Canadian domestic violence protection order cannot be
14 enforced because the respondent has not been notified of or served
15 with the order, the officer shall notify the protected individual
16 that the officer will make reasonable efforts to contact the
17 respondent, consistent with the safety of the protected individual.
18 After notice to the protected individual and consistent with the
19 safety of the individual, the officer shall make a reasonable effort
20 to inform the respondent of the order, notify the respondent of the
21 terms of the order, provide a record of the order, if available, to
22 the respondent, and allow the respondent a reasonable opportunity to
23 comply with the order before the officer enforces the order.

24 (5) If a law enforcement officer determines that an individual is
25 a protected individual, the officer shall inform the individual of
26 available local victim services.

27 **Sec. 85.** RCW 26.55.030 and 2019 c 263 s 904 are each amended to
28 read as follows:

29 (1) A ~~((tribunal))~~ court may issue an order ~~((enforcing or~~
30 ~~refusing to enforce))~~ granting recognition and enforcement or denying
31 recognition and enforcement of a Canadian domestic violence
32 protection order on ~~((application))~~ petition of:

33 (a) A protected individual;

34 (b) A person authorized by law of this state other than this
35 chapter to seek enforcement of a domestic violence protection order;
36 or

37 ~~((b))~~ (c) A respondent.

38 (2) ~~((In a proceeding under subsection (1) of this section, the~~
39 ~~tribunal shall follow the procedures of this state for enforcement of~~

1 ~~a domestic protection order. An order entered under this section is~~
2 ~~limited to the enforcement of the terms of the Canadian domestic~~
3 ~~violence protection order as defined in RCW 26.55.010.)~~ A petitioner
4 is not required to post a bond to obtain relief in any proceeding
5 under this section. No fees for any type of filing or service of
6 process may be charged by a court or any public agency to petitioners
7 seeking relief under this chapter. Courts may not charge petitioners
8 any fees or surcharges the payment of which is a condition precedent
9 to the petitioner's ability to secure access to relief under this
10 chapter. Petitioners shall be provided the necessary number of
11 certified copies, forms, and instructional brochures free of charge.
12 A respondent who is served electronically with a protection order
13 shall be provided a certified copy of the order free of charge upon
14 request.

15 (3) Upon receipt of the petition, the court shall order a
16 hearing, which shall be held not later than 14 days from the date of
17 the order. Service shall be provided as required in sections 10 and
18 18 through 21 of this act.

19 (4) The hearing shall be conducted as required by sections 24 and
20 25 of this act.

21 (5) Interpreters must be appointed as required in section 33 of
22 this act. An interpreter shall translate or interpret for the party
23 in preparing forms, participating in the hearing and court-ordered
24 assessments, and translating any orders.

25 ~~((3))~~ (6) A Canadian domestic violence protection order is
26 enforceable under this section if:

27 (a) The order identifies a protected individual and a respondent;

28 (b) The order is valid and in effect;

29 (c) The issuing court had jurisdiction over the parties and the
30 subject matter under law applicable in the issuing court; and

31 (d) The order was issued after:

32 (i) The respondent was given reasonable notice and had an
33 opportunity to be heard before the court issued the order; or

34 (ii) In the case of an ex parte temporary protection order, the
35 respondent was given reasonable notice and had or will have an
36 opportunity to be heard within a reasonable time after the order was
37 issued, in a manner consistent with the right of the respondent to
38 due process.

1 ~~((4) A Canadian domestic violence protection order valid on its~~
2 ~~face is prima facie evidence of its enforceability under this~~
3 ~~section.~~

4 ~~(5))~~ (7) A claim that a Canadian domestic violence protection
5 order does not comply with subsection ~~((3))~~ (6) of this section is
6 an affirmative defense in a proceeding seeking enforcement of the
7 order. If the ~~((tribunal))~~ court determines that the order is not
8 enforceable, the ~~((tribunal))~~ court shall issue an order that the
9 Canadian domestic violence protection order is not enforceable under
10 this section and RCW 26.55.020 and may not be ~~((registered))~~ filed
11 under RCW 26.55.040.

12 **Sec. 86.** RCW 26.55.040 and 2019 c 263 s 905 are each amended to
13 read as follows:

14 (1) A person entitled to protection who has a ~~((valid))~~ Canadian
15 domestic violence protection order may file that order by presenting
16 a certified, authenticated, or exemplified copy of the Canadian
17 domestic violence protection order to a clerk of the court of a
18 Washington court ~~((in which the person entitled to protection resides~~
19 ~~or to a clerk of the court of a Washington court where the person~~
20 ~~entitled to protection believes enforcement may be necessary))~~
21 according to section 9 of this act. Any out-of-state department,
22 agency, or court responsible for maintaining protection order
23 records, may by facsimile or electronic transmission send a
24 reproduction of the foreign protection order to the clerk of the
25 court of Washington as long as it contains a facsimile or digital
26 signature by any person authorized to make such transmission.

27 (2) An individual filing a Canadian domestic violence protection
28 order under this section shall also file a declaration signed under
29 penalty of perjury stating that, to the best of the individual's
30 knowledge, the order is valid and in effect.

31 (3) On receipt of a certified, authenticated, or exemplified copy
32 of a Canadian domestic violence protection order and declaration
33 signed under penalty of perjury stating that, to the best of the
34 individual's knowledge, the order is valid and in effect, the clerk
35 of the court shall ~~((register))~~ file the order in accordance with
36 this section.

37 ~~((3) An individual registering a Canadian domestic violence~~
38 ~~protection order under this section shall file an affidavit stating~~

1 ~~that, to the best of the individual's knowledge, the order is valid~~
2 ~~and in effect.))~~

3 (4) After a Canadian domestic violence protection order is
4 ~~((registered))~~ filed under this section, the clerk of the court shall
5 provide the individual ~~((registering))~~ filing the order a certified
6 copy of the ~~((registered))~~ filed order.

7 ~~((A Canadian domestic violence protection order registered~~
8 ~~under this section may be entered in a state or federal registry of~~
9 ~~protection orders in accordance with law.~~

10 ~~((6) An inaccurate, expired, or unenforceable Canadian domestic~~
11 ~~violence protection order may be corrected or removed from the~~
12 ~~registry of protection orders maintained in this state in accordance~~
13 ~~with law of this state other than this chapter.~~

14 ~~((7))~~ A fee may not be charged for the ~~((registration))~~ filing of
15 a Canadian domestic violence protection order under this section.

16 ~~((8) Registration in this state or filing under law of this~~
17 ~~state other than this chapter of a Canadian domestic violence~~
18 ~~protection order is not required for its enforcement under this~~
19 ~~chapter.))~~

20 NEW SECTION. **Sec. 87.** A new section is added to chapter 26.55
21 RCW to read as follows:

22 (1) A copy of a Canadian domestic violence protection order filed
23 with the clerk, an order granting recognition and enforcement, or an
24 order denying recognition and enforcement under this chapter, shall
25 be forwarded by the clerk of the court on or before the next judicial
26 day to the law enforcement agency specified in the order. An order
27 granting or denying recognition and enforcement shall be accompanied
28 by a copy of the related Canadian domestic violence protection order.

29 (2) Upon receipt of the order, the law enforcement agency shall
30 comply with the requirements of section 42 of this act.

31 **Sec. 88.** RCW 26.55.050 and 2019 c 263 s 906 are each amended to
32 read as follows:

33 The state, state agency, local governmental agency, law
34 enforcement officer, prosecuting attorney, clerk of court, and state
35 or local governmental official acting in an official capacity are
36 immune from civil and criminal liability for an act or omission
37 arising out of the ~~((registration))~~ filing or recognition and
38 enforcement of a Canadian domestic violence protection order or the

1 detention or arrest of an alleged violator of a Canadian domestic
2 violence protection order if the act or omission was a good faith
3 effort to comply with this chapter.

4 **PART XIII**

5 **EFFECTIVE DATE AND EXPIRATION DATE**

6 NEW SECTION. **Sec. 89.** Sections 72, 73, and 74 of this act take
7 effect January 1, 2022.

8 NEW SECTION. **Sec. 90.** Sections 2, 28, and 63 of this act expire
9 January 1, 2022.

10 **PART XIV**

11 **CONFORMING AND TECHNICAL AMENDMENTS**

12 **Sec. 91.** RCW 2.28.210 and 2016 c 89 s 1 are each amended to read
13 as follows:

14 (1) Before granting an order under any of the following titles of
15 the laws of the state of Washington, the court may consult the
16 judicial information system or any related databases, if available,
17 to determine criminal history or the pendency of other proceedings
18 involving the parties:

19 (a) Granting any temporary or final order establishing a
20 parenting plan or residential schedule or directing residential
21 placement of a child or restraining or limiting a party's contact
22 with a child under Title 26 RCW;

23 (b) Granting any order regarding a vulnerable child or adult or
24 alleged incapacitated person irrespective of the title or where
25 contained in the laws of the state of Washington;

26 (c) Granting letters of guardianship or administration or letters
27 testamentary under Title 11 RCW;

28 (d) Granting any relief under Title 71 RCW;

29 (e) Granting any relief in a juvenile proceeding under Title 13
30 RCW; or

31 (f) Granting any order of protection, temporary order of
32 protection, or criminal no-contact order under chapter (~~7.90-~~
33 ~~7.92~~) 7.--- (the new chapter created in section 81 of this act),
34 9A.46, (~~10.14~~) 10.99, (~~26.50~~) or 26.52 RCW.

1 (2) In the event that the court consults such a database, the
2 court shall disclose that fact to the parties and shall disclose any
3 particular matters relied upon by the court in rendering the
4 decision. Upon request of a party, a copy of the document relied upon
5 must be filed, as a confidential document, within the court file,
6 with any confidential contact information such as addresses, phone
7 numbers, or other information that might disclose the location or
8 whereabouts of any person redacted from the document or documents.

9 **Sec. 92.** RCW 4.08.050 and 1996 c 134 s 7 are each amended to
10 read as follows:

11 Except as provided under RCW (~~(26.50.020 and)~~) 28A.225.035 and
12 section 14 of this act, when an infant is a party he or she shall
13 appear by guardian, or if he or she has no guardian, or in the
14 opinion of the court the guardian is an improper person, the court
15 shall appoint one to act. Said guardian shall be appointed as
16 follows:

17 (1) When the infant is plaintiff, upon the application of the
18 infant, if he or she be of the age of fourteen years, or if under
19 that age, upon the application of a relative or friend of the infant.

20 (2) When the infant is defendant, upon the application of the
21 infant, if he or she be of the age of fourteen years, and applies
22 within thirty days after the service of the summons; if he or she be
23 under the age of fourteen, or neglects to apply, then upon the
24 application of any other party to the action, or of a relative or
25 friend of the infant.

26 **Sec. 93.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to
27 read as follows:

28 (1) Any person desiring a change of his or her name or that of
29 his or her child or ward, may apply therefor to the district court of
30 the judicial district in which he or she resides, by petition setting
31 forth the reasons for such change; thereupon such court in its
32 discretion may order a change of the name and thenceforth the new
33 name shall be in place of the former.

34 (2) An offender under the jurisdiction of the department of
35 corrections who applies to change his or her name under subsection
36 (1) of this section shall submit a copy of the application to the
37 department of corrections not fewer than five days before the entry
38 of an order granting the name change. No offender under the

1 jurisdiction of the department of corrections at the time of
2 application shall be granted an order changing his or her name if the
3 court finds that doing so will interfere with legitimate penological
4 interests, except that no order shall be denied when the name change
5 is requested for religious or legitimate cultural reasons or in
6 recognition of marriage or dissolution of marriage. An offender under
7 the jurisdiction of the department of corrections who receives an
8 order changing his or her name shall submit a copy of the order to
9 the department of corrections within five days of the entry of the
10 order. Violation of this subsection is a misdemeanor.

11 (3) A sex offender subject to registration under RCW 9A.44.130
12 who applies to change his or her name under subsection (1) of this
13 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)
14 (7).

15 (4) The district court shall collect the fees authorized by RCW
16 36.18.010 for filing and recording a name change order, and transmit
17 the fee and the order to the county auditor. The court may collect a
18 reasonable fee to cover the cost of transmitting the order to the
19 county auditor.

20 (5) Name change petitions may be filed and shall be heard in
21 superior court when the person desiring a change of his or her name
22 or that of his or her child or ward is a victim of domestic violence
23 as defined in (~~RCW 26.50.010(1)~~) section 2 of this act and the
24 person seeks to have the name change file sealed due to reasonable
25 fear for his or her safety or that of his or her child or ward. Upon
26 granting the name change, the superior court shall seal the file if
27 the court finds that the safety of the person seeking the name change
28 or his or her child or ward warrants sealing the file. In all cases
29 filed under this subsection, whether or not the name change petition
30 is granted, there shall be no public access to any court record of
31 the name change filing, proceeding, or order, unless the name change
32 is granted but the file is not sealed.

33 **Sec. 94.** RCW 7.77.060 and 2020 c 29 s 1 are each amended to read
34 as follows:

35 During a collaborative law process, a tribunal may issue
36 emergency orders to protect the health, safety, welfare, or interest
37 of a party or of a family or household member or intimate partner, as
38 defined in (~~RCW 26.50.010~~) section 2 of this act.

1 **Sec. 95.** RCW 7.77.080 and 2020 c 29 s 2 are each amended to read
2 as follows:

3 (1) Except as otherwise provided in subsection (3) of this
4 section, a collaborative lawyer is disqualified from appearing before
5 a tribunal to represent a party in a proceeding related to the
6 collaborative matter.

7 (2) Except as otherwise provided in subsection (3) of this
8 section and RCW 7.77.090, a lawyer in a law firm with which the
9 collaborative lawyer is associated is disqualified from appearing
10 before a tribunal to represent a party in a proceeding related to the
11 collaborative matter if the collaborative lawyer is disqualified from
12 doing so under subsection (1) of this section.

13 (3) A collaborative lawyer or a lawyer in a law firm with which
14 the collaborative lawyer is associated may represent a party:

15 (a) To ask a tribunal to approve an agreement resulting from the
16 collaborative law process; or

17 (b) To seek or defend an emergency order to protect the health,
18 safety, welfare, or interest of a party, or family or household
19 member or intimate partner, as defined in (~~RCW 26.50.010~~) section 2
20 of this act, if a successor lawyer is not immediately available to
21 represent that person.

22 (4) If subsection (3)(b) of this section applies, a collaborative
23 lawyer, or lawyer in a law firm with which the collaborative lawyer
24 is associated, may represent a party or family or household member or
25 intimate partner only until the person is represented by a successor
26 lawyer or reasonable measures are taken to protect the health,
27 safety, welfare, or interest of the person.

28 **Sec. 96.** RCW 9.41.010 and 2020 c 29 s 3 are each amended to read
29 as follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

32 (1) "Antique firearm" means a firearm or replica of a firearm not
33 designed or redesigned for using rim fire or conventional center fire
34 ignition with fixed ammunition and manufactured in or before 1898,
35 including any matchlock, flintlock, percussion cap, or similar type
36 of ignition system and also any firearm using fixed ammunition
37 manufactured in or before 1898, for which ammunition is no longer
38 manufactured in the United States and is not readily available in the
39 ordinary channels of commercial trade.

1 (2) "Barrel length" means the distance from the bolt face of a
2 closed action down the length of the axis of the bore to the crown of
3 the muzzle, or in the case of a barrel with attachments to the end of
4 any legal device permanently attached to the end of the muzzle.

5 (3) "Bump-fire stock" means a butt stock designed to be attached
6 to a semiautomatic firearm with the effect of increasing the rate of
7 fire achievable with the semiautomatic firearm to that of a fully
8 automatic firearm by using the energy from the recoil of the firearm
9 to generate reciprocating action that facilitates repeated activation
10 of the trigger.

11 (4) "Crime of violence" means:

12 (a) Any of the following felonies, as now existing or hereafter
13 amended: Any felony defined under any law as a class A felony or an
14 attempt to commit a class A felony, criminal solicitation of or
15 criminal conspiracy to commit a class A felony, manslaughter in the
16 first degree, manslaughter in the second degree, indecent liberties
17 if committed by forcible compulsion, kidnapping in the second degree,
18 arson in the second degree, assault in the second degree, assault of
19 a child in the second degree, extortion in the first degree, burglary
20 in the second degree, residential burglary, and robbery in the second
21 degree;

22 (b) Any conviction for a felony offense in effect at any time
23 prior to June 6, 1996, which is comparable to a felony classified as
24 a crime of violence in (a) of this subsection; and

25 (c) Any federal or out-of-state conviction for an offense
26 comparable to a felony classified as a crime of violence under (a) or
27 (b) of this subsection.

28 (5) "Curio or relic" has the same meaning as provided in 27
29 C.F.R. Sec. 478.11.

30 (6) "Dealer" means a person engaged in the business of selling
31 firearms at wholesale or retail who has, or is required to have, a
32 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
33 does not have, and is not required to have, a federal firearms
34 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
35 makes only occasional sales, exchanges, or purchases of firearms for
36 the enhancement of a personal collection or for a hobby, or sells all
37 or part of his or her personal collection of firearms.

38 (7) "Family or household member" has the same meaning as in ((RCW
39 ~~26.50.010~~) section 2 of this act.

1 (8) "Felony" means any felony offense under the laws of this
2 state or any federal or out-of-state offense comparable to a felony
3 offense under the laws of this state.

4 (9) "Felony firearm offender" means a person who has previously
5 been convicted or found not guilty by reason of insanity in this
6 state of any felony firearm offense. A person is not a felony firearm
7 offender under this chapter if any and all qualifying offenses have
8 been the subject of an expungement, pardon, annulment, certificate,
9 or rehabilitation, or other equivalent procedure based on a finding
10 of the rehabilitation of the person convicted or a pardon, annulment,
11 or other equivalent procedure based on a finding of innocence.

12 (10) "Felony firearm offense" means:

13 (a) Any felony offense that is a violation of this chapter;

14 (b) A violation of RCW 9A.36.045;

15 (c) A violation of RCW 9A.56.300;

16 (d) A violation of RCW 9A.56.310;

17 (e) Any felony offense if the offender was armed with a firearm
18 in the commission of the offense.

19 (11) "Firearm" means a weapon or device from which a projectile
20 or projectiles may be fired by an explosive such as gunpowder.
21 "Firearm" does not include a flare gun or other pyrotechnic visual
22 distress signaling device, or a powder-actuated tool or other device
23 designed solely to be used for construction purposes.

24 (12) "Gun" has the same meaning as firearm.

25 (13) "Intimate partner" has the same meaning as provided in ((RCW
26 ~~26.50.010~~) section 2 of this act.

27 (14) "Law enforcement officer" includes a general authority
28 Washington peace officer as defined in RCW 10.93.020, or a specially
29 commissioned Washington peace officer as defined in RCW 10.93.020.
30 "Law enforcement officer" also includes a limited authority
31 Washington peace officer as defined in RCW 10.93.020 if such officer
32 is duly authorized by his or her employer to carry a concealed
33 pistol.

34 (15) "Lawful permanent resident" has the same meaning afforded a
35 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
36 1101(a)(20).

37 (16) "Licensed collector" means a person who is federally
38 licensed under 18 U.S.C. Sec. 923(b).

39 (17) "Licensed dealer" means a person who is federally licensed
40 under 18 U.S.C. Sec. 923(a).

1 (18) "Loaded" means:
2 (a) There is a cartridge in the chamber of the firearm;
3 (b) Cartridges are in a clip that is locked in place in the
4 firearm;
5 (c) There is a cartridge in the cylinder of the firearm, if the
6 firearm is a revolver;
7 (d) There is a cartridge in the tube or magazine that is inserted
8 in the action; or
9 (e) There is a ball in the barrel and the firearm is capped or
10 primed if the firearm is a muzzle loader.
11 (19) "Machine gun" means any firearm known as a machine gun,
12 mechanical rifle, submachine gun, or any other mechanism or
13 instrument not requiring that the trigger be pressed for each shot
14 and having a reservoir clip, disc, drum, belt, or other separable
15 mechanical device for storing, carrying, or supplying ammunition
16 which can be loaded into the firearm, mechanism, or instrument, and
17 fired therefrom at the rate of five or more shots per second.
18 (20) "Manufacture" means, with respect to a firearm, the
19 fabrication or construction of a firearm.
20 (21) "Nonimmigrant alien" means a person defined as such in 8
21 U.S.C. Sec. 1101(a) (15).
22 (22) "Person" means any individual, corporation, company,
23 association, firm, partnership, club, organization, society, joint
24 stock company, or other legal entity.
25 (23) "Pistol" means any firearm with a barrel less than sixteen
26 inches in length, or is designed to be held and fired by the use of a
27 single hand.
28 (24) "Rifle" means a weapon designed or redesigned, made or
29 remade, and intended to be fired from the shoulder and designed or
30 redesigned, made or remade, and intended to use the energy of the
31 explosive in a fixed metallic cartridge to fire only a single
32 projectile through a rifled bore for each single pull of the trigger.
33 (25) "Sale" and "sell" mean the actual approval of the delivery
34 of a firearm in consideration of payment or promise of payment.
35 (26) "Secure gun storage" means:
36 (a) A locked box, gun safe, or other secure locked storage space
37 that is designed to prevent unauthorized use or discharge of a
38 firearm; and
39 (b) The act of keeping an unloaded firearm stored by such means.

1 (27) "Semiautomatic assault rifle" means any rifle which utilizes
2 a portion of the energy of a firing cartridge to extract the fired
3 cartridge case and chamber the next round, and which requires a
4 separate pull of the trigger to fire each cartridge.

5 "Semiautomatic assault rifle" does not include antique firearms,
6 any firearm that has been made permanently inoperable, or any firearm
7 that is manually operated by bolt, pump, lever, or slide action.

8 (28) "Serious offense" means any of the following felonies or a
9 felony attempt to commit any of the following felonies, as now
10 existing or hereafter amended:

11 (a) Any crime of violence;

12 (b) Any felony violation of the uniform controlled substances
13 act, chapter 69.50 RCW, that is classified as a class B felony or
14 that has a maximum term of imprisonment of at least ten years;

15 (c) Child molestation in the second degree;

16 (d) Incest when committed against a child under age fourteen;

17 (e) Indecent liberties;

18 (f) Leading organized crime;

19 (g) Promoting prostitution in the first degree;

20 (h) Rape in the third degree;

21 (i) Drive-by shooting;

22 (j) Sexual exploitation;

23 (k) Vehicular assault, when caused by the operation or driving of
24 a vehicle by a person while under the influence of intoxicating
25 liquor or any drug or by the operation or driving of a vehicle in a
26 reckless manner;

27 (l) Vehicular homicide, when proximately caused by the driving of
28 any vehicle by any person while under the influence of intoxicating
29 liquor or any drug as defined by RCW 46.61.502, or by the operation
30 of any vehicle in a reckless manner;

31 (m) Any other class B felony offense with a finding of sexual
32 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

33 (n) Any other felony with a deadly weapon verdict under RCW
34 9.94A.825;

35 (o) Any felony offense in effect at any time prior to June 6,
36 1996, that is comparable to a serious offense, or any federal or out-
37 of-state conviction for an offense that under the laws of this state
38 would be a felony classified as a serious offense; or

39 (p) Any felony conviction under RCW 9.41.115.

1 (29) "Short-barreled rifle" means a rifle having one or more
2 barrels less than sixteen inches in length and any weapon made from a
3 rifle by any means of modification if such modified weapon has an
4 overall length of less than twenty-six inches.

5 (30) "Short-barreled shotgun" means a shotgun having one or more
6 barrels less than eighteen inches in length and any weapon made from
7 a shotgun by any means of modification if such modified weapon has an
8 overall length of less than twenty-six inches.

9 (31) "Shotgun" means a weapon with one or more barrels, designed
10 or redesigned, made or remade, and intended to be fired from the
11 shoulder and designed or redesigned, made or remade, and intended to
12 use the energy of the explosive in a fixed shotgun shell to fire
13 through a smooth bore either a number of ball shot or a single
14 projectile for each single pull of the trigger.

15 (32) "Transfer" means the intended delivery of a firearm to
16 another person without consideration of payment or promise of payment
17 including, but not limited to, gifts and loans. "Transfer" does not
18 include the delivery of a firearm owned or leased by an entity
19 licensed or qualified to do business in the state of Washington to,
20 or return of such a firearm by, any of that entity's employees or
21 agents, defined to include volunteers participating in an honor
22 guard, for lawful purposes in the ordinary course of business.

23 (33) "Undetectable firearm" means any firearm that is not as
24 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through
25 metal detectors or magnetometers commonly used at airports or any
26 firearm where the barrel, the slide or cylinder, or the frame or
27 receiver of the firearm would not generate an image that accurately
28 depicts the shape of the part when examined by the types of X-ray
29 machines commonly used at airports.

30 (34) "Unlicensed person" means any person who is not a licensed
31 dealer under this chapter.

32 (35) "Untraceable firearm" means any firearm manufactured after
33 July 1, 2019, that is not an antique firearm and that cannot be
34 traced by law enforcement by means of a serial number affixed to the
35 firearm by a federally licensed manufacturer or importer.

36 **Sec. 97.** RCW 9.41.042 and 2020 c 18 s 6 are each amended to read
37 as follows:

38 RCW 9.41.040(2)(a) (~~(vi)~~) (vii) shall not apply to any person
39 under the age of eighteen years who is:

1 (1) In attendance at a hunter's safety course or a firearms
2 safety course;

3 (2) Engaging in practice in the use of a firearm or target
4 shooting at an established range authorized by the governing body of
5 the jurisdiction in which such range is located or any other area
6 where the discharge of a firearm is not prohibited;

7 (3) Engaging in an organized competition involving the use of a
8 firearm, or participating in or practicing for a performance by an
9 organized group that uses firearms as a part of the performance;

10 (4) Hunting or trapping under a valid license issued to the
11 person under Title 77 RCW;

12 (5) In an area where the discharge of a firearm is permitted, is
13 not trespassing, and the person either: (a) Is at least fourteen
14 years of age, has been issued a hunter safety certificate, and is
15 using a lawful firearm other than a pistol; or (b) is under the
16 supervision of a parent, guardian, or other adult approved for the
17 purpose by the parent or guardian;

18 (6) Traveling with any unloaded firearm in the person's
19 possession to or from any activity described in subsection (1), (2),
20 (3), (4), or (5) of this section;

21 (7) On real property under the control of his or her parent,
22 other relative, or legal guardian and who has the permission of the
23 parent or legal guardian to possess a firearm;

24 (8) At his or her residence and who, with the permission of his
25 or her parent or legal guardian, possesses a firearm for the purpose
26 of exercising the rights specified in RCW 9A.16.020(3); or

27 (9) Is a member of the armed forces of the United States,
28 national guard, or organized reserves, when on duty.

29 **Sec. 98.** RCW 9.41.070 and 2020 c 148 s 2 are each amended to
30 read as follows:

31 (1) The chief of police of a municipality or the sheriff of a
32 county shall within thirty days after the filing of an application of
33 any person, issue a license to such person to carry a pistol
34 concealed on his or her person within this state for five years from
35 date of issue, for the purposes of protection or while engaged in
36 business, sport, or while traveling. However, if the applicant does
37 not have a valid permanent Washington driver's license or Washington
38 state identification card or has not been a resident of the state for
39 the previous consecutive ninety days, the issuing authority shall

1 have up to sixty days after the filing of the application to issue a
2 license. The issuing authority shall not refuse to accept completed
3 applications for concealed pistol licenses during regular business
4 hours.

5 The applicant's constitutional right to bear arms shall not be
6 denied, unless:

7 (a) He or she is ineligible to possess a firearm under the
8 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from
9 possessing a firearm under federal law;

10 (b) The applicant's concealed pistol license is in a revoked
11 status;

12 (c) He or she is under twenty-one years of age;

13 (d) He or she is subject to a court order or injunction regarding
14 firearms pursuant to chapter ((~~7.90, 7.92, or 7.94~~)) 7.--- RCW (the
15 new chapter created in section 81 of this act), or RCW 9A.46.080,
16 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,
17 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470;

18 (e) He or she is free on bond or personal recognizance pending
19 trial, appeal, or sentencing for a felony offense;

20 (f) He or she has an outstanding warrant for his or her arrest
21 from any court of competent jurisdiction for a felony or misdemeanor;
22 or

23 (g) He or she has been ordered to forfeit a firearm under RCW
24 9.41.098(1)(e) within one year before filing an application to carry
25 a pistol concealed on his or her person.

26 No person convicted of a felony may have his or her right to
27 possess firearms restored or his or her privilege to carry a
28 concealed pistol restored, unless the person has been granted relief
29 from disabilities by the attorney general under 18 U.S.C. Sec.
30 925(c), or RCW 9.41.040 (3) or (4) applies.

31 (2)(a) The issuing authority shall conduct a check through the
32 national instant criminal background check system, the Washington
33 state patrol electronic database, the health care authority
34 electronic database, and with other agencies or resources as
35 appropriate, to determine whether the applicant is ineligible under
36 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
37 possessing a firearm under federal law, and therefore ineligible for
38 a concealed pistol license.

1 (b) The issuing authority shall deny a permit to anyone who is
2 found to be prohibited from possessing a firearm under federal or
3 state law.

4 (c) (a) and (b) of this subsection apply whether the applicant is
5 applying for a new concealed pistol license or to renew a concealed
6 pistol license.

7 (d) A background check for an original license must be conducted
8 through the Washington state patrol criminal identification section
9 and shall include a national check from the federal bureau of
10 investigation through the submission of fingerprints. The results
11 will be returned to the issuing authority. The applicant may request
12 and receive a copy of the results of the background check from the
13 issuing authority. If the applicant seeks to amend or correct their
14 record, the applicant must contact the Washington state patrol for a
15 Washington state record or the federal bureau of investigation for
16 records from other jurisdictions.

17 (3) Any person whose firearms rights have been restricted and who
18 has been granted relief from disabilities by the attorney general
19 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
20 921(a)(20)(A) shall have his or her right to acquire, receive,
21 transfer, ship, transport, carry, and possess firearms in accordance
22 with Washington state law restored except as otherwise prohibited by
23 this chapter.

24 (4) The license application shall bear the full name, residential
25 address, telephone number at the option of the applicant, email
26 address at the option of the applicant, date and place of birth,
27 race, gender, description, a complete set of fingerprints, and
28 signature of the licensee, and the licensee's driver's license number
29 or state identification card number if used for identification in
30 applying for the license. A signed application for a concealed pistol
31 license shall constitute a waiver of confidentiality and written
32 request that the health care authority, mental health institutions,
33 and other health care facilities release information relevant to the
34 applicant's eligibility for a concealed pistol license to an
35 inquiring court or law enforcement agency.

36 The application for an original license shall include a complete
37 set of fingerprints to be forwarded to the Washington state patrol.

38 The license and application shall contain a warning substantially
39 as follows:

1 CAUTION: Although state and local laws do not differ, federal
2 law and state law on the possession of firearms differ. If
3 you are prohibited by federal law from possessing a firearm,
4 you may be prosecuted in federal court. A state license is
5 not a defense to a federal prosecution.

6 The license shall contain a description of the major differences
7 between state and federal law and an explanation of the fact that
8 local laws and ordinances on firearms are preempted by state law and
9 must be consistent with state law.

10 The application shall contain questions about the applicant's
11 eligibility under RCW 9.41.040 and federal law to possess a pistol,
12 the applicant's place of birth, and whether the applicant is a United
13 States citizen. If the applicant is not a United States citizen, the
14 applicant must provide the applicant's country of citizenship, United
15 States issued alien number or admission number, and the basis on
16 which the applicant claims to be exempt from federal prohibitions on
17 firearm possession by aliens. The applicant shall not be required to
18 produce a birth certificate or other evidence of citizenship. A
19 person who is not a citizen of the United States shall, if
20 applicable, meet the additional requirements of RCW 9.41.173 and
21 produce proof of compliance with RCW 9.41.173 upon application. The
22 license may be in triplicate or in a form to be prescribed by the
23 department of licensing.

24 A photograph of the applicant may be required as part of the
25 application and printed on the face of the license.

26 The original thereof shall be delivered to the licensee, the
27 duplicate shall within seven days be sent to the director of
28 licensing and the triplicate shall be preserved for six years, by the
29 authority issuing the license.

30 The department of licensing shall make available to law
31 enforcement and corrections agencies, in an online format, all
32 information received under this subsection.

33 (5) The nonrefundable fee, paid upon application, for the
34 original five-year license shall be thirty-six dollars plus
35 additional charges imposed by the federal bureau of investigation
36 that are passed on to the applicant. No other state or local branch
37 or unit of government may impose any additional charges on the
38 applicant for the issuance of the license.

39 The fee shall be distributed as follows:

1 (a) Fifteen dollars shall be paid to the state general fund;
2 (b) Four dollars shall be paid to the agency taking the
3 fingerprints of the person licensed;
4 (c) Fourteen dollars shall be paid to the issuing authority for
5 the purpose of enforcing this chapter;
6 (d) Two dollars and sixteen cents to the firearms range account
7 in the general fund; and
8 (e) Eighty-four cents to the concealed pistol license renewal
9 notification account created in RCW 43.79.540.
10 (6) The nonrefundable fee for the renewal of such license shall
11 be thirty-two dollars. No other branch or unit of government may
12 impose any additional charges on the applicant for the renewal of the
13 license.
14 The renewal fee shall be distributed as follows:
15 (a) Fifteen dollars shall be paid to the state general fund;
16 (b) Fourteen dollars shall be paid to the issuing authority for
17 the purpose of enforcing this chapter;
18 (c) Two dollars and sixteen cents to the firearms range account
19 in the general fund; and
20 (d) Eighty-four cents to the concealed pistol license renewal
21 notification account created in RCW 43.79.540.
22 (7) The nonrefundable fee for replacement of lost or damaged
23 licenses is ten dollars to be paid to the issuing authority.
24 (8) Payment shall be by cash, check, or money order at the option
25 of the applicant. Additional methods of payment may be allowed at the
26 option of the issuing authority.
27 (9)(a) A licensee may renew a license if the licensee applies for
28 renewal within ninety days before or after the expiration date of the
29 license. A license so renewed shall take effect on the expiration
30 date of the prior license. A licensee renewing after the expiration
31 date of the license must pay a late renewal penalty of ten dollars in
32 addition to the renewal fee specified in subsection (6) of this
33 section. The fee shall be distributed as follows:
34 (i) Three dollars shall be deposited in the limited fish and
35 wildlife account and used exclusively first for the printing and
36 distribution of a pamphlet on the legal limits of the use of
37 firearms, firearms safety, and the preemptive nature of state law,
38 and subsequently the support of volunteer instructors in the basic
39 firearms safety training program conducted by the department of fish

1 and wildlife. The pamphlet shall be given to each applicant for a
2 license; and

3 (ii) Seven dollars shall be paid to the issuing authority for the
4 purpose of enforcing this chapter.

5 (b) Beginning with concealed pistol licenses that expire on or
6 after August 1, 2018, the department of licensing shall mail a
7 renewal notice approximately ninety days before the license
8 expiration date to the licensee at the address listed on the
9 concealed pistol license application, or to the licensee's new
10 address if the licensee has notified the department of licensing of a
11 change of address. Alternatively, if the licensee provides an email
12 address at the time of license application, the department of
13 licensing may send the renewal notice to the licensee's email
14 address. The notice must contain the date the concealed pistol
15 license will expire, the amount of renewal fee, the penalty for late
16 renewal, and instructions on how to renew the license.

17 (10) Notwithstanding the requirements of subsections (1) through
18 (9) of this section, the chief of police of the municipality or the
19 sheriff of the county of the applicant's residence may issue a
20 temporary emergency license for good cause pending review under
21 subsection (1) of this section. However, a temporary emergency
22 license issued under this subsection shall not exempt the holder of
23 the license from any records check requirement. Temporary emergency
24 licenses shall be easily distinguishable from regular licenses.

25 (11) A political subdivision of the state shall not modify the
26 requirements of this section or chapter, nor may a political
27 subdivision ask the applicant to voluntarily submit any information
28 not required by this section.

29 (12) A person who knowingly makes a false statement regarding
30 citizenship or identity on an application for a concealed pistol
31 license is guilty of false swearing under RCW 9A.72.040. In addition
32 to any other penalty provided for by law, the concealed pistol
33 license of a person who knowingly makes a false statement shall be
34 revoked, and the person shall be permanently ineligible for a
35 concealed pistol license.

36 (13) A person may apply for a concealed pistol license:

37 (a) To the municipality or to the county in which the applicant
38 resides if the applicant resides in a municipality;

39 (b) To the county in which the applicant resides if the applicant
40 resides in an unincorporated area; or

1 (c) Anywhere in the state if the applicant is a nonresident.

2 (14) Any person who, as a member of the armed forces, including
3 the national guard and armed forces reserves, is unable to renew his
4 or her license under subsections (6) and (9) of this section because
5 of the person's assignment, reassignment, or deployment for out-of-
6 state military service may renew his or her license within ninety
7 days after the person returns to this state from out-of-state
8 military service, if the person provides the following to the issuing
9 authority no later than ninety days after the person's date of
10 discharge or assignment, reassignment, or deployment back to this
11 state: (a) A copy of the person's original order designating the
12 specific period of assignment, reassignment, or deployment for out-
13 of-state military service, and (b) if appropriate, a copy of the
14 person's discharge or amended or subsequent assignment, reassignment,
15 or deployment order back to this state. A license so renewed under
16 this subsection (14) shall take effect on the expiration date of the
17 prior license. A licensee renewing after the expiration date of the
18 license under this subsection (14) shall pay only the renewal fee
19 specified in subsection (6) of this section and shall not be required
20 to pay a late renewal penalty in addition to the renewal fee.

21 (15)(a) By October 1, 2019, law enforcement agencies that issue
22 concealed pistol licenses shall develop and implement a procedure for
23 the renewal of concealed pistol licenses through a mail application
24 process, and may develop an online renewal application process, for
25 any person who, as a member of the armed forces, including the
26 national guard and armed forces reserves, is unable to renew his or
27 her license under subsections (6) and (9) of this section because of
28 the person's assignment, reassignment, or deployment for out-of-state
29 military service.

30 (b) A person applying for a license renewal under this subsection
31 shall:

32 (i) Provide a copy of the person's original order designating the
33 specific period of assignment, reassignment, or deployment for out-
34 of-state military service;

35 (ii) Apply for renewal within ninety days before or after the
36 expiration date of the license; and

37 (iii) Pay the renewal licensing fee under subsection (6) of this
38 section, and, if applicable, the late renewal penalty under
39 subsection (9) of this section.

1 (c) A license renewed under this subsection takes effect on the
2 expiration date of the prior license and is valid for a period of one
3 year.

4 **Sec. 99.** RCW 9.41.173 and 2019 c 46 s 5005 are each amended to
5 read as follows:

6 (1) In order to obtain an alien firearm license, a nonimmigrant
7 alien residing in Washington must apply to the sheriff of the county
8 in which he or she resides.

9 (2) The sheriff of the county shall within sixty days after the
10 filing of an application of a nonimmigrant alien residing in the
11 state of Washington, issue an alien firearm license to such person to
12 carry or possess a firearm for the purposes of hunting and sport
13 shooting. The license shall be good for two years. The issuing
14 authority shall not refuse to accept completed applications for alien
15 firearm licenses during regular business hours. An application for a
16 license may not be denied, unless the applicant's alien firearm
17 license is in a revoked status, or the applicant:

18 (a) Is ineligible to possess a firearm under the provisions of
19 RCW 9.41.040 or 9.41.045;

20 (b) Is subject to a court order or injunction regarding firearms
21 pursuant to chapter 7.--- RCW (the new chapter created in section 81
22 of this act) or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
23 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,
24 26.50.070, or 26.26A.470;

25 (c) Is free on bond or personal recognizance pending trial,
26 appeal, or sentencing for a felony offense; or

27 (d) Has an outstanding warrant for his or her arrest from any
28 court of competent jurisdiction for a felony or misdemeanor.

29 No license application shall be granted to a nonimmigrant alien
30 convicted of a felony unless the person has been granted relief from
31 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or
32 unless RCW 9.41.040 (3) or (4) applies.

33 (3) The sheriff shall check with the national crime information
34 center, the Washington state patrol electronic database, the health
35 care authority electronic database, and with other agencies or
36 resources as appropriate, to determine whether the applicant is
37 ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

38 (4) The license application shall bear the full name, residential
39 address, telephone number at the option of the applicant, date and

1 place of birth, race, gender, description, a complete set of
2 fingerprints, and signature of the applicant, a copy of the
3 applicant's passport and visa showing the applicant is in the country
4 legally, and a valid Washington hunting license or documentation that
5 the applicant is a member of a sport shooting club.

6 A signed application for an alien firearm license shall
7 constitute a waiver of confidentiality and written request that the
8 health care authority, mental health institutions, and other health
9 care facilities release information relevant to the applicant's
10 eligibility for an alien firearm license to an inquiring court or law
11 enforcement agency.

12 The application for an original license shall include a complete
13 set of fingerprints to be forwarded to the Washington state patrol.

14 The license and application shall contain a warning substantially
15 as follows:

16 CAUTION: Although state and local laws do not differ, federal
17 law and state law on the possession of firearms differ. If
18 you are prohibited by federal law from possessing a firearm,
19 you may be prosecuted in federal court. A state license is
20 not a defense to a federal prosecution.

21 The license shall contain a description of the major differences
22 between state and federal law and an explanation of the fact that
23 local laws and ordinances on firearms are preempted by state law and
24 must be consistent with state law. The application shall contain
25 questions about the applicant's eligibility under RCW 9.41.040 to
26 possess a firearm. The nonimmigrant alien applicant shall be required
27 to produce a passport and visa as evidence of being in the country
28 legally.

29 The license may be in triplicate or in a form to be prescribed by
30 the department of licensing. The original thereof shall be delivered
31 to the licensee, the duplicate shall within seven days be sent to the
32 director of licensing and the triplicate shall be preserved for six
33 years, by the authority issuing the license.

34 The department of licensing shall make available to law
35 enforcement and corrections agencies, in an online format, all
36 information received under this section.

37 (5) The sheriff has the authority to collect a nonrefundable fee,
38 paid upon application, for the two-year license. The fee shall be
39 fifty dollars plus additional charges imposed by the Washington state

1 patrol and the federal bureau of investigation that are passed on to
2 the applicant. No other state or local branch or unit of government
3 may impose any additional charges on the applicant for the issuance
4 of the license. The fee shall be retained by the sheriff.

5 (6) Payment shall be by cash, check, or money order at the option
6 of the applicant. Additional methods of payment may be allowed at the
7 option of the sheriff.

8 (7) A political subdivision of the state shall not modify the
9 requirements of this section, nor may a political subdivision ask the
10 applicant to voluntarily submit any information not required by this
11 section.

12 (8) A person who knowingly makes a false statement regarding
13 citizenship or identity on an application for an alien firearm
14 license is guilty of false swearing under RCW 9A.72.040. In addition
15 to any other penalty provided for by law, the alien firearm license
16 of a person who knowingly makes a false statement shall be revoked,
17 and the person shall be permanently ineligible for an alien firearm
18 license.

19 **Sec. 100.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s
20 6007 are each reenacted and amended to read as follows:

21 (1) It is unlawful for any person to enter the following places
22 when he or she knowingly possesses or knowingly has under his or her
23 control a weapon:

24 (a) The restricted access areas of a jail, or of a law
25 enforcement facility, or any place used for the confinement of a
26 person (i) arrested for, charged with, or convicted of an offense,
27 (ii) held for extradition or as a material witness, or (iii)
28 otherwise confined pursuant to an order of a court, except an order
29 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
30 include common areas of egress or ingress open to the general public;

31 (b) Those areas in any building which are used in connection with
32 court proceedings, including courtrooms, jury rooms, judge's
33 chambers, offices and areas used to conduct court business, waiting
34 areas, and corridors adjacent to areas used in connection with court
35 proceedings. The restricted areas do not include common areas of
36 ingress and egress to the building that is used in connection with
37 court proceedings, when it is possible to protect court areas without
38 restricting ingress and egress to the building. The restricted areas

1 shall be the minimum necessary to fulfill the objective of this
2 subsection (1)(b).

3 For purposes of this subsection (1)(b), "weapon" means any
4 firearm, explosive as defined in RCW 70.74.010, or any weapon of the
5 kind usually known as slungshot, sand club, or metal knuckles, or any
6 knife, dagger, dirk, or other similar weapon that is capable of
7 causing death or bodily injury and is commonly used with the intent
8 to cause death or bodily injury.

9 In addition, the local legislative authority shall provide either
10 a stationary locked box sufficient in size for pistols and key to a
11 weapon owner for weapon storage, or shall designate an official to
12 receive weapons for safekeeping, during the owner's visit to
13 restricted areas of the building. The locked box or designated
14 official shall be located within the same building used in connection
15 with court proceedings. The local legislative authority shall be
16 liable for any negligence causing damage to or loss of a weapon
17 either placed in a locked box or left with an official during the
18 owner's visit to restricted areas of the building.

19 The local judicial authority shall designate and clearly mark
20 those areas where weapons are prohibited, and shall post notices at
21 each entrance to the building of the prohibition against weapons in
22 the restricted areas;

23 (c) The restricted access areas of a public mental health
24 facility licensed or certified by the department of health for
25 inpatient hospital care and state institutions for the care of the
26 mentally ill, excluding those facilities solely for evaluation and
27 treatment. Restricted access areas do not include common areas of
28 egress and ingress open to the general public;

29 (d) That portion of an establishment classified by the state
30 liquor and cannabis board as off-limits to persons under twenty-one
31 years of age; or

32 (e) The restricted access areas of a commercial service airport
33 designated in the airport security plan approved by the federal
34 transportation security administration, including passenger screening
35 checkpoints at or beyond the point at which a passenger initiates the
36 screening process. These areas do not include airport drives, general
37 parking areas and walkways, and shops and areas of the terminal that
38 are outside the screening checkpoints and that are normally open to
39 unscreened passengers or visitors to the airport. Any restricted

1 access area shall be clearly indicated by prominent signs indicating
2 that firearms and other weapons are prohibited in the area.

3 (2) Cities, towns, counties, and other municipalities may enact
4 laws and ordinances:

5 (a) Restricting the discharge of firearms in any portion of their
6 respective jurisdictions where there is a reasonable likelihood that
7 humans, domestic animals, or property will be jeopardized. Such laws
8 and ordinances shall not abridge the right of the individual
9 guaranteed by Article I, section 24 of the state Constitution to bear
10 arms in defense of self or others; and

11 (b) Restricting the possession of firearms in any stadium or
12 convention center, operated by a city, town, county, or other
13 municipality, except that such restrictions shall not apply to:

14 (i) Any pistol in the possession of a person licensed under RCW
15 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

16 (ii) Any showing, demonstration, or lecture involving the
17 exhibition of firearms.

18 (3)(a) Cities, towns, and counties may enact ordinances
19 restricting the areas in their respective jurisdictions in which
20 firearms may be sold, but, except as provided in (b) of this
21 subsection, a business selling firearms may not be treated more
22 restrictively than other businesses located within the same zone. An
23 ordinance requiring the cessation of business within a zone shall not
24 have a shorter grandfather period for businesses selling firearms
25 than for any other businesses within the zone.

26 (b) Cities, towns, and counties may restrict the location of a
27 business selling firearms to not less than five hundred feet from
28 primary or secondary school grounds, if the business has a
29 storefront, has hours during which it is open for business, and posts
30 advertisements or signs observable to passersby that firearms are
31 available for sale. A business selling firearms that exists as of the
32 date a restriction is enacted under this subsection (3)(b) shall be
33 grandfathered according to existing law.

34 (4) Violations of local ordinances adopted under subsection (2)
35 of this section must have the same penalty as provided for by state
36 law.

37 (5) The perimeter of the premises of any specific location
38 covered by subsection (1) of this section shall be posted at
39 reasonable intervals to alert the public as to the existence of any
40 law restricting the possession of firearms on the premises.

1 (6) Subsection (1) of this section does not apply to:
2 (a) A person engaged in military activities sponsored by the
3 federal or state governments, while engaged in official duties;
4 (b) Law enforcement personnel, except that subsection (1)(b) of
5 this section does apply to a law enforcement officer who is present
6 at a courthouse building as a party to an antiharassment protection
7 order action or a domestic violence protection order action under
8 chapter ((~~10.147~~)) 7.--- (the new chapter created in section 81 of
9 this act) or 10.99((~~7~~ or ~~26.50~~)) RCW, or an action under Title 26 RCW
10 where any party has alleged the existence of domestic violence as
11 defined in ((~~RCW 26.50.010~~)) section 2 of this act; or
12 (c) Security personnel while engaged in official duties.
13 (7) Subsection (1)(a), (b), (c), and (e) of this section does not
14 apply to correctional personnel or community corrections officers, as
15 long as they are employed as such, who have completed government-
16 sponsored law enforcement firearms training, except that subsection
17 (1)(b) of this section does apply to a correctional employee or
18 community corrections officer who is present at a courthouse building
19 as a party to an antiharassment protection order action or a domestic
20 violence protection order action under chapter ((~~10.147~~)) 7.--- (the
21 new chapter created in section 81 of this act) or 10.99((~~7~~ or ~~26.50~~))
22 RCW, or an action under Title 26 RCW where any party has alleged the
23 existence of domestic violence as defined in ((~~RCW 26.50.010~~))
24 section 2 of this act.
25 (8) Subsection (1)(a) of this section does not apply to a person
26 licensed pursuant to RCW 9.41.070 who, upon entering the place or
27 facility, directly and promptly proceeds to the administrator of the
28 facility or the administrator's designee and obtains written
29 permission to possess the firearm while on the premises or checks his
30 or her firearm. The person may reclaim the firearms upon leaving but
31 must immediately and directly depart from the place or facility.
32 (9) Subsection (1)(c) of this section does not apply to any
33 administrator or employee of the facility or to any person who, upon
34 entering the place or facility, directly and promptly proceeds to the
35 administrator of the facility or the administrator's designee and
36 obtains written permission to possess the firearm while on the
37 premises.
38 (10) Subsection (1)(d) of this section does not apply to the
39 proprietor of the premises or his or her employees while engaged in
40 their employment.

1 (11) Government-sponsored law enforcement firearms training must
2 be training that correctional personnel and community corrections
3 officers receive as part of their job requirement and reference to
4 such training does not constitute a mandate that it be provided by
5 the correctional facility.

6 (12) Any person violating subsection (1) of this section is
7 guilty of a gross misdemeanor.

8 (13) "Weapon" as used in this section means any firearm,
9 explosive as defined in RCW 70.74.010, or instrument or weapon listed
10 in RCW 9.41.250.

11 **Sec. 101.** RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and
12 2020 c 137 s 1 are each reenacted and amended to read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Board" means the indeterminate sentence review board created
16 under chapter 9.95 RCW.

17 (2) "Collect," or any derivative thereof, "collect and remit," or
18 "collect and deliver," when used with reference to the department,
19 means that the department, either directly or through a collection
20 agreement authorized by RCW 9.94A.760, is responsible for monitoring
21 and enforcing the offender's sentence with regard to the legal
22 financial obligation, receiving payment thereof from the offender,
23 and, consistent with current law, delivering daily the entire payment
24 to the superior court clerk without depositing it in a departmental
25 account.

26 (3) "Commission" means the sentencing guidelines commission.

27 (4) "Community corrections officer" means an employee of the
28 department who is responsible for carrying out specific duties in
29 supervision of sentenced offenders and monitoring of sentence
30 conditions.

31 (5) "Community custody" means that portion of an offender's
32 sentence of confinement in lieu of earned release time or imposed as
33 part of a sentence under this chapter and served in the community
34 subject to controls placed on the offender's movement and activities
35 by the department.

36 (6) "Community protection zone" means the area within eight
37 hundred eighty feet of the facilities and grounds of a public or
38 private school.

1 (7) "Community restitution" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender.

4 (8) "Confinement" means total or partial confinement.

5 (9) "Conviction" means an adjudication of guilt pursuant to Title
6 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
7 and acceptance of a plea of guilty.

8 (10) "Crime-related prohibition" means an order of a court
9 prohibiting conduct that directly relates to the circumstances of the
10 crime for which the offender has been convicted, and shall not be
11 construed to mean orders directing an offender affirmatively to
12 participate in rehabilitative programs or to otherwise perform
13 affirmative conduct. However, affirmative acts necessary to monitor
14 compliance with the order of a court may be required by the
15 department.

16 (11) "Criminal history" means the list of a defendant's prior
17 convictions and juvenile adjudications, whether in this state, in
18 federal court, or elsewhere, and any issued certificates of
19 restoration of opportunity pursuant to RCW 9.97.020.

20 (a) The history shall include, where known, for each conviction
21 (i) whether the defendant has been placed on probation and the length
22 and terms thereof; and (ii) whether the defendant has been
23 incarcerated and the length of incarceration.

24 (b) A conviction may be removed from a defendant's criminal
25 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
26 9.95.240, or a similar out-of-state statute, or if the conviction has
27 been vacated pursuant to a governor's pardon. However, when a
28 defendant is charged with a recidivist offense, "criminal history"
29 includes a vacated prior conviction for the sole purpose of
30 establishing that such vacated prior conviction constitutes an
31 element of the present recidivist offense as provided in RCW
32 9.94A.640(3)(b) and 9.96.060(6)(c).

33 (c) The determination of a defendant's criminal history is
34 distinct from the determination of an offender score. A prior
35 conviction that was not included in an offender score calculated
36 pursuant to a former version of the sentencing reform act remains
37 part of the defendant's criminal history.

38 (12) "Criminal street gang" means any ongoing organization,
39 association, or group of three or more persons, whether formal or
40 informal, having a common name or common identifying sign or symbol,

1 having as one of its primary activities the commission of criminal
2 acts, and whose members or associates individually or collectively
3 engage in or have engaged in a pattern of criminal street gang
4 activity. This definition does not apply to employees engaged in
5 concerted activities for their mutual aid and protection, or to the
6 activities of labor and bona fide nonprofit organizations or their
7 members or agents.

8 (13) "Criminal street gang associate or member" means any person
9 who actively participates in any criminal street gang and who
10 intentionally promotes, furthers, or assists in any criminal act by
11 the criminal street gang.

12 (14) "Criminal street gang-related offense" means any felony or
13 misdemeanor offense, whether in this state or elsewhere, that is
14 committed for the benefit of, at the direction of, or in association
15 with any criminal street gang, or is committed with the intent to
16 promote, further, or assist in any criminal conduct by the gang, or
17 is committed for one or more of the following reasons:

18 (a) To gain admission, prestige, or promotion within the gang;

19 (b) To increase or maintain the gang's size, membership,
20 prestige, dominance, or control in any geographical area;

21 (c) To exact revenge or retribution for the gang or any member of
22 the gang;

23 (d) To obstruct justice, or intimidate or eliminate any witness
24 against the gang or any member of the gang;

25 (e) To directly or indirectly cause any benefit, aggrandizement,
26 gain, profit, or other advantage for the gang, its reputation,
27 influence, or membership; or

28 (f) To provide the gang with any advantage in, or any control or
29 dominance over any criminal market sector, including, but not limited
30 to, manufacturing, delivering, or selling any controlled substance
31 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
32 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
33 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
34 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
35 9.68 RCW).

36 (15) "Day fine" means a fine imposed by the sentencing court that
37 equals the difference between the offender's net daily income and the
38 reasonable obligations that the offender has for the support of the
39 offender and any dependents.

1 (16) "Day reporting" means a program of enhanced supervision
2 designed to monitor the offender's daily activities and compliance
3 with sentence conditions, and in which the offender is required to
4 report daily to a specific location designated by the department or
5 the sentencing court.

6 (17) "Department" means the department of corrections.

7 (18) "Determinate sentence" means a sentence that states with
8 exactitude the number of actual years, months, or days of total
9 confinement, of partial confinement, of community custody, the number
10 of actual hours or days of community restitution work, or dollars or
11 terms of a legal financial obligation. The fact that an offender
12 through earned release can reduce the actual period of confinement
13 shall not affect the classification of the sentence as a determinate
14 sentence.

15 (19) "Disposable earnings" means that part of the earnings of an
16 offender remaining after the deduction from those earnings of any
17 amount required by law to be withheld. For the purposes of this
18 definition, "earnings" means compensation paid or payable for
19 personal services, whether denominated as wages, salary, commission,
20 bonuses, or otherwise, and, notwithstanding any other provision of
21 law making the payments exempt from garnishment, attachment, or other
22 process to satisfy a court-ordered legal financial obligation,
23 specifically includes periodic payments pursuant to pension or
24 retirement programs, or insurance policies of any type, but does not
25 include payments made under Title 50 RCW, except as provided in RCW
26 50.40.020 and 50.40.050, or Title 74 RCW.

27 (20) (a) "Domestic violence" has the same meaning as defined in
28 RCW 10.99.020 ((and ~~26.50.010~~)).

29 (b) "Domestic violence" also means: (i) Physical harm, bodily
30 injury, assault, or the infliction of fear of imminent physical harm,
31 bodily injury, or assault, sexual assault, or stalking, as defined in
32 RCW 9A.46.110, of one intimate partner by another intimate partner as
33 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
34 assault, or the infliction of fear of imminent physical harm, bodily
35 injury, or assault, sexual assault, or stalking, as defined in RCW
36 9A.46.110, of one family or household member by another family or
37 household member as defined in RCW 10.99.020.

38 (21) "Drug offender sentencing alternative" is a sentencing
39 option available to persons convicted of a felony offense who are
40 eligible for the option under RCW 9.94A.660.

1 (22) "Drug offense" means:

2 (a) Any felony violation of chapter 69.50 RCW except possession
3 of a controlled substance (RCW 69.50.4013) or forged prescription for
4 a controlled substance (RCW 69.50.403);

5 (b) Any offense defined as a felony under federal law that
6 relates to the possession, manufacture, distribution, or
7 transportation of a controlled substance; or

8 (c) Any out-of-state conviction for an offense that under the
9 laws of this state would be a felony classified as a drug offense
10 under (a) of this subsection.

11 (23) "Earned release" means earned release from confinement as
12 provided in RCW 9.94A.728.

13 (24) "Electronic monitoring" means tracking the location of an
14 individual through the use of technology that is capable of
15 determining or identifying the monitored individual's presence or
16 absence at a particular location including, but not limited to:

17 (a) Radio frequency signaling technology, which detects if the
18 monitored individual is or is not at an approved location and
19 notifies the monitoring agency of the time that the monitored
20 individual either leaves the approved location or tampers with or
21 removes the monitoring device; or

22 (b) Active or passive global positioning system technology, which
23 detects the location of the monitored individual and notifies the
24 monitoring agency of the monitored individual's location and which
25 may also include electronic monitoring with victim notification
26 technology that is capable of notifying a victim or protected party,
27 either directly or through a monitoring agency, if the monitored
28 individual enters within the restricted distance of a victim or
29 protected party, or within the restricted distance of a designated
30 location.

31 (25) "Escape" means:

32 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
33 the first degree (RCW 9A.76.110), escape in the second degree (RCW
34 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
35 willful failure to return from work release (RCW 72.65.070), or
36 willful failure to be available for supervision by the department
37 while in community custody (RCW 72.09.310); or

38 (b) Any federal or out-of-state conviction for an offense that
39 under the laws of this state would be a felony classified as an
40 escape under (a) of this subsection.

1 (26) "Felony traffic offense" means:

2 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
3 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
4 run injury-accident (RCW 46.52.020(4)), felony driving while under
5 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
6 or felony physical control of a vehicle while under the influence of
7 intoxicating liquor or any drug (RCW 46.61.504(6)); or

8 (b) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a felony
10 traffic offense under (a) of this subsection.

11 (27) "Fine" means a specific sum of money ordered by the
12 sentencing court to be paid by the offender to the court over a
13 specific period of time.

14 (28) "First-time offender" means any person who has no prior
15 convictions for a felony and is eligible for the first-time offender
16 waiver under RCW 9.94A.650.

17 (29) "Home detention" is a subset of electronic monitoring and
18 means a program of partial confinement available to offenders wherein
19 the offender is confined in a private residence twenty-four hours a
20 day, unless an absence from the residence is approved, authorized, or
21 otherwise permitted in the order by the court or other supervising
22 agency that ordered home detention, and the offender is subject to
23 electronic monitoring.

24 (30) "Homelessness" or "homeless" means a condition where an
25 individual lacks a fixed, regular, and adequate nighttime residence
26 and who has a primary nighttime residence that is:

27 (a) A supervised, publicly or privately operated shelter designed
28 to provide temporary living accommodations;

29 (b) A public or private place not designed for, or ordinarily
30 used as, a regular sleeping accommodation for human beings; or

31 (c) A private residence where the individual stays as a transient
32 invitee.

33 (31) "Legal financial obligation" means a sum of money that is
34 ordered by a superior court of the state of Washington for legal
35 financial obligations which may include restitution to the victim,
36 statutorily imposed crime victims' compensation fees as assessed
37 pursuant to RCW 7.68.035, court costs, county or interlocal drug
38 funds, court-appointed attorneys' fees, and costs of defense, fines,
39 and any other financial obligation that is assessed to the offender
40 as a result of a felony conviction. Upon conviction for vehicular

1 assault while under the influence of intoxicating liquor or any drug,
2 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
3 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
4 financial obligations may also include payment to a public agency of
5 the expense of an emergency response to the incident resulting in the
6 conviction, subject to RCW 38.52.430.

7 (32) "Most serious offense" means any of the following felonies
8 or a felony attempt to commit any of the following felonies:

9 (a) Any felony defined under any law as a class A felony or
10 criminal solicitation of or criminal conspiracy to commit a class A
11 felony;

12 (b) Assault in the second degree;

13 (c) Assault of a child in the second degree;

14 (d) Child molestation in the second degree;

15 (e) Controlled substance homicide;

16 (f) Extortion in the first degree;

17 (g) Incest when committed against a child under age fourteen;

18 (h) Indecent liberties;

19 (i) Kidnapping in the second degree;

20 (j) Leading organized crime;

21 (k) Manslaughter in the first degree;

22 (l) Manslaughter in the second degree;

23 (m) Promoting prostitution in the first degree;

24 (n) Rape in the third degree;

25 (o) Sexual exploitation;

26 (p) Vehicular assault, when caused by the operation or driving of
27 a vehicle by a person while under the influence of intoxicating
28 liquor or any drug or by the operation or driving of a vehicle in a
29 reckless manner;

30 (q) Vehicular homicide, when proximately caused by the driving of
31 any vehicle by any person while under the influence of intoxicating
32 liquor or any drug as defined by RCW 46.61.502, or by the operation
33 of any vehicle in a reckless manner;

34 (r) Any other class B felony offense with a finding of sexual
35 motivation;

36 (s) Any other felony with a deadly weapon verdict under RCW
37 9.94A.825;

38 (t) Any felony offense in effect at any time prior to December 2,
39 1993, that is comparable to a most serious offense under this
40 subsection, or any federal or out-of-state conviction for an offense

1 that under the laws of this state would be a felony classified as a
2 most serious offense under this subsection;

3 (u) (i) A prior conviction for indecent liberties under RCW
4 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
5 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
6 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
7 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
8 until July 1, 1988;

9 (ii) A prior conviction for indecent liberties under RCW
10 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
11 if: (A) The crime was committed against a child under the age of
12 fourteen; or (B) the relationship between the victim and perpetrator
13 is included in the definition of indecent liberties under RCW
14 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
15 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
16 1993, through July 27, 1997;

17 (v) Any out-of-state conviction for a felony offense with a
18 finding of sexual motivation if the minimum sentence imposed was ten
19 years or more; provided that the out-of-state felony offense must be
20 comparable to a felony offense under this title and Title 9A RCW and
21 the out-of-state definition of sexual motivation must be comparable
22 to the definition of sexual motivation contained in this section.

23 (33) "Nonviolent offense" means an offense which is not a violent
24 offense.

25 (34) "Offender" means a person who has committed a felony
26 established by state law and is eighteen years of age or older or is
27 less than eighteen years of age but whose case is under superior
28 court jurisdiction under RCW 13.04.030 or has been transferred by the
29 appropriate juvenile court to a criminal court pursuant to RCW
30 13.40.110. In addition, for the purpose of community custody
31 requirements under this chapter, "offender" also means a misdemeanor
32 or gross misdemeanor probationer ordered by a superior court to
33 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
34 supervised by the department pursuant to RCW 9.94A.501 and
35 9.94A.5011. Throughout this chapter, the terms "offender" and
36 "defendant" are used interchangeably.

37 (35) "Partial confinement" means confinement for no more than one
38 year in a facility or institution operated or utilized under contract
39 by the state or any other unit of government, or, if home detention,
40 electronic monitoring, or work crew has been ordered by the court or

1 home detention has been ordered by the department as part of the
2 parenting program or the graduated reentry program, in an approved
3 residence, for a substantial portion of each day with the balance of
4 the day spent in the community. Partial confinement includes work
5 release, home detention, work crew, electronic monitoring, and a
6 combination of work crew, electronic monitoring, and home detention.

7 (36) "Pattern of criminal street gang activity" means:

8 (a) The commission, attempt, conspiracy, or solicitation of, or
9 any prior juvenile adjudication of or adult conviction of, two or
10 more of the following criminal street gang-related offenses:

11 (i) Any "serious violent" felony offense as defined in this
12 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
13 Child 1 (RCW 9A.36.120);

14 (ii) Any "violent" offense as defined by this section, excluding
15 Assault of a Child 2 (RCW 9A.36.130);

16 (iii) Deliver or Possession with Intent to Deliver a Controlled
17 Substance (chapter 69.50 RCW);

18 (iv) Any violation of the firearms and dangerous weapon act
19 (chapter 9.41 RCW);

20 (v) Theft of a Firearm (RCW 9A.56.300);

21 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

22 (vii) Hate Crime (RCW 9A.36.080);

23 (viii) Harassment where a subsequent violation or deadly threat
24 is made (RCW 9A.46.020(2)(b));

25 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

26 (x) Any felony conviction by a person eighteen years of age or
27 older with a special finding of involving a juvenile in a felony
28 offense under RCW 9.94A.833;

29 (xi) Residential Burglary (RCW 9A.52.025);

30 (xii) Burglary 2 (RCW 9A.52.030);

31 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

32 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

33 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

34 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

35 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
36 9A.56.070);

37 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
38 9A.56.075);

39 (xix) Extortion 1 (RCW 9A.56.120);

40 (xx) Extortion 2 (RCW 9A.56.130);

1 (xxi) Intimidating a Witness (RCW 9A.72.110);
2 (xxii) Tampering with a Witness (RCW 9A.72.120);
3 (xxiii) Reckless Endangerment (RCW 9A.36.050);
4 (xxiv) Coercion (RCW 9A.36.070);
5 (xxv) Harassment (RCW 9A.46.020); or
6 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

7 (b) That at least one of the offenses listed in (a) of this
8 subsection shall have occurred after July 1, 2008;

9 (c) That the most recent committed offense listed in (a) of this
10 subsection occurred within three years of a prior offense listed in
11 (a) of this subsection; and

12 (d) Of the offenses that were committed in (a) of this
13 subsection, the offenses occurred on separate occasions or were
14 committed by two or more persons.

15 (37) "Persistent offender" is an offender who:

16 (a) (i) Has been convicted in this state of any felony considered
17 a most serious offense; and

18 (ii) Has, before the commission of the offense under (a) of this
19 subsection, been convicted as an offender on at least two separate
20 occasions, whether in this state or elsewhere, of felonies that under
21 the laws of this state would be considered most serious offenses and
22 would be included in the offender score under RCW 9.94A.525; provided
23 that of the two or more previous convictions, at least one conviction
24 must have occurred before the commission of any of the other most
25 serious offenses for which the offender was previously convicted; or

26 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
27 of a child in the first degree, child molestation in the first
28 degree, rape in the second degree, rape of a child in the second
29 degree, or indecent liberties by forcible compulsion; (B) any of the
30 following offenses with a finding of sexual motivation: Murder in the
31 first degree, murder in the second degree, homicide by abuse,
32 kidnapping in the first degree, kidnapping in the second degree,
33 assault in the first degree, assault in the second degree, assault of
34 a child in the first degree, assault of a child in the second degree,
35 or burglary in the first degree; or (C) an attempt to commit any
36 crime listed in this subsection (37) (b) (i); and

37 (ii) Has, before the commission of the offense under (b) (i) of
38 this subsection, been convicted as an offender on at least one
39 occasion, whether in this state or elsewhere, of an offense listed in
40 (b) (i) of this subsection or any federal or out-of-state offense or

1 offense under prior Washington law that is comparable to the offenses
2 listed in (b)(i) of this subsection. A conviction for rape of a child
3 in the first degree constitutes a conviction under (b)(i) of this
4 subsection only when the offender was sixteen years of age or older
5 when the offender committed the offense. A conviction for rape of a
6 child in the second degree constitutes a conviction under (b)(i) of
7 this subsection only when the offender was eighteen years of age or
8 older when the offender committed the offense.

9 (38) "Predatory" means: (a) The perpetrator of the crime was a
10 stranger to the victim, as defined in this section; (b) the
11 perpetrator established or promoted a relationship with the victim
12 prior to the offense and the victimization of the victim was a
13 significant reason the perpetrator established or promoted the
14 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
15 volunteer, or other person in authority in any public or private
16 school and the victim was a student of the school under his or her
17 authority or supervision. For purposes of this subsection, "school"
18 does not include home-based instruction as defined in RCW
19 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
20 authority in any recreational activity and the victim was a
21 participant in the activity under his or her authority or
22 supervision; (iii) a pastor, elder, volunteer, or other person in
23 authority in any church or religious organization, and the victim was
24 a member or participant of the organization under his or her
25 authority; or (iv) a teacher, counselor, volunteer, or other person
26 in authority providing home-based instruction and the victim was a
27 student receiving home-based instruction while under his or her
28 authority or supervision. For purposes of this subsection: (A) "Home-
29 based instruction" has the same meaning as defined in RCW
30 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
31 in authority" does not include the parent or legal guardian of the
32 victim.

33 (39) "Private school" means a school regulated under chapter
34 28A.195 or 28A.205 RCW.

35 (40) "Public school" has the same meaning as in RCW 28A.150.010.

36 (41) "Recidivist offense" means a felony offense where a prior
37 conviction of the same offense or other specified offense is an
38 element of the crime including, but not limited to:

39 (a) Assault in the fourth degree where domestic violence is
40 pleaded and proven, RCW 9A.36.041(3);

1 (b) Cyberstalking, RCW 9.61.260(3)(a);
2 (c) Harassment, RCW 9A.46.020(2)(b)(i);
3 (d) Indecent exposure, RCW 9A.88.010(2)(c);
4 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);
5 (f) Telephone harassment, RCW 9.61.230(2)(a); and
6 (g) Violation of a no-contact or protection order, section 56 of
7 this act or RCW 26.50.110(5).

8 (42) "Repetitive domestic violence offense" means any:

9 (a)(i) Domestic violence assault that is not a felony offense
10 under RCW 9A.36.041;

11 (ii) Domestic violence violation of a no-contact order under
12 chapter 10.99 RCW that is not a felony offense;

13 (iii) Domestic violence violation of a protection order under
14 chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW, or violation of a
15 domestic violence protection order under chapter 7.--- RCW (the new
16 chapter created in section 81 of this act), that is not a felony
17 offense;

18 (iv) Domestic violence harassment offense under RCW 9A.46.020
19 that is not a felony offense; or

20 (v) Domestic violence stalking offense under RCW 9A.46.110 that
21 is not a felony offense; or

22 (b) Any federal, out-of-state, tribal court, military, county, or
23 municipal conviction for an offense that under the laws of this state
24 would be classified as a repetitive domestic violence offense under
25 (a) of this subsection.

26 (43) "Restitution" means a specific sum of money ordered by the
27 sentencing court to be paid by the offender to the court over a
28 specified period of time as payment of damages. The sum may include
29 both public and private costs.

30 (44) "Risk assessment" means the application of the risk
31 instrument recommended to the department by the Washington state
32 institute for public policy as having the highest degree of
33 predictive accuracy for assessing an offender's risk of reoffense.

34 (45) "Serious traffic offense" means:

35 (a) Nonfelony driving while under the influence of intoxicating
36 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
37 while under the influence of intoxicating liquor or any drug (RCW
38 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
39 attended vehicle (RCW 46.52.020(5)); or

1 (b) Any federal, out-of-state, county, or municipal conviction
2 for an offense that under the laws of this state would be classified
3 as a serious traffic offense under (a) of this subsection.

4 (46) "Serious violent offense" is a subcategory of violent
5 offense and means:

6 (a) (i) Murder in the first degree;

7 (ii) Homicide by abuse;

8 (iii) Murder in the second degree;

9 (iv) Manslaughter in the first degree;

10 (v) Assault in the first degree;

11 (vi) Kidnapping in the first degree;

12 (vii) Rape in the first degree;

13 (viii) Assault of a child in the first degree; or

14 (ix) An attempt, criminal solicitation, or criminal conspiracy to
15 commit one of these felonies; or

16 (b) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a
18 serious violent offense under (a) of this subsection.

19 (47) "Sex offense" means:

20 (a) (i) A felony that is a violation of chapter 9A.44 RCW other
21 than RCW 9A.44.132;

22 (ii) A violation of RCW 9A.64.020;

23 (iii) A felony that is a violation of chapter 9.68A RCW other
24 than RCW 9.68A.080;

25 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
26 attempt, criminal solicitation, or criminal conspiracy to commit such
27 crimes; or

28 (v) A felony violation of RCW 9A.44.132(1) (failure to register
29 as a sex offender) if the person has been convicted of violating RCW
30 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
31 prior to June 10, 2010, on at least one prior occasion;

32 (b) Any conviction for a felony offense in effect at any time
33 prior to July 1, 1976, that is comparable to a felony classified as a
34 sex offense in (a) of this subsection;

35 (c) A felony with a finding of sexual motivation under RCW
36 9.94A.835 or 13.40.135; or

37 (d) Any federal or out-of-state conviction for an offense that
38 under the laws of this state would be a felony classified as a sex
39 offense under (a) of this subsection.

1 (48) "Sexual motivation" means that one of the purposes for which
2 the defendant committed the crime was for the purpose of his or her
3 sexual gratification.

4 (49) "Standard sentence range" means the sentencing court's
5 discretionary range in imposing a nonappealable sentence.

6 (50) "Statutory maximum sentence" means the maximum length of
7 time for which an offender may be confined as punishment for a crime
8 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
9 defining the crime, or other statute defining the maximum penalty for
10 a crime.

11 (51) "Stranger" means that the victim did not know the offender
12 twenty-four hours before the offense.

13 (52) "Total confinement" means confinement inside the physical
14 boundaries of a facility or institution operated or utilized under
15 contract by the state or any other unit of government for twenty-four
16 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

17 (53) "Transition training" means written and verbal instructions
18 and assistance provided by the department to the offender during the
19 two weeks prior to the offender's successful completion of the work
20 ethic camp program. The transition training shall include
21 instructions in the offender's requirements and obligations during
22 the offender's period of community custody.

23 (54) "Victim" means any person who has sustained emotional,
24 psychological, physical, or financial injury to person or property as
25 a direct result of the crime charged.

26 (55) "Violent offense" means:

27 (a) Any of the following felonies:

28 (i) Any felony defined under any law as a class A felony or an
29 attempt to commit a class A felony;

30 (ii) Criminal solicitation of or criminal conspiracy to commit a
31 class A felony;

32 (iii) Manslaughter in the first degree;

33 (iv) Manslaughter in the second degree;

34 (v) Indecent liberties if committed by forcible compulsion;

35 (vi) Kidnapping in the second degree;

36 (vii) Arson in the second degree;

37 (viii) Assault in the second degree;

38 (ix) Assault of a child in the second degree;

39 (x) Extortion in the first degree;

40 (xi) Robbery in the second degree;

1 (xii) Drive-by shooting;

2 (xiii) Vehicular assault, when caused by the operation or driving
3 of a vehicle by a person while under the influence of intoxicating
4 liquor or any drug or by the operation or driving of a vehicle in a
5 reckless manner; and

6 (xiv) Vehicular homicide, when proximately caused by the driving
7 of any vehicle by any person while under the influence of
8 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
9 the operation of any vehicle in a reckless manner;

10 (b) Any conviction for a felony offense in effect at any time
11 prior to July 1, 1976, that is comparable to a felony classified as a
12 violent offense in (a) of this subsection; and

13 (c) Any federal or out-of-state conviction for an offense that
14 under the laws of this state would be a felony classified as a
15 violent offense under (a) or (b) of this subsection.

16 (56) "Work crew" means a program of partial confinement
17 consisting of civic improvement tasks for the benefit of the
18 community that complies with RCW 9.94A.725.

19 (57) "Work ethic camp" means an alternative incarceration program
20 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
21 the cost of corrections by requiring offenders to complete a
22 comprehensive array of real-world job and vocational experiences,
23 character-building work ethics training, life management skills
24 development, substance abuse rehabilitation, counseling, literacy
25 training, and basic adult education.

26 (58) "Work release" means a program of partial confinement
27 available to offenders who are employed or engaged as a student in a
28 regular course of study at school.

29 **Sec. 102.** RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to
30 read as follows:

31 (1) Decision not to prosecute.

32 STANDARD: A prosecuting attorney may decline to prosecute, even
33 though technically sufficient evidence to prosecute exists, in
34 situations where prosecution would serve no public purpose, would
35 defeat the underlying purpose of the law in question or would result
36 in decreased respect for the law.

37 GUIDELINE/COMMENTARY:

38 Examples

1 The following are examples of reasons not to prosecute which
2 could satisfy the standard.

3 (a) Contrary to Legislative Intent - It may be proper to decline
4 to charge where the application of criminal sanctions would be
5 clearly contrary to the intent of the legislature in enacting the
6 particular statute.

7 (b) Antiquated Statute - It may be proper to decline to charge
8 where the statute in question is antiquated in that:

9 (i) It has not been enforced for many years; and

10 (ii) Most members of society act as if it were no longer in
11 existence; and

12 (iii) It serves no deterrent or protective purpose in today's
13 society; and

14 (iv) The statute has not been recently reconsidered by the
15 legislature.

16 This reason is not to be construed as the basis for declining
17 cases because the law in question is unpopular or because it is
18 difficult to enforce.

19 (c) De Minimis Violation - It may be proper to decline to charge
20 where the violation of law is only technical or insubstantial and
21 where no public interest or deterrent purpose would be served by
22 prosecution.

23 (d) Confinement on Other Charges - It may be proper to decline to
24 charge because the accused has been sentenced on another charge to a
25 lengthy period of confinement; and

26 (i) Conviction of the new offense would not merit any additional
27 direct or collateral punishment;

28 (ii) The new offense is either a misdemeanor or a felony which is
29 not particularly aggravated; and

30 (iii) Conviction of the new offense would not serve any
31 significant deterrent purpose.

32 (e) Pending Conviction on Another Charge - It may be proper to
33 decline to charge because the accused is facing a pending prosecution
34 in the same or another county; and

35 (i) Conviction of the new offense would not merit any additional
36 direct or collateral punishment;

37 (ii) Conviction in the pending prosecution is imminent;

38 (iii) The new offense is either a misdemeanor or a felony which
39 is not particularly aggravated; and

1 (iv) Conviction of the new offense would not serve any
2 significant deterrent purpose.

3 (f) High Disproportionate Cost of Prosecution - It may be proper
4 to decline to charge where the cost of locating or transporting, or
5 the burden on, prosecution witnesses is highly disproportionate to
6 the importance of prosecuting the offense in question. This reason
7 should be limited to minor cases and should not be relied upon in
8 serious cases.

9 (g) Improper Motives of Complainant - It may be proper to decline
10 charges because the motives of the complainant are improper and
11 prosecution would serve no public purpose, would defeat the
12 underlying purpose of the law in question or would result in
13 decreased respect for the law.

14 (h) Immunity - It may be proper to decline to charge where
15 immunity is to be given to an accused in order to prosecute another
16 where the accused's information or testimony will reasonably lead to
17 the conviction of others who are responsible for more serious
18 criminal conduct or who represent a greater danger to the public
19 interest.

20 (i) Victim Request - It may be proper to decline to charge
21 because the victim requests that no criminal charges be filed and the
22 case involves the following crimes or situations:

23 (i) Assault cases where the victim has suffered little or no
24 injury;

25 (ii) Crimes against property, not involving violence, where no
26 major loss was suffered;

27 (iii) Where doing so would not jeopardize the safety of society.

28 Care should be taken to insure that the victim's request is
29 freely made and is not the product of threats or pressure by the
30 accused.

31 The presence of these factors may also justify the decision to
32 dismiss a prosecution which has been commenced.

33 Notification

34 The prosecutor is encouraged to notify the victim, when
35 practical, and the law enforcement personnel, of the decision not to
36 prosecute.

37 (2) Decision to prosecute.

38 (a) STANDARD:

39 Crimes against persons will be filed if sufficient admissible
40 evidence exists, which, when considered with the most plausible,

1 reasonably foreseeable defense that could be raised under the
2 evidence, would justify conviction by a reasonable and objective fact
3 finder. With regard to offenses prohibited by RCW 9A.44.040,
4 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
5 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling
6 agreements or diversions intended to place the accused in a program
7 of treatment or counseling, so that treatment, if determined to be
8 beneficial, can be provided pursuant to RCW 9.94A.670.

9 Crimes against property/other crimes will be filed if the
10 admissible evidence is of such convincing force as to make it
11 probable that a reasonable and objective fact finder would convict
12 after hearing all the admissible evidence and the most plausible
13 defense that could be raised.

14 See table below for the crimes within these categories.

15 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

16 CRIMES AGAINST PERSONS

17 Aggravated Murder (RCW 10.95.020)

18 1st Degree Murder (RCW 9A.32.030)

19 2nd Degree Murder (RCW 9A.32.050)

20 1st Degree Manslaughter (RCW 9A.32.060)

21 2nd Degree Manslaughter (RCW 9A.32.070)

22 1st Degree Kidnapping (RCW 9A.40.020)

23 2nd Degree Kidnapping (RCW 9A.40.030)

24 1st Degree Assault (RCW 9A.36.011)

25 2nd Degree Assault (RCW 9A.36.021)

26 3rd Degree Assault (RCW 9A.36.031)

27 4th Degree Assault (if a violation of RCW 9A.36.041(3))

28 1st Degree Assault of a Child (RCW 9A.36.120)

29 2nd Degree Assault of a Child (RCW 9A.36.130)

30 3rd Degree Assault of a Child (RCW 9A.36.140)

31 1st Degree Rape (RCW 9A.44.040)

32 2nd Degree Rape (RCW 9A.44.050)

33 3rd Degree Rape (RCW 9A.44.060)

34 1st Degree Rape of a Child (RCW 9A.44.073)

35 2nd Degree Rape of a Child (RCW 9A.44.076)

36 3rd Degree Rape of a Child (RCW 9A.44.079)

37 1st Degree Robbery (RCW 9A.56.200)

38 2nd Degree Robbery (RCW 9A.56.210)

39 1st Degree Arson (RCW 9A.48.020)

1 1st Degree Burglary (RCW 9A.52.020)
2 1st Degree Identity Theft (RCW 9.35.020(2))
3 2nd Degree Identity Theft (RCW 9.35.020(3))
4 1st Degree Extortion (RCW 9A.56.120)
5 2nd Degree Extortion (RCW 9A.56.130)
6 1st Degree Criminal Mistreatment (RCW 9A.42.020)
7 2nd Degree Criminal Mistreatment (RCW 9A.42.030)
8 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))
9 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))
10 Indecent Liberties (RCW 9A.44.100)
11 Incest (RCW 9A.64.020)
12 Vehicular Homicide (RCW 46.61.520)
13 Vehicular Assault (RCW 46.61.522)
14 1st Degree Child Molestation (RCW 9A.44.083)
15 2nd Degree Child Molestation (RCW 9A.44.086)
16 3rd Degree Child Molestation (RCW 9A.44.089)
17 1st Degree Promoting Prostitution (RCW 9A.88.070)
18 Intimidating a Juror (RCW 9A.72.130)
19 Communication with a Minor (RCW 9.68A.090)
20 Intimidating a Witness (RCW 9A.72.110)
21 Intimidating a Public Servant (RCW 9A.76.180)
22 Bomb Threat (if against person) (RCW 9.61.160)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Promoting a Suicide Attempt (RCW 9A.36.060)
25 Criminal Mischief (if against person) (RCW 9A.84.010)
26 Stalking (RCW 9A.46.110)
27 Custodial Assault (RCW 9A.36.100)
28 Domestic Violence Court Order Violation (section 56 of this act,
29 RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050,
30 26.50.110, 26.52.070, or 74.34.145)
31 Counterfeiting (if a violation of RCW 9.16.035(4))
32 Felony Driving a Motor Vehicle While Under the Influence of
33 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
34 Felony Physical Control of a Motor Vehicle While Under the
35 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
36 CRIMES AGAINST PROPERTY/OTHER CRIMES
37 2nd Degree Arson (RCW 9A.48.030)
38 1st Degree Escape (RCW 9A.76.110)
39 2nd Degree Escape (RCW 9A.76.120)

1 2nd Degree Burglary (RCW 9A.52.030)
2 1st Degree Theft (RCW 9A.56.030)
3 2nd Degree Theft (RCW 9A.56.040)
4 1st Degree Perjury (RCW 9A.72.020)
5 2nd Degree Perjury (RCW 9A.72.030)
6 1st Degree Introducing Contraband (RCW 9A.76.140)
7 2nd Degree Introducing Contraband (RCW 9A.76.150)
8 1st Degree Possession of Stolen Property (RCW 9A.56.150)
9 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
10 Bribery (RCW 9A.68.010)
11 Bribing a Witness (RCW 9A.72.090)
12 Bribe received by a Witness (RCW 9A.72.100)
13 Bomb Threat (if against property) (RCW 9.61.160)
14 1st Degree Malicious Mischief (RCW 9A.48.070)
15 2nd Degree Malicious Mischief (RCW 9A.48.080)
16 1st Degree Reckless Burning (RCW 9A.48.040)
17 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and
18 9A.56.075)
19 Forgery (RCW 9A.60.020)
20 2nd Degree Promoting Prostitution (RCW 9A.88.080)
21 Tampering with a Witness (RCW 9A.72.120)
22 Trading in Public Office (RCW 9A.68.040)
23 Trading in Special Influence (RCW 9A.68.050)
24 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)
25 Bigamy (RCW 9A.64.010)
26 Eluding a Pursuing Police Vehicle (RCW 46.61.024)
27 Willful Failure to Return from Furlough
28 Escape from Community Custody
29 Criminal Mischief (if against property) (RCW 9A.84.010)
30 1st Degree Theft of Livestock (RCW 9A.56.080)
31 2nd Degree Theft of Livestock (RCW 9A.56.083)
32 ALL OTHER UNCLASSIFIED FELONIES
33 Selection of Charges/Degree of Charge
34 (i) The prosecutor should file charges which adequately describe
35 the nature of defendant's conduct. Other offenses may be charged only
36 if they are necessary to ensure that the charges:
37 (A) Will significantly enhance the strength of the state's case
38 at trial; or
39 (B) Will result in restitution to all victims.

1 (ii) The prosecutor should not overcharge to obtain a guilty
2 plea. Overcharging includes:

- 3 (A) Charging a higher degree;
- 4 (B) Charging additional counts.

5 This standard is intended to direct prosecutors to charge those
6 crimes which demonstrate the nature and seriousness of a defendant's
7 criminal conduct, but to decline to charge crimes which are not
8 necessary to such an indication. Crimes which do not merge as a
9 matter of law, but which arise from the same course of conduct, do
10 not all have to be charged.

11 (b) GUIDELINES/COMMENTARY:

12 (i) Police Investigation

13 A prosecuting attorney is dependent upon law enforcement agencies
14 to conduct the necessary factual investigation which must precede the
15 decision to prosecute. The prosecuting attorney shall ensure that a
16 thorough factual investigation has been conducted before a decision
17 to prosecute is made. In ordinary circumstances the investigation
18 should include the following:

- 19 (A) The interviewing of all material witnesses, together with the
20 obtaining of written statements whenever possible;
- 21 (B) The completion of necessary laboratory tests; and
- 22 (C) The obtaining, in accordance with constitutional
23 requirements, of the suspect's version of the events.

24 If the initial investigation is incomplete, a prosecuting
25 attorney should insist upon further investigation before a decision
26 to prosecute is made, and specify what the investigation needs to
27 include.

28 (ii) Exceptions

29 In certain situations, a prosecuting attorney may authorize
30 filing of a criminal complaint before the investigation is complete
31 if:

- 32 (A) Probable cause exists to believe the suspect is guilty; and
- 33 (B) The suspect presents a danger to the community or is likely
34 to flee if not apprehended; or
- 35 (C) The arrest of the suspect is necessary to complete the
36 investigation of the crime.

37 In the event that the exception to the standard is applied, the
38 prosecuting attorney shall obtain a commitment from the law
39 enforcement agency involved to complete the investigation in a timely

1 manner. If the subsequent investigation does not produce sufficient
2 evidence to meet the normal charging standard, the complaint should
3 be dismissed.

4 (iii) Investigation Techniques

5 The prosecutor should be fully advised of the investigatory
6 techniques that were used in the case investigation including:

- 7 (A) Polygraph testing;
- 8 (B) Hypnosis;
- 9 (C) Electronic surveillance;
- 10 (D) Use of informants.

11 (iv) Prefiling Discussions with Defendant

12 Discussions with the defendant or his/her representative
13 regarding the selection or disposition of charges may occur prior to
14 the filing of charges, and potential agreements can be reached.

15 (v) Prefiling Discussions with Victim(s)

16 Discussions with the victim(s) or victims' representatives
17 regarding the selection or disposition of charges may occur before
18 the filing of charges. The discussions may be considered by the
19 prosecutor in charging and disposition decisions, and should be
20 considered before reaching any agreement with the defendant regarding
21 these decisions.

22 **Sec. 103.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to
23 read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH
26 SERIOUSNESS LEVEL

- 27 XVI Aggravated Murder 1 (RCW 10.95.020)
- 28 XV Homicide by abuse (RCW 9A.32.055)
- 29 Malicious explosion 1 (RCW
30 70.74.280(1))
- 31 Murder 1 (RCW 9A.32.030)
- 32 XIV Murder 2 (RCW 9A.32.050)
- 33 Trafficking 1 (RCW 9A.40.100(1))
- 34 XIII Malicious explosion 2 (RCW
35 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Promoting Commercial Sexual Abuse of
8 a Minor (RCW 9.68A.101)
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(3))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)
18 Vehicular Homicide, by the operation of
19 any vehicle in a reckless manner
20 (RCW 46.61.520)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Criminal Mistreatment 1 (RCW
23 9A.42.020)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape (RCW
33 9A.76.115)
34 IX Abandonment of Dependent Person 1
35 (RCW 9A.42.060)

1 Assault of a Child 2 (RCW 9A.36.130)
2 Explosive devices prohibited (RCW
3 70.74.180)
4 Hit and Run—Death (RCW
5 46.52.020(4)(a))
6 Homicide by Watercraft, by being under
7 the influence of intoxicating liquor
8 or any drug (RCW 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 VIII Arson 1 (RCW 9A.48.020)
16 Commercial Sexual Abuse of a Minor
17 (RCW 9.68A.100)
18 Homicide by Watercraft, by the
19 operation of any vessel in a reckless
20 manner (RCW 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 VII Air bag diagnostic systems (causing
26 bodily injury or death) (RCW
27 46.37.660(2)(b))
28 Air bag replacement requirements
29 (causing bodily injury or death)
30 (RCW 46.37.660(1)(b))
31 Burglary 1 (RCW 9A.52.020)
32 Child Molestation 2 (RCW 9A.44.086)
33 Civil Disorder Training (RCW
34 9A.48.120)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct 1
3 (RCW 9.68A.050(1))
4 Drive-by Shooting (RCW 9A.36.045)
5 False Reporting 1 (RCW
6 9A.84.040(2)(a))
7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))
13 Introducing Contraband 1 (RCW
14 9A.76.140)
15 Malicious placement of an explosive 3
16 (RCW 70.74.270(3))
17 Manufacture or import counterfeit,
18 nonfunctional, damaged, or
19 previously deployed air bag
20 (causing bodily injury or death)
21 (RCW 46.37.650(1)(b))
22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)
25 Sell, install, or reinstall counterfeit,
26 nonfunctional, damaged, or
27 previously deployed airbag (RCW
28 46.37.650(2)(b))
29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct 1 (RCW
32 9.68A.060(1))
33 Unlawful Possession of a Firearm in the
34 first degree (RCW 9.41.040(1))
35 Use of a Machine Gun or Bump-fire
36 Stock in Commission of a Felony
37 (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW 9A.72.160)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Malicious placement of an imitation
12 device 2 (RCW 70.74.272(1)(b))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.070(1))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Theft from a Vulnerable Adult 1 (RCW
19 9A.56.400(1))
20 Unlawful Storage of Ammonia (RCW
21 69.55.020)

22 V Abandonment of Dependent Person 2
23 (RCW 9A.42.070)
24 Advancing money or property for
25 extortionate extension of credit
26 (RCW 9A.82.030)
27 Air bag diagnostic systems (RCW
28 46.37.660(2)(c))
29 Air bag replacement requirements
30 (RCW 46.37.660(1)(c))
31 Bail Jumping with class A Felony
32 (RCW 9A.76.170(3)(b))
33 Child Molestation 3 (RCW 9A.44.089)
34 Criminal Mistreatment 2 (RCW
35 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Dealing in Depictions of Minor
4 Engaged in Sexually Explicit
5 Conduct 2 (RCW 9.68A.050(2))
6 Domestic Violence Court Order
7 Violation (section 56 of this act,
8 RCW 10.99.040, 10.99.050,
9 26.09.300, 26.10.220, 26.26B.050,
10 26.50.110, 26.52.070, or 74.34.145)
11 Extortion 1 (RCW 9A.56.120)
12 Extortionate Extension of Credit (RCW
13 9A.82.020)
14 Extortionate Means to Collect
15 Extensions of Credit (RCW
16 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Manufacture or import counterfeit,
20 nonfunctional, damaged, or
21 previously deployed air bag (RCW
22 46.37.650(1)(c))
23 Perjury 1 (RCW 9A.72.020)
24 Persistent prison misbehavior (RCW
25 9.94.070)
26 Possession of a Stolen Firearm (RCW
27 9A.56.310)
28 Rape 3 (RCW 9A.44.060)
29 Rendering Criminal Assistance 1 (RCW
30 9A.76.070)
31 Sell, install, or reinstall counterfeit,
32 nonfunctional, damaged, or
33 previously deployed airbag (RCW
34 46.37.650(2)(c))

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault 4 (third domestic violence
18 offense) (RCW 9A.36.041(3))
19 Assault by Watercraft (RCW
20 79A.60.060)
21 Bribing a Witness/Bribe Received by
22 Witness (RCW 9A.72.090,
23 9A.72.100)
24 Cheating 1 (RCW 9.46.1961)
25 Commercial Bribery (RCW 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Hate Crime (RCW 9A.36.080)
33 Hit and Run—Injury (RCW
34 46.52.020(4)(b))

1 Hit and Run with Vessel—Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under Age
5 Fourteen (subsequent sex offense)
6 (RCW 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of Depictions of a Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.070(2))
15 Residential Burglary (RCW 9A.52.025)
16 Robbery 2 (RCW 9A.56.210)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Threats to Bomb (RCW 9.61.160)
19 Trafficking in Stolen Property 1 (RCW
20 9A.82.050)
21 Unlawful factoring of a credit card or
22 payment card transaction (RCW
23 9A.56.290(4)(b))
24 Unlawful transaction of health coverage
25 as a health care service contractor
26 (RCW 48.44.016(3))
27 Unlawful transaction of health coverage
28 as a health maintenance
29 organization (RCW 48.46.033(3))
30 Unlawful transaction of insurance
31 business (RCW 48.15.023(3))
32 Unlicensed practice as an insurance
33 professional (RCW 48.17.063(2))
34 Use of Proceeds of Criminal
35 Profiteering (RCW 9A.82.080 (1)
36 and (2))

1 Vehicle Prowling 2 (third or subsequent
2 offense) (RCW 9A.52.100(3))
3 Vehicular Assault, by being under the
4 influence of intoxicating liquor or
5 any drug, or by the operation or
6 driving of a vehicle in a reckless
7 manner (RCW 46.61.522)
8 Viewing of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 1 (RCW 9.68A.075(1))
11 Willful Failure to Return from Furlough
12 (RCW 72.66.060)
13 III Animal Cruelty 1 (Sexual Conduct or
14 Contact) (RCW 16.52.205(3))
15 Assault 3 (Except Assault 3 of a Peace
16 Officer With a Projectile Stun Gun)
17 (RCW 9A.36.031 except subsection
18 (1)(h))
19 Assault of a Child 3 (RCW 9A.36.140)
20 Bail Jumping with class B or C Felony
21 (RCW 9A.76.170(3)(c))
22 Burglary 2 (RCW 9A.52.030)
23 Communication with a Minor for
24 Immoral Purposes (RCW
25 9.68A.090)
26 Criminal Gang Intimidation (RCW
27 9A.46.120)
28 Custodial Assault (RCW 9A.36.100)
29 Cyberstalking (subsequent conviction or
30 threat of death) (RCW 9.61.260(3))
31 Escape 2 (RCW 9A.76.120)
32 Extortion 2 (RCW 9A.56.130)
33 False Reporting 2 (RCW
34 9A.84.040(2)(b))
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Manufacture of Untraceable Firearm
8 with Intent to Sell (RCW 9.41.190)
9 Manufacture or Assembly of an
10 Undetectable Firearm or
11 Untraceable Firearm (RCW
12 9.41.325)
13 Mortgage Fraud (RCW 19.144.080)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Organized Retail Theft 1 (RCW
19 9A.56.350(2))
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun, Bump-Fire
24 Stock, Undetectable Firearm, or
25 Short-Barreled Shotgun or Rifle
26 (RCW 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 Retail Theft with Special Circumstances
30 1 (RCW 9A.56.360(2))
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death) (RCW
3 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Hunting of Big Game 1 (RCW
10 77.15.410(3)(b))
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful Misbranding of Fish or
14 Shellfish 1 (RCW 77.140.060(3))
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(2))
17 Unlawful Taking of Endangered Fish or
18 Wildlife 1 (RCW 77.15.120(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 1 (RCW
21 77.15.260(3)(b))
22 Unlawful Use of a Nondesignated
23 Vessel (RCW 77.15.530(4))
24 Vehicular Assault, by the operation or
25 driving of a vehicle with disregard
26 for the safety of others (RCW
27 46.61.522)
28 Willful Failure to Return from Work
29 Release (RCW 72.65.070)
30 II Commercial Fishing Without a License
31 1 (RCW 77.15.500(3)(b))
32 Computer Trespass 1 (RCW 9A.90.040)
33 Counterfeiting (RCW 9.16.035(3))
34 Electronic Data Service Interference
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW
2 9A.90.080)
3 Electronic Data Theft (RCW 9A.90.100)
4 Engaging in Fish Dealing Activity
5 Unlicensed 1 (RCW 77.15.620(3))
6 Escape from Community Custody
7 (RCW 72.09.310)
8 Failure to Register as a Sex Offender
9 (second or subsequent offense)
10 (RCW 9A.44.130 prior to June 10,
11 2010, and RCW 9A.44.132)
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(3))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW 9A.48.070)
18 Organized Retail Theft 2 (RCW
19 9A.56.350(3))
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Possession of a Stolen Vehicle (RCW
23 9A.56.068)
24 Retail Theft with Special Circumstances
25 2 (RCW 9A.56.360(3))
26 Scrap Processing, Recycling, or
27 Supplying Without a License
28 (second or subsequent offense)
29 (RCW 19.290.100)
30 Theft 1 (RCW 9A.56.030)
31 Theft of a Motor Vehicle (RCW
32 9A.56.065)
33 Theft of Rental, Leased, Lease-
34 purchased, or Loaned Property
35 (valued at five thousand dollars or
36 more) (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Participation of Non-Indians
9 in Indian Fishery (RCW
10 77.15.570(2))
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Voyeurism 1 (RCW 9A.44.115)
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW 9A.48.080)
30 Mineral Trespass (RCW 78.44.330)
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Reckless Burning 1 (RCW 9A.48.040)
34 Spotlighting Big Game 1 (RCW
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1
2 (RCW 77.15.670(3)(b))
3 Taking Motor Vehicle Without
4 Permission 2 (RCW 9A.56.075)
5 Theft 2 (RCW 9A.56.040)
6 Theft from a Vulnerable Adult 2 (RCW
7 9A.56.400(2))
8 Theft of Rental, Leased, Lease-
9 purchased, or Loaned Property
10 (valued at seven hundred fifty
11 dollars or more but less than five
12 thousand dollars) (RCW
13 9A.56.096(5)(b))
14 Transaction of insurance business
15 beyond the scope of licensure
16 (RCW 48.17.063)
17 Unlawful Fish and Shellfish Catch
18 Accounting (RCW 77.15.630(3)(b))
19 Unlawful Issuance of Checks or Drafts
20 (RCW 9A.56.060)
21 Unlawful Possession of Fictitious
22 Identification (RCW 9A.56.320)
23 Unlawful Possession of Instruments of
24 Financial Fraud (RCW 9A.56.320)
25 Unlawful Possession of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Possession of a Personal
28 Identification Device (RCW
29 9A.56.320)
30 Unlawful Production of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Releasing, Planting,
33 Possessing, or Placing Deleterious
34 Exotic Wildlife (RCW
35 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps
2 (RCW 9.91.142)
3 Unlawful Use of Food Stamps (RCW
4 9.91.144)
5 Unlawful Use of Net to Take Fish 1
6 (RCW 77.15.580(3)(b))
7 Unlawful Use of Prohibited Aquatic
8 Animal Species (RCW
9 77.15.253(3))
10 Vehicle Prowl 1 (RCW 9A.52.095)
11 Violating Commercial Fishing Area or
12 Time 1 (RCW 77.15.550(3)(b))

13 **Sec. 104.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to
14 read as follows:

15 The offender score is measured on the horizontal axis of the
16 sentencing grid. The offender score rules are as follows:

17 The offender score is the sum of points accrued under this
18 section rounded down to the nearest whole number.

19 (1) A prior conviction is a conviction which exists before the
20 date of sentencing for the offense for which the offender score is
21 being computed. Convictions entered or sentenced on the same date as
22 the conviction for which the offender score is being computed shall
23 be deemed "other current offenses" within the meaning of RCW
24 9.94A.589.

25 (2) (a) Class A and sex prior felony convictions shall always be
26 included in the offender score.

27 (b) Class B prior felony convictions other than sex offenses
28 shall not be included in the offender score, if since the last date
29 of release from confinement (including full-time residential
30 treatment) pursuant to a felony conviction, if any, or entry of
31 judgment and sentence, the offender had spent ten consecutive years
32 in the community without committing any crime that subsequently
33 results in a conviction.

34 (c) Except as provided in (e) of this subsection, class C prior
35 felony convictions other than sex offenses shall not be included in
36 the offender score if, since the last date of release from
37 confinement (including full-time residential treatment) pursuant to a

1 felony conviction, if any, or entry of judgment and sentence, the
2 offender had spent five consecutive years in the community without
3 committing any crime that subsequently results in a conviction.

4 (d) Except as provided in (e) of this subsection, serious traffic
5 convictions shall not be included in the offender score if, since the
6 last date of release from confinement (including full-time
7 residential treatment) pursuant to a conviction, if any, or entry of
8 judgment and sentence, the offender spent five years in the community
9 without committing any crime that subsequently results in a
10 conviction.

11 (e) If the present conviction is felony driving while under the
12 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
13 felony physical control of a vehicle while under the influence of
14 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
15 crimes for the offense as defined by RCW 46.61.5055(14) shall be
16 included in the offender score, and prior convictions for felony
17 driving while under the influence of intoxicating liquor or any drug
18 (RCW 46.61.502(6)) or felony physical control of a vehicle while
19 under the influence of intoxicating liquor or any drug (RCW
20 46.61.504(6)) shall always be included in the offender score. All
21 other convictions of the defendant shall be scored according to this
22 section.

23 (f) Prior convictions for a repetitive domestic violence offense,
24 as defined in RCW 9.94A.030, shall not be included in the offender
25 score if, since the last date of release from confinement or entry of
26 judgment and sentence, the offender had spent ten consecutive years
27 in the community without committing any crime that subsequently
28 results in a conviction.

29 (g) This subsection applies to both adult and juvenile prior
30 convictions.

31 (3) Out-of-state convictions for offenses shall be classified
32 according to the comparable offense definitions and sentences
33 provided by Washington law. Federal convictions for offenses shall be
34 classified according to the comparable offense definitions and
35 sentences provided by Washington law. If there is no clearly
36 comparable offense under Washington law or the offense is one that is
37 usually considered subject to exclusive federal jurisdiction, the
38 offense shall be scored as a class C felony equivalent if it was a
39 felony under the relevant federal statute.

1 (4) Score prior convictions for felony anticipatory offenses
2 (attempts, criminal solicitations, and criminal conspiracies) the
3 same as if they were convictions for completed offenses.

4 (5) (a) In the case of multiple prior convictions, for the purpose
5 of computing the offender score, count all convictions separately,
6 except:

7 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
8 to encompass the same criminal conduct, shall be counted as one
9 offense, the offense that yields the highest offender score. The
10 current sentencing court shall determine with respect to other prior
11 adult offenses for which sentences were served concurrently or prior
12 juvenile offenses for which sentences were served consecutively,
13 whether those offenses shall be counted as one offense or as separate
14 offenses using the "same criminal conduct" analysis found in RCW
15 9.94A.589(1) (a), and if the court finds that they shall be counted as
16 one offense, then the offense that yields the highest offender score
17 shall be used. The current sentencing court may presume that such
18 other prior offenses were not the same criminal conduct from
19 sentences imposed on separate dates, or in separate counties or
20 jurisdictions, or in separate complaints, indictments, or
21 informations;

22 (ii) In the case of multiple prior convictions for offenses
23 committed before July 1, 1986, for the purpose of computing the
24 offender score, count all adult convictions served concurrently as
25 one offense, and count all juvenile convictions entered on the same
26 date as one offense. Use the conviction for the offense that yields
27 the highest offender score.

28 (b) As used in this subsection (5), "served concurrently" means
29 that: (i) The latter sentence was imposed with specific reference to
30 the former; (ii) the concurrent relationship of the sentences was
31 judicially imposed; and (iii) the concurrent timing of the sentences
32 was not the result of a probation or parole revocation on the former
33 offense.

34 (6) If the present conviction is one of the anticipatory offenses
35 of criminal attempt, solicitation, or conspiracy, count each prior
36 conviction as if the present conviction were for a completed offense.
37 When these convictions are used as criminal history, score them the
38 same as a completed crime.

39 (7) If the present conviction is for a nonviolent offense and not
40 covered by subsection (11), (12), or (13) of this section, count one

1 point for each adult prior felony conviction and one point for each
2 juvenile prior violent felony conviction and 1/2 point for each
3 juvenile prior nonviolent felony conviction.

4 (8) If the present conviction is for a violent offense and not
5 covered in subsection (9), (10), (11), (12), or (13) of this section,
6 count two points for each prior adult and juvenile violent felony
7 conviction, one point for each prior adult nonviolent felony
8 conviction, and 1/2 point for each prior juvenile nonviolent felony
9 conviction.

10 (9) If the present conviction is for a serious violent offense,
11 count three points for prior adult and juvenile convictions for
12 crimes in this category, two points for each prior adult and juvenile
13 violent conviction (not already counted), one point for each prior
14 adult nonviolent felony conviction, and 1/2 point for each prior
15 juvenile nonviolent felony conviction.

16 (10) If the present conviction is for Burglary 1, count prior
17 convictions as in subsection (8) of this section; however count two
18 points for each prior adult Burglary 2 or residential burglary
19 conviction, and one point for each prior juvenile Burglary 2 or
20 residential burglary conviction.

21 (11) If the present conviction is for a felony traffic offense
22 count two points for each adult or juvenile prior conviction for
23 Vehicular Homicide or Vehicular Assault; for each felony offense
24 count one point for each adult and 1/2 point for each juvenile prior
25 conviction; for each serious traffic offense, other than those used
26 for an enhancement pursuant to RCW 46.61.520(2), count one point for
27 each adult and 1/2 point for each juvenile prior conviction; count
28 one point for each adult and 1/2 point for each juvenile prior
29 conviction for operation of a vessel while under the influence of
30 intoxicating liquor or any drug.

31 (12) If the present conviction is for homicide by watercraft or
32 assault by watercraft count two points for each adult or juvenile
33 prior conviction for homicide by watercraft or assault by watercraft;
34 for each felony offense count one point for each adult and 1/2 point
35 for each juvenile prior conviction; count one point for each adult
36 and 1/2 point for each juvenile prior conviction for driving under
37 the influence of intoxicating liquor or any drug, actual physical
38 control of a motor vehicle while under the influence of intoxicating
39 liquor or any drug, or operation of a vessel while under the
40 influence of intoxicating liquor or any drug.

1 (13) If the present conviction is for manufacture of
2 methamphetamine count three points for each adult prior manufacture
3 of methamphetamine conviction and two points for each juvenile
4 manufacture of methamphetamine offense. If the present conviction is
5 for a drug offense and the offender has a criminal history that
6 includes a sex offense or serious violent offense, count three points
7 for each adult prior felony drug offense conviction and two points
8 for each juvenile drug offense. All other adult and juvenile felonies
9 are scored as in subsection (8) of this section if the current drug
10 offense is violent, or as in subsection (7) of this section if the
11 current drug offense is nonviolent.

12 (14) If the present conviction is for Escape from Community
13 Custody, RCW 72.09.310, count only prior escape convictions in the
14 offender score. Count adult prior escape convictions as one point and
15 juvenile prior escape convictions as 1/2 point.

16 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
17 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
18 and juvenile prior convictions as 1/2 point.

19 (16) If the present conviction is for Burglary 2 or residential
20 burglary, count priors as in subsection (7) of this section; however,
21 count two points for each adult and juvenile prior Burglary 1
22 conviction, two points for each adult prior Burglary 2 or residential
23 burglary conviction, and one point for each juvenile prior Burglary 2
24 or residential burglary conviction.

25 (17) If the present conviction is for a sex offense, count priors
26 as in subsections (7) through (11) and (13) through (16) of this
27 section; however count three points for each adult and juvenile prior
28 sex offense conviction.

29 (18) If the present conviction is for failure to register as a
30 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
31 subsections (7) through (11) and (13) through (16) of this section;
32 however count three points for each adult and juvenile prior sex
33 offense conviction, excluding prior convictions for failure to
34 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which
35 shall count as one point.

36 (19) If the present conviction is for an offense committed while
37 the offender was under community custody, add one point. For purposes
38 of this subsection, community custody includes community placement or
39 postrelease supervision, as defined in chapter 9.94B RCW.

1 (20) If the present conviction is for Theft of a Motor Vehicle,
2 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
3 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
4 priors as in subsections (7) through (18) of this section; however
5 count one point for prior convictions of Vehicle Prowling 2, and
6 three points for each adult and juvenile prior Theft 1 (of a motor
7 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
8 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
9 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
10 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
11 Vehicle Without Permission 2 conviction.

12 (21) If the present conviction is for a felony domestic violence
13 offense where domestic violence as defined in RCW 9.94A.030 was
14 pleaded and proven, count priors as in subsections (7) through (20)
15 of this section; however, count points as follows:

16 (a) Count two points for each adult prior conviction where
17 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
18 after August 1, 2011, for any of the following offenses: A felony
19 violation of a no-contact or protection order (section 56 of this act
20 or RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony
21 Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
22 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
23 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
24 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
25 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
26 Arson 2 (RCW 9A.48.030);

27 (b) Count two points for each adult prior conviction where
28 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
29 after July 23, 2017, for any of the following offenses: Assault of a
30 child in the first degree, RCW 9A.36.120; Assault of a child in the
31 second degree, RCW 9A.36.130; Assault of a child in the third degree,
32 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
33 9A.42.020; or Criminal Mistreatment in the second degree, RCW
34 9A.42.030;

35 (c) Count one point for each second and subsequent juvenile
36 conviction where domestic violence as defined in RCW 9.94A.030 was
37 pleaded and proven after August 1, 2011, for the offenses listed in
38 (a) of this subsection; and

39 (d) Count one point for each adult prior conviction for a
40 repetitive domestic violence offense as defined in RCW 9.94A.030,

1 where domestic violence as defined in RCW 9.94A.030, was pleaded and
2 proven after August 1, 2011.

3 (22) The fact that a prior conviction was not included in an
4 offender's offender score or criminal history at a previous
5 sentencing shall have no bearing on whether it is included in the
6 criminal history or offender score for the current offense. Prior
7 convictions that were not counted in the offender score or included
8 in criminal history under repealed or previous versions of the
9 sentencing reform act shall be included in criminal history and shall
10 count in the offender score if the current version of the sentencing
11 reform act requires including or counting those convictions. Prior
12 convictions that were not included in criminal history or in the
13 offender score shall be included upon any resentencing to ensure
14 imposition of an accurate sentence.

15 **Sec. 105.** RCW 9.94A.637 and 2019 c 331 s 2 are each amended to
16 read as follows:

17 (1) When an offender has completed all requirements of the
18 sentence, including any and all legal financial obligations, and
19 while under the custody or supervision of the department, the
20 secretary or the secretary's designee shall notify the sentencing
21 court, which shall discharge the offender and provide the offender
22 with a certificate of discharge by issuing the certificate to the
23 offender in person or by mailing the certificate to the offender's
24 last known address. A certificate of discharge issued under this
25 subsection (1) is effective on the date the offender completed all
26 conditions of his or her sentence.

27 (2)(a) When an offender has reached the end of his or her
28 supervision with the department and has completed all the
29 requirements of the sentence except his or her legal financial
30 obligations, the secretary's designee shall provide the county clerk
31 with a notice that the offender has completed all nonfinancial
32 requirements of the sentence. The notice must list the specific
33 sentence requirements that have been completed, so that it is clear
34 to the sentencing court that the offender is entitled to discharge
35 upon completion of the legal financial obligations of the sentence.

36 (b) When the department has provided the county clerk with notice
37 under (a) of this subsection showing that an offender has completed
38 all the requirements of the sentence and the offender subsequently
39 satisfies all legal financial obligations under the sentence, the

1 county clerk shall promptly notify the sentencing court. Upon receipt
2 of the notice under this subsection (2)(b), the court shall discharge
3 the offender and provide the offender with a certificate of
4 discharge. A certificate of discharge issued under this subsection
5 (2) is effective on the date the offender completed all conditions of
6 his or her sentence.

7 (3) In the absence of a certificate of discharge issued under
8 subsection (1) or (2) of this section, the offender may file a motion
9 with the sentencing court for a certificate of discharge. The
10 sentencing court shall issue a certificate of discharge upon
11 verification of completion of all sentencing conditions, including
12 any and all legal financial obligations. A certificate of discharge
13 issued under this subsection (3) is effective on the date the
14 offender completed all conditions of his or her sentence.

15 (4) In the absence of a certificate of discharge issued under
16 subsection (1), (2), or (3) of this section, the offender may file a
17 motion with the sentencing court for a certificate of discharge and
18 shall provide verification of completion of all nonfinancial
19 conditions of his or her sentence, unless the court finds good cause
20 to waive this requirement. A certificate of discharge issued under
21 this subsection (4) is effective on the later of: (a) Five years
22 after completion of community custody, or if the offender was not
23 required to serve community custody, after the completion of full and
24 partial confinement; or (b) the date any and all legal financial
25 obligations were satisfied.

26 (5) The court shall issue a certificate of discharge by issuing
27 the certificate to the offender in person or by mailing the
28 certificate to the offender's last known address.

29 (6)(a) A no-contact order is not a requirement of the offender's
30 sentence. An offender who has completed all requirements of the
31 sentence, including any and all legal financial obligations, is
32 eligible for a certificate of discharge even if the offender has an
33 existing no-contact order that excludes or prohibits the offender
34 from having contact with a specified person or entity or coming
35 within a set distance of any specified location.

36 In the case of an eligible offender who has a no-contact order as
37 part of the judgment and sentence, the offender may petition the
38 sentencing court to issue a certificate of discharge and a separate
39 no-contact order, which must include paying the appropriate filing
40 fee for the separate no-contact order. This filing fee does not apply

1 to an offender seeking a certificate of discharge when the offender
2 has a no-contact order separate from the judgment and sentence.

3 The court shall reissue the no-contact order separately under a
4 new civil cause number for the remaining term and under the same
5 conditions as contained in the judgment and sentence.

6 (b) The clerk of the court shall send a copy of the new no-
7 contact order to the individuals or entities protected by the no-
8 contact order, along with an explanation of the reason for the
9 change, if there is an address available in the court file. If no
10 address is available, the clerk of the court shall forward a copy of
11 the order to the prosecutor, who shall send a copy of the no-contact
12 order with an explanation of the reason for the change to the last
13 known address of the protected individuals or entities.

14 (c) The clerk of the court shall forward a copy of the order to
15 the appropriate law enforcement agency specified in the order on or
16 before the next judicial day. The clerk shall also include a cover
17 sheet that indicates the case number of the judgment and sentence
18 that has been discharged. Upon receipt of the copy of the order and
19 cover sheet, the law enforcement agency shall enter the order into
20 any computer-based criminal intelligence information system available
21 in this state used by law enforcement agencies to list outstanding
22 warrants. The order shall remain in this system until it expires. The
23 new order, and case number of the discharged judgment and sentence,
24 shall be linked in the criminal intelligence information system for
25 purposes of enforcing the no-contact order.

26 (d) A separately issued no-contact order may be enforced under
27 chapter ((26.50)) 7.--- RCW (the new chapter created in section 81 of
28 this act).

29 (e) A separate no-contact order issued under this subsection (6)
30 is not a modification of the offender's sentence.

31 (7) Every signed certificate and order of discharge shall be
32 filed with the county clerk of the sentencing county. In addition,
33 the court shall send to the department a copy of every signed
34 certificate and order of discharge for offender sentences under the
35 authority of the department. The county clerk shall enter into a
36 database maintained by the administrator for the courts the names of
37 all felons who have been issued certificates of discharge, the date
38 of discharge, and the date of conviction and offense.

39 (8) An offender who is not convicted of a violent offense or a
40 sex offense and is sentenced to a term involving community

1 supervision may be considered for a discharge of sentence by the
2 sentencing court prior to the completion of community supervision,
3 provided that the offender has completed at least one-half of the
4 term of community supervision and has met all other sentence
5 requirements.

6 (9) The discharge shall have the effect of restoring all civil
7 rights not already restored by RCW 29A.08.520, and the certificate of
8 discharge shall so state. Nothing in this section prohibits the use
9 of an offender's prior record for purposes of determining sentences
10 for later offenses as provided in this chapter. Nothing in this
11 section affects or prevents use of the offender's prior conviction in
12 a later criminal prosecution either as an element of an offense or
13 for impeachment purposes. A certificate of discharge is not based on
14 a finding of rehabilitation.

15 (10) Unless otherwise ordered by the sentencing court, a
16 certificate of discharge shall not terminate the offender's
17 obligation to comply with an order that excludes or prohibits the
18 offender from having contact with a specified person or coming within
19 a set distance of any specified location that was contained in the
20 judgment and sentence. An offender who violates such an order after a
21 certificate of discharge has been issued shall be subject to
22 prosecution according to the chapter under which the order was
23 originally issued.

24 (11) Upon release from custody, the offender may apply to the
25 department for counseling and help in adjusting to the community.
26 This voluntary help may be provided for up to one year following the
27 release from custody.

28 **Sec. 106.** RCW 9.94A.660 and 2020 c 252 s 1 are each amended to
29 read as follows:

30 (1) An offender is eligible for the special drug offender
31 sentencing alternative if:

32 (a) The offender is convicted of a felony that is not a violent
33 offense and the violation does not involve a sentence enhancement
34 under RCW 9.94A.533 (3) or (4);

35 (b) The offender is convicted of a felony that is not a felony
36 driving while under the influence of intoxicating liquor or any drug
37 under RCW 46.61.502(6) or felony physical control of a vehicle while
38 under the influence of intoxicating liquor or any drug under RCW
39 46.61.504(6);

1 (c) The offender has no current or prior convictions for a sex
2 offense for which the offender is currently or may be required to
3 register pursuant to RCW 9A.44.130;

4 (d) The offender has no prior convictions in this state, and no
5 prior convictions for an equivalent out-of-state or federal offense,
6 for the following offenses during the following time frames:

7 (i) Robbery in the second degree that did not involve the use of
8 a firearm and was not reduced from robbery in the first degree within
9 seven years before conviction of the current offense; or

10 (ii) Any other violent offense within ten years before conviction
11 of the current offense;

12 (e) For a violation of the uniform controlled substances act
13 under chapter 69.50 RCW or a criminal solicitation to commit such a
14 violation under chapter 9A.28 RCW, the offense involved only a small
15 quantity of the particular controlled substance as determined by the
16 judge upon consideration of such factors as the weight, purity,
17 packaging, sale price, and street value of the controlled substance;

18 (f) The offender has not been found by the United States attorney
19 general to be subject to a deportation detainer or order and does not
20 become subject to a deportation order during the period of the
21 sentence; and

22 (g) The offender has not received a drug offender sentencing
23 alternative more than once in the prior ten years before the current
24 offense.

25 (2) A motion for a special drug offender sentencing alternative
26 may be made by the court, the offender, or the state.

27 (3) If the sentencing court determines that the offender is
28 eligible for an alternative sentence under this section and that the
29 alternative sentence is appropriate, the court shall waive imposition
30 of a sentence within the standard sentence range and impose a
31 sentence consisting of either a prison-based alternative under RCW
32 9.94A.662 or a residential substance use disorder treatment-based
33 alternative under RCW 9.94A.664. The residential substance use
34 disorder treatment-based alternative is only available if the
35 midpoint of the standard range is twenty-six months or less.

36 (4) (a) To assist the court in making its determination, the court
37 may order the department to complete either or both a risk assessment
38 report and a substance use disorder screening report as provided in
39 RCW 9.94A.500.

1 (b) To assist the court in making its determination in domestic
2 violence cases, the court shall order the department to complete a
3 presentence investigation and a chemical dependency screening report
4 as provided in RCW 9.94A.500, unless otherwise specifically waived by
5 the court.

6 (5) If the court is considering imposing a sentence under the
7 residential substance use disorder treatment-based alternative, the
8 court may order an examination of the offender by the department. The
9 examination must be performed by an agency certified by the
10 department of health to provide substance use disorder services. The
11 examination shall, at a minimum, address the following issues:

12 (a) Whether the offender suffers from a substance use disorder;

13 (b) Whether the substance use disorder is such that there is a
14 probability that criminal behavior will occur in the future;

15 (c) Whether effective treatment for the offender's substance use
16 disorder is available from a provider that has been licensed or
17 certified by the department of health, and where applicable, whether
18 effective domestic violence perpetrator treatment is available from a
19 state-certified domestic violence treatment provider pursuant to
20 (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this act); and

21 (d) Whether the offender and the community will benefit from the
22 use of the alternative.

23 (6) When a court imposes a sentence of community custody under
24 this section:

25 (a) The court may impose conditions as provided in RCW 9.94A.703
26 and may impose other affirmative conditions as the court considers
27 appropriate. In addition, an offender may be required to pay thirty
28 dollars per month while on community custody to offset the cost of
29 monitoring for alcohol or controlled substances, or in cases of
30 domestic violence for monitoring with global positioning system
31 technology for compliance with a no-contact order.

32 (b) The department may impose conditions and sanctions as
33 authorized in RCW 9.94A.704 and 9.94A.737.

34 (7)(a) The court may bring any offender sentenced under this
35 section back into court at any time on its own initiative to evaluate
36 the offender's progress in treatment or to determine if any
37 violations of the conditions of the sentence have occurred.

38 (b) If the offender is brought back to court, the court may
39 modify the conditions of the community custody or impose sanctions
40 under (c) of this subsection.

1 (c) The court may order the offender to serve a term of total
2 confinement within the standard range of the offender's current
3 offense at any time during the period of community custody if the
4 offender violates the conditions or requirements of the sentence or
5 if the offender is failing to make satisfactory progress in
6 treatment.

7 (d) An offender ordered to serve a term of total confinement
8 under (c) of this subsection shall receive credit for time previously
9 served in total or partial confinement and inpatient treatment under
10 this section, and shall receive fifty percent credit for time
11 previously served in community custody under this section.

12 (8) In serving a term of community custody imposed upon failure
13 to complete, or administrative termination from, the special drug
14 offender sentencing alternative program, the offender shall receive
15 no credit for time served in community custody prior to termination
16 of the offender's participation in the program.

17 (9) An offender sentenced under this section shall be subject to
18 all rules relating to earned release time with respect to any period
19 served in total confinement.

20 (10) The Washington state institute for public policy shall
21 submit a report to the governor and the appropriate committees of the
22 legislature by November 1, 2022, analyzing the effectiveness of the
23 drug offender sentencing alternative in reducing recidivism among
24 various offender populations. An additional report is due November 1,
25 2028, and every five years thereafter. The Washington state institute
26 for public policy may coordinate with the department and the caseload
27 forecast council in tracking data and preparing the report.

28 **Sec. 107.** RCW 9.94A.662 and 2020 c 252 s 2 are each amended to
29 read as follows:

30 (1) The court may only order a prison-based special drug offender
31 sentencing alternative if the high end of the standard sentence range
32 for the current offense is greater than one year.

33 (2) A sentence for a prison-based special drug offender
34 sentencing alternative shall include:

35 (a) A period of total confinement in a state facility for one-
36 half the midpoint of the standard sentence range or twelve months,
37 whichever is greater;

38 (b) One-half the midpoint of the standard sentence range as a
39 term of community custody, which must include appropriate substance

1 use disorder treatment in a program that has been approved by the
2 department of health, and for co-occurring drug and domestic violence
3 cases, must also include an appropriate domestic violence treatment
4 program by a state-certified domestic violence treatment provider
5 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this
6 act);

7 (c) Crime-related prohibitions, including a condition not to use
8 illegal controlled substances;

9 (d) A requirement to submit to urinalysis or other testing to
10 monitor that status; and

11 (e) A term of community custody pursuant to RCW 9.94A.701 to be
12 imposed upon the failure to complete or administrative termination
13 from the special drug offender sentencing alternative program.

14 (3)(a) During incarceration in the state facility, offenders
15 sentenced under this section shall undergo a comprehensive substance
16 use disorder assessment and receive, within available resources,
17 treatment services appropriate for the offender. The substance use
18 disorder treatment services shall be licensed by the department of
19 health.

20 (b) When applicable for cases involving domestic violence,
21 domestic violence treatment must be provided by a state-certified
22 domestic violence treatment provider pursuant to (~~chapter 26.50~~)
23 RCW 26.50.150 (as recodified by this act) during the term of
24 community custody.

25 (4) If the department finds that conditions of community custody
26 have been willfully violated, the offender may be reclassified to
27 serve the remaining balance of the original sentence. An offender who
28 fails to complete the program or who is administratively terminated
29 from the program shall be reclassified to serve the unexpired term of
30 his or her sentence as ordered by the sentencing court.

31 (5) If an offender sentenced to the prison-based alternative
32 under this section is found by the United States attorney general to
33 be subject to a deportation order, a hearing shall be held by the
34 department unless waived by the offender, and, if the department
35 finds that the offender is subject to a valid deportation order, the
36 department may administratively terminate the offender from the
37 program and reclassify the offender to serve the remaining balance of
38 the original sentence.

1 **Sec. 108.** RCW 9.94A.703 and 2018 c 201 s 9004 are each amended
2 to read as follows:

3 When a court sentences a person to a term of community custody,
4 the court shall impose conditions of community custody as provided in
5 this section.

6 (1) **Mandatory conditions.** As part of any term of community
7 custody, the court shall:

8 (a) Require the offender to inform the department of court-
9 ordered treatment upon request by the department;

10 (b) Require the offender to comply with any conditions imposed by
11 the department under RCW 9.94A.704;

12 (c) If the offender was sentenced under RCW 9.94A.507 for an
13 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
14 was under eighteen years of age at the time of the offense, prohibit
15 the offender from residing in a community protection zone;

16 (d) If the offender was sentenced under RCW 9A.36.120, prohibit
17 the offender from serving in any paid or volunteer capacity where he
18 or she has control or supervision of minors under the age of
19 thirteen.

20 (2) **Waivable conditions.** Unless waived by the court, as part of
21 any term of community custody, the court shall order an offender to:

22 (a) Report to and be available for contact with the assigned
23 community corrections officer as directed;

24 (b) Work at department-approved education, employment, or
25 community restitution, or any combination thereof;

26 (c) Refrain from possessing or consuming controlled substances
27 except pursuant to lawfully issued prescriptions;

28 (d) Pay supervision fees as determined by the department; and

29 (e) Obtain prior approval of the department for the offender's
30 residence location and living arrangements.

31 (3) **Discretionary conditions.** As part of any term of community
32 custody, the court may order an offender to:

33 (a) Remain within, or outside of, a specified geographical
34 boundary;

35 (b) Refrain from direct or indirect contact with the victim of
36 the crime or a specified class of individuals;

37 (c) Participate in crime-related treatment or counseling
38 services;

39 (d) Participate in rehabilitative programs or otherwise perform
40 affirmative conduct reasonably related to the circumstances of the

1 offense, the offender's risk of reoffending, or the safety of the
2 community;

3 (e) Refrain from possessing or consuming alcohol; or

4 (f) Comply with any crime-related prohibitions.

5 (4) **Special conditions.**

6 (a) In sentencing an offender convicted of a crime of domestic
7 violence, as defined in RCW 10.99.020, if the offender has a minor
8 child, or if the victim of the offense for which the offender was
9 convicted has a minor child, the court may order the offender to
10 participate in a domestic violence perpetrator program approved under
11 RCW 26.50.150 (as recodified by this act).

12 (b) (i) In sentencing an offender convicted of an alcohol or drug-
13 related traffic offense, the court shall require the offender to
14 complete a diagnostic evaluation by a substance use disorder
15 treatment program approved by the department of social and health
16 services or a qualified probation department, defined under RCW
17 46.61.516, that has been approved by the department of social and
18 health services. If the offense was pursuant to chapter 46.61 RCW,
19 the report shall be forwarded to the department of licensing. If the
20 offender is found to have an alcohol or drug problem that requires
21 treatment, the offender shall complete treatment in an approved
22 substance use disorder treatment program as defined in chapter 71.24
23 RCW. If the offender is found not to have an alcohol or drug problem
24 that requires treatment, the offender shall complete a course in an
25 alcohol and drug information school licensed or certified by the
26 department of health under chapter 70.96A RCW. The offender shall pay
27 all costs for any evaluation, education, or treatment required by
28 this section, unless the offender is eligible for an existing program
29 offered or approved by the department of social and health services.

30 (ii) For purposes of this section, "alcohol or drug-related
31 traffic offense" means the following: Driving while under the
32 influence as defined by RCW 46.61.502, actual physical control while
33 under the influence as defined by RCW 46.61.504, vehicular homicide
34 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by
35 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW
36 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

37 (iii) This subsection (4)(b) does not require the department of
38 social and health services to add new treatment or assessment
39 facilities nor affect its use of existing programs and facilities
40 authorized by law.

1 **Sec. 109.** RCW 9.96.060 and 2020 c 29 s 18 are each amended to
2 read as follows:

3 (1) When vacating a conviction under this section, the court
4 effectuates the vacation by: (a)(i) Permitting the applicant to
5 withdraw the applicant's plea of guilty and to enter a plea of not
6 guilty; or (ii) if the applicant has been convicted after a plea of
7 not guilty, the court setting aside the verdict of guilty; and (b)
8 the court dismissing the information, indictment, complaint, or
9 citation against the applicant and vacating the judgment and
10 sentence.

11 (2) Every person convicted of a misdemeanor or gross misdemeanor
12 offense may apply to the sentencing court for a vacation of the
13 applicant's record of conviction for the offense. If the court finds
14 the applicant meets the requirements of this subsection, the court
15 may in its discretion vacate the record of conviction. Except as
16 provided in subsections (3), (4), and (5) of this section, an
17 applicant may not have the record of conviction for a misdemeanor or
18 gross misdemeanor offense vacated if any one of the following is
19 present:

20 (a) The applicant has not completed all of the terms of the
21 sentence for the offense;

22 (b) There are any criminal charges against the applicant pending
23 in any court of this state or another state, or in any federal or
24 tribal court, at the time of application;

25 (c) The offense was a violent offense as defined in RCW 9.94A.030
26 or an attempt to commit a violent offense;

27 (d) The offense was a violation of RCW 46.61.502 (driving while
28 under the influence), 46.61.504 (actual physical control while under
29 the influence), 9.91.020 (operating a railroad, etc. while
30 intoxicated), or the offense is considered a "prior offense" under
31 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug
32 violation within ten years of the date of arrest for the prior
33 offense or less than ten years has elapsed since the date of the
34 arrest for the prior offense;

35 (e) The offense was any misdemeanor or gross misdemeanor
36 violation, including attempt, of chapter 9.68 RCW (obscenity and
37 pornography), chapter 9.68A RCW (sexual exploitation of children), or
38 chapter 9A.44 RCW (sex offenses), except for failure to register as a
39 sex offender under RCW 9A.44.132;

1 (f) The applicant was convicted of a misdemeanor or gross
2 misdemeanor offense as defined in RCW 10.99.020, or the court
3 determines after a review of the court file that the offense was
4 committed by one family or household member against another or by one
5 intimate partner against another, or the court, after considering the
6 damage to person or property that resulted in the conviction, any
7 prior convictions for crimes defined in RCW 10.99.020, or for
8 comparable offenses in another state or in federal court, and the
9 totality of the records under review by the court regarding the
10 conviction being considered for vacation, determines that the offense
11 involved domestic violence, and any one of the following factors
12 exist:

13 (i) The applicant has not provided written notification of the
14 vacation petition to the prosecuting attorney's office that
15 prosecuted the offense for which vacation is sought, or has not
16 provided that notification to the court;

17 (ii) The applicant has two or more domestic violence convictions
18 stemming from different incidents. For purposes of this subsection,
19 however, if the current application is for more than one conviction
20 that arose out of a single incident, none of those convictions counts
21 as a previous conviction;

22 (iii) The applicant has signed an affidavit under penalty of
23 perjury affirming that the applicant has not previously had a
24 conviction for a domestic violence offense, and a criminal history
25 check reveals that the applicant has had such a conviction; or

26 (iv) Less than five years have elapsed since the person completed
27 the terms of the original conditions of the sentence, including any
28 financial obligations and successful completion of any treatment
29 ordered as a condition of sentencing;

30 (g) For any offense other than those described in (f) of this
31 subsection, less than three years have passed since the person
32 completed the terms of the sentence, including any financial
33 obligations;

34 (h) The offender has been convicted of a new crime in this state,
35 another state, or federal or tribal court in the three years prior to
36 the vacation application; or

37 (i) The applicant is currently restrained by a domestic violence
38 protection order, a no-contact order, an antiharassment order, or a
39 civil restraining order which restrains one party from contacting the
40 other party or was previously restrained by such an order and was

1 found to have committed one or more violations of the order in the
2 five years prior to the vacation application.

3 (3) Subject to RCW 9.96.070, every person convicted of
4 prostitution under RCW 9A.88.030 who committed the offense as a
5 result of being a victim of trafficking, RCW 9A.40.100, promoting
6 prostitution in the first degree, RCW 9A.88.070, promoting commercial
7 sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons
8 under the trafficking victims protection act of 2000, 22 U.S.C. Sec.
9 7101 et seq. may apply to the sentencing court for vacation of the
10 applicant's record of conviction for the prostitution offense. An
11 applicant may not have the record of conviction for prostitution
12 vacated if any one of the following is present:

13 (a) There are any criminal charges against the applicant pending
14 in any court of this state or another state, or in any federal court,
15 for any crime other than prostitution; or

16 (b) The offender has been convicted of another crime, except
17 prostitution, in this state, another state, or federal court since
18 the date of conviction. The limitation in this subsection (3)(b) does
19 not apply to convictions where the offender proves by a preponderance
20 of the evidence that he or she committed the crime as a result of
21 being a victim of trafficking, RCW 9A.40.100, promoting prostitution
22 in the first degree, RCW 9A.88.070, promoting commercial sexual abuse
23 of a minor, RCW 9.68A.101, or trafficking in persons under the
24 trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et
25 seq., according to the requirements provided in RCW 9.96.070 for each
26 respective conviction.

27 (4) Every person convicted prior to January 1, 1975, of violating
28 any statute or rule regarding the regulation of fishing activities,
29 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,
30 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240
31 who claimed to be exercising a treaty Indian fishing right, may apply
32 to the sentencing court for vacation of the applicant's record of the
33 misdemeanor, gross misdemeanor, or felony conviction for the offense.
34 If the person is deceased, a member of the person's family or an
35 official representative of the tribe of which the person was a member
36 may apply to the court on behalf of the deceased person.
37 Notwithstanding the requirements of RCW 9.94A.640, the court shall
38 vacate the record of conviction if:

39 (a) The applicant is a member of a tribe that may exercise treaty
40 Indian fishing rights at the location where the offense occurred; and

1 (b) The state has been enjoined from taking enforcement action of
2 the statute or rule to the extent that it interferes with a treaty
3 Indian fishing right as determined under *United States v. Washington*,
4 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
5 899 (D. Oregon 1969), and any posttrial orders of those courts, or
6 any other state supreme court or federal court decision.

7 (5) Every person convicted of a misdemeanor marijuana offense,
8 who was twenty-one years of age or older at the time of the offense,
9 may apply to the sentencing court for a vacation of the applicant's
10 record of conviction for the offense. A misdemeanor marijuana offense
11 includes, but is not limited to: Any offense under RCW 69.50.4014,
12 from July 1, 2004, onward, and its predecessor statutes, including
13 RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW
14 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense
15 under an equivalent municipal ordinance. If an applicant qualifies
16 under this subsection, the court shall vacate the record of
17 conviction.

18 (6)(a) Except as provided in (c) of this subsection, once the
19 court vacates a record of conviction under this section, the person
20 shall be released from all penalties and disabilities resulting from
21 the offense and the fact that the person has been convicted of the
22 offense shall not be included in the person's criminal history for
23 purposes of determining a sentence in any subsequent conviction. For
24 all purposes, including responding to questions on employment or
25 housing applications, a person whose conviction has been vacated
26 under this section may state that he or she has never been convicted
27 of that crime. However, nothing in this section affects the
28 requirements for restoring a right to possess a firearm under RCW
29 9.41.040. Except as provided in (b) of this subsection, nothing in
30 this section affects or prevents the use of an offender's prior
31 conviction in a later criminal prosecution.

32 (b) When a court vacates a record of domestic violence as defined
33 in RCW 10.99.020 under this section, the state may not use the
34 vacated conviction in a later criminal prosecution unless the
35 conviction was for: (i) Violating the provisions of a restraining
36 order, no-contact order, or protection order restraining or enjoining
37 the person or restraining the person from going on to the grounds of
38 or entering a residence, workplace, school, or day care, or
39 prohibiting the person from knowingly coming within, or knowingly
40 remaining within, a specified distance of a location, a protected

1 party's person, or a protected party's vehicle (RCW 10.99.040,
2 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,
3 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); ~~((or))~~
4 (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence
5 protection order or vulnerable adult protection order entered under
6 chapter 7.--- RCW (the new chapter created in section 81 of this
7 act). A vacated conviction under this section is not considered a
8 conviction of such an offense for the purposes of 27 C.F.R. 478.11.

9 (c) A conviction vacated on or after July 28, 2019, qualifies as
10 a prior conviction for the purpose of charging a present recidivist
11 offense as defined in RCW 9.94A.030 occurring on or after July 28,
12 2019.

13 (7) The clerk of the court in which the vacation order is entered
14 shall immediately transmit the order vacating the conviction to the
15 Washington state patrol identification section and to the local
16 police agency, if any, which holds criminal history information for
17 the person who is the subject of the conviction. The Washington state
18 patrol and any such local police agency shall immediately update
19 their records to reflect the vacation of the conviction, and shall
20 transmit the order vacating the conviction to the federal bureau of
21 investigation. A conviction that has been vacated under this section
22 may not be disseminated or disclosed by the state patrol or local law
23 enforcement agency to any person, except other criminal justice
24 enforcement agencies.

25 **Sec. 110.** RCW 9A.36.041 and 2020 c 29 s 7 are each amended to
26 read as follows:

27 (1) A person is guilty of assault in the fourth degree if, under
28 circumstances not amounting to assault in the first, second, or third
29 degree, or custodial assault, he or she assaults another.

30 (2) Assault in the fourth degree is a gross misdemeanor, except
31 as provided in subsection (3) of this section.

32 (3)(a) Assault in the fourth degree occurring after July 23,
33 2017, and before March 18, 2020, where domestic violence is pleaded
34 and proven, is a class C felony if the person has two or more prior
35 adult convictions within ten years for any of the following offenses
36 occurring after July 23, 2017, where domestic violence was pleaded
37 and proven:

38 (i) Repetitive domestic violence offense as defined in RCW
39 9.94A.030;

1 (ii) Crime of harassment as defined by RCW 9A.46.060;
2 (iii) Assault in the third degree;
3 (iv) Assault in the second degree;
4 (v) Assault in the first degree; or
5 (vi) A municipal, tribal, federal, or out-of-state offense
6 comparable to any offense under (a)(i) through (v) of this
7 subsection.

8 For purposes of this subsection (3)(a), "family or household
9 members" for purposes of the definition of "domestic violence" means
10 spouses, domestic partners, former spouses, former domestic partners,
11 persons who have a child in common regardless of whether they have
12 been married or have lived together at any time, persons sixteen
13 years of age or older who are presently residing together or who have
14 resided together in the past and who have or have had a dating
15 relationship, and persons sixteen years of age or older with whom a
16 person sixteen years of age or older has or has had a dating
17 relationship. "Family or household member" also includes an "intimate
18 partner" as defined in RCW (~~(26.50.010)~~) 10.99.020.

19 (b) Assault in the fourth degree occurring on or after March 18,
20 2020, where domestic violence against an "intimate partner" as
21 defined in RCW (~~(26.50.010)~~) 10.99.020 is pleaded and proven, is a
22 class C felony if the person has two or more prior adult convictions
23 within ten years for any of the following offenses occurring after
24 July 23, 2017, where domestic violence against an "intimate partner"
25 as defined in RCW (~~(26.50.010)~~) 10.99.020 or domestic violence
26 against a "family or household member" as defined in (a) of this
27 subsection was pleaded and proven:

28 (i) Repetitive domestic violence offense as defined in RCW
29 9.94A.030;

30 (ii) Crime of harassment as defined by RCW 9A.46.060;
31 (iii) Assault in the third degree;
32 (iv) Assault in the second degree;
33 (v) Assault in the first degree; or
34 (vi) A municipal, tribal, federal, or out-of-state offense
35 comparable to any offense under (b)(i) through (v) of this
36 subsection.

37 **Sec. 111.** RCW 9A.40.104 and 2017 c 230 s 3 are each amended to
38 read as follows:

1 (1) Because of the likelihood of repeated harassment and
2 intimidation directed at those who have been victims of trafficking
3 as described in RCW 9A.40.100, before any defendant charged with or
4 arrested, for a crime involving trafficking, is released from
5 custody, or at any time the case remains unresolved, the court may
6 prohibit that person from having any contact with the victim whether
7 directly or through third parties.

8 At the initial preliminary appearance, the court shall determine
9 whether to extend any existing prohibition on the defendant's contact
10 with the victim. If there is no outstanding restraining or protective
11 order prohibiting that person from having contact with the victim,
12 the court may issue, by telephone, a no-contact order prohibiting the
13 person charged or arrested from having contact with the victim or
14 from knowingly coming within, or knowingly remaining within, a
15 specified distance of a location. The court may also consider the
16 provisions of RCW 9.41.800 or other conditions of pretrial release
17 according to the procedures established by court rule for preliminary
18 appearance or an arraignment.

19 (2) At the time of arraignment the court shall determine whether
20 a no-contact order shall be issued or extended. So long as the court
21 finds probable cause, the court may issue or extend a no-contact
22 order. The no-contact order shall terminate if the defendant is
23 acquitted or the charges are dismissed.

24 (3)(a) Willful violation of a court order issued under this
25 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

26 (b) The written order shall contain the court's directives and
27 shall bear the legend: Violation of this order is a criminal offense
28 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
29 81 of this act) and the violator is subject to arrest; any assault,
30 drive-by shooting, or reckless endangerment that is a violation of
31 this order is a felony.

32 (4) Upon a motion with notice to all parties and after a hearing,
33 the court may terminate or modify the terms of an existing no-contact
34 order, including terms entered pursuant to RCW 9.41.800 related to
35 firearms or other dangerous weapons or to concealed pistol licenses.

36 (5)(a) A defendant's motion to terminate or modify a no-contact
37 order must include a declaration setting forth facts supporting the
38 requested order for termination or modification. The court shall deny
39 the motion unless it finds that adequate cause for hearing the motion
40 is established by the declarations. If the court finds that the

1 defendant established adequate cause, the court shall set a date for
2 hearing the defendant's motion.

3 (b) The court may terminate or modify the terms of a no-contact
4 order, including terms entered pursuant to RCW 9.41.800 related to
5 firearms or other dangerous weapons or to concealed pistol licenses,
6 if the defendant proves by a preponderance of the evidence that there
7 has been a material change in circumstances such that the defendant
8 is not likely to engage in or attempt to engage in physical or
9 nonphysical contact with the victim if the order is terminated or
10 modified. The victim bears no burden of proving that he or she has a
11 current reasonable fear of harm by the defendant.

12 (c) A defendant may file a motion to terminate or modify pursuant
13 to this section no more than once in every twelve-month period that
14 the order is in effect, starting from the date of the order and
15 continuing through any renewal.

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

31 **Sec. 112.** RCW 9A.46.040 and 2013 c 84 s 27 are each amended to
32 read as follows:

33 (1) Because of the likelihood of repeated harassment directed at
34 those who have been victims of harassment in the past, when any
35 defendant charged with a crime involving harassment is released from
36 custody before trial on bail or personal recognizance, the court
37 authorizing the release may issue an order pursuant to this chapter
38 and require that the defendant:

1 (a) Stay away from the home, school, business, or place of
2 employment of the victim or victims of the alleged offense or other
3 location, as shall be specifically named by the court in the order;

4 (b) Refrain from contacting, intimidating, threatening, or
5 otherwise interfering with the victim or victims of the alleged
6 offense and such other persons, including but not limited to members
7 of the family or household of the victim, as shall be specifically
8 named by the court in the order.

9 (2) Willful violation of a court order issued under this section
10 or an equivalent local ordinance is a gross misdemeanor. The written
11 order releasing the defendant shall contain the court's directives
12 and shall bear the legend: Violation of this order is a criminal
13 offense under this chapter (~~9A.46—RCW~~). A certified copy of the
14 order shall be provided to the victim by the clerk of the court.

15 (3) If the defendant is charged with the crime of stalking or any
16 other stalking-related offense under RCW 9A.46.060, and the court
17 issues an order protecting the victim, the court shall issue a
18 stalking no-contact order pursuant to (~~chapter 7.92~~) RCW 7.92.160
19 (as recodified by this act).

20 **Sec. 113.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to
21 read as follows:

22 As used in this chapter, "harassment" may include but is not
23 limited to any of the following crimes:

- 24 (1) Harassment (RCW 9A.46.020);
- 25 (2) Hate crime (RCW 9A.36.080);
- 26 (3) Telephone harassment (RCW 9.61.230);
- 27 (4) Assault in the first degree (RCW 9A.36.011);
- 28 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 29 (6) Assault in the second degree (RCW 9A.36.021);
- 30 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 31 (8) Assault in the fourth degree (RCW 9A.36.041);
- 32 (9) Reckless endangerment (RCW 9A.36.050);
- 33 (10) Extortion in the first degree (RCW 9A.56.120);
- 34 (11) Extortion in the second degree (RCW 9A.56.130);
- 35 (12) Coercion (RCW 9A.36.070);
- 36 (13) Burglary in the first degree (RCW 9A.52.020);
- 37 (14) Burglary in the second degree (RCW 9A.52.030);
- 38 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 39 (16) Criminal trespass in the second degree (RCW 9A.52.080);

- 1 (17) Malicious mischief in the first degree (RCW 9A.48.070);
2 (18) Malicious mischief in the second degree (RCW 9A.48.080);
3 (19) Malicious mischief in the third degree (RCW 9A.48.090);
4 (20) Kidnapping in the first degree (RCW 9A.40.020);
5 (21) Kidnapping in the second degree (RCW 9A.40.030);
6 (22) Unlawful imprisonment (RCW 9A.40.040);
7 (23) Rape in the first degree (RCW 9A.44.040);
8 (24) Rape in the second degree (RCW 9A.44.050);
9 (25) Rape in the third degree (RCW 9A.44.060);
10 (26) Indecent liberties (RCW 9A.44.100);
11 (27) Rape of a child in the first degree (RCW 9A.44.073);
12 (28) Rape of a child in the second degree (RCW 9A.44.076);
13 (29) Rape of a child in the third degree (RCW 9A.44.079);
14 (30) Child molestation in the first degree (RCW 9A.44.083);
15 (31) Child molestation in the second degree (RCW 9A.44.086);
16 (32) Child molestation in the third degree (RCW 9A.44.089);
17 (33) Stalking (RCW 9A.46.110);
18 (34) Cyberstalking (RCW 9.61.260);
19 (35) Residential burglary (RCW 9A.52.025);
20 (36) Violation of a temporary, permanent, or final protective
21 order issued pursuant to chapter 7.90, 9A.44, 9A.46, 10.14, 10.99,
22 26.09, or 26.50 RCW, or violation of a domestic violence protection
23 order, sexual assault protection order, or antiharassment protection
24 order issued under chapter 7.--- RCW (the new chapter created in
25 section 81 of this act);
26 (37) Unlawful discharge of a laser in the first degree (RCW
27 9A.49.020); and
28 (38) Unlawful discharge of a laser in the second degree (RCW
29 9A.49.030).

30 **Sec. 114.** RCW 9A.46.085 and 2013 c 84 s 28 are each amended to
31 read as follows:

32 (1) A defendant arrested for stalking as defined by RCW 9A.46.110
33 shall be required to appear in person before a magistrate within one
34 judicial day after the arrest.

35 (2) At the time of appearance provided in subsection (1) of this
36 section the court shall determine the necessity of imposing a
37 stalking no-contact order under this chapter (~~(7.92-RCW)~~).

38 (3) Appearances required pursuant to this section are mandatory
39 and cannot be waived.

1 (4) The stalking no-contact order shall be issued and entered
2 with the appropriate law enforcement agency pursuant to the
3 procedures outlined in this chapter ((~~7.92-RCW~~)).

4 **Sec. 115.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to
5 read as follows:

6 (1) A person commits the crime of stalking if, without lawful
7 authority and under circumstances not amounting to a felony attempt
8 of another crime:

9 (a) He or she intentionally and repeatedly harasses or repeatedly
10 follows another person; and

11 (b) The person being harassed or followed is placed in fear that
12 the stalker intends to injure the person, another person, or property
13 of the person or of another person. The feeling of fear must be one
14 that a reasonable person in the same situation would experience under
15 all the circumstances; and

16 (c) The stalker either:

17 (i) Intends to frighten, intimidate, or harass the person; or

18 (ii) Knows or reasonably should know that the person is afraid,
19 intimidated, or harassed even if the stalker did not intend to place
20 the person in fear or intimidate or harass the person.

21 (2)(a) It is not a defense to the crime of stalking under
22 subsection (1)(c)(i) of this section that the stalker was not given
23 actual notice that the person did not want the stalker to contact or
24 follow the person; and

25 (b) It is not a defense to the crime of stalking under subsection
26 (1)(c)(ii) of this section that the stalker did not intend to
27 frighten, intimidate, or harass the person.

28 (3) It shall be a defense to the crime of stalking that the
29 defendant is a licensed private investigator acting within the
30 capacity of his or her license as provided by chapter 18.165 RCW.

31 (4) Attempts to contact or follow the person after being given
32 actual notice that the person does not want to be contacted or
33 followed constitutes prima facie evidence that the stalker intends to
34 intimidate or harass the person. "Contact" includes, in addition to
35 any other form of contact or communication, the sending of an
36 electronic communication to the person.

37 (5)(a) Except as provided in (b) of this subsection, a person who
38 stalks another person is guilty of a gross misdemeanor.

1 (b) A person who stalks another is guilty of a class B felony if
2 any of the following applies: (i) The stalker has previously been
3 convicted in this state or any other state of any crime of
4 harassment, as defined in RCW 9A.46.060, of the same victim or
5 members of the victim's family or household or any person
6 specifically named in a protective order; (ii) the stalking violates
7 any protective order protecting the person being stalked; (iii) the
8 stalker has previously been convicted of a gross misdemeanor or
9 felony stalking offense under this section for stalking another
10 person; (iv) the stalker was armed with a deadly weapon, as defined
11 in RCW 9.94A.825, while stalking the person; (v) (A) the stalker's
12 victim is or was a law enforcement officer; judge; juror; attorney;
13 victim advocate; legislator; community corrections' officer; an
14 employee, contract staff person, or volunteer of a correctional
15 agency; court employee, court clerk, or courthouse facilitator; or an
16 employee of the child protective, child welfare, or adult protective
17 services division within the department of social and health
18 services; and (B) the stalker stalked the victim to retaliate against
19 the victim for an act the victim performed during the course of
20 official duties or to influence the victim's performance of official
21 duties; or (vi) the stalker's victim is a current, former, or
22 prospective witness in an adjudicative proceeding, and the stalker
23 stalked the victim to retaliate against the victim as a result of the
24 victim's testimony or potential testimony.

25 (6) As used in this section:

26 (a) "Correctional agency" means a person working for the
27 department of natural resources in a correctional setting or any
28 state, county, or municipally operated agency with the authority to
29 direct the release of a person serving a sentence or term of
30 confinement and includes but is not limited to the department of
31 corrections, the indeterminate sentence review board, and the
32 department of social and health services.

33 (b) "Course of conduct" means a pattern of conduct composed of a
34 series of acts over a period of time, however short, evidencing a
35 continuity of purpose. "Course of conduct" includes, in addition to
36 any other form of communication, contact, or conduct, the sending of
37 an electronic communication, but does not include constitutionally
38 protected free speech. Constitutionally protected activity is not
39 included within the meaning of "course of conduct."

1 (c) "Follows" means deliberately maintaining visual or physical
2 proximity to a specific person over a period of time. A finding that
3 the alleged stalker repeatedly and deliberately appears at the
4 person's home, school, place of employment, business, or any other
5 location to maintain visual or physical proximity to the person is
6 sufficient to find that the alleged stalker follows the person. It is
7 not necessary to establish that the alleged stalker follows the
8 person while in transit from one location to another.

9 ~~((c))~~ (d) "Harasses" means ~~((unlawful harassment as defined in~~
10 ~~RCW 10.14.020))~~ a knowing and willful course of conduct directed at a
11 specific person which seriously alarms, annoys, harasses, or is
12 detrimental to such person, and which serves no legitimate or lawful
13 purpose. The course of conduct shall be such as would cause a
14 reasonable person to suffer substantial emotional distress, and shall
15 actually cause substantial emotional distress to the petitioner, or
16 when the course of conduct would cause a reasonable parent to fear
17 for the well-being of his or her child.

18 ~~((d))~~ (e) "Protective order" means any temporary or permanent
19 court order prohibiting or limiting violence against, harassment of,
20 contact or communication with, or physical proximity to another
21 person.

22 ~~((e))~~ (f) "Repeatedly" means on two or more separate occasions.

23 **Sec. 116.** RCW 9A.88.170 and 2017 c 230 s 7 are each amended to
24 read as follows:

25 (1) Because of the likelihood of repeated harassment and
26 intimidation directed at those who have been victims of promoting
27 prostitution in the first degree under RCW 9A.88.070 or promoting
28 prostitution in the second degree under RCW 9A.88.080, before any
29 defendant charged with or arrested, for a crime involving promoting
30 prostitution is released from custody, or at any time the case
31 remains unresolved, the court may prohibit that person from having
32 any contact with the victim whether directly or through third
33 parties. If there is no outstanding restraining or protective order
34 prohibiting that person from having contact with the victim, the
35 court may issue, by telephone, a no-contact order prohibiting the
36 person charged or arrested from having contact with the victim or
37 from knowingly coming within, or knowingly remaining within, a
38 specified distance of a location. The court may also consider the
39 provisions of RCW 9.41.800 or other conditions of pretrial release

1 according to the procedures established by court rule for preliminary
2 appearance or an arraignment.

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

8 (3)(a) Willful violation of a court order issued under this
9 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

10 (b) The written order shall contain the court's directives and
11 shall bear the legend: Violation of this order is a criminal offense
12 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
13 81 of this act) and the violator is subject to arrest; any assault,
14 drive-by shooting, or reckless endangerment that is a violation of
15 this order is a felony.

16 (4) Upon a motion with notice to all parties and after a hearing,
17 the court may terminate or modify the terms of an existing no-contact
18 order, including terms entered pursuant to RCW 9.41.800 related to
19 firearms or other dangerous weapons or to concealed pistol licenses.

20 (5)(a) A defendant's motion to terminate or modify a no-contact
21 order must include a declaration setting forth facts supporting the
22 requested order for termination or modification. The court shall deny
23 the motion unless it finds that adequate cause for hearing the motion
24 is established by the declarations. If the court finds that the
25 defendant established adequate cause, the court shall set a date for
26 hearing the defendant's motion.

27 (b) The court may terminate or modify the terms of a no-contact
28 order, including terms entered pursuant to RCW 9.41.800 related to
29 firearms or other dangerous weapons or to concealed pistol licenses,
30 if the defendant proves by a preponderance of the evidence that there
31 has been a material change in circumstances such that the defendant
32 is not likely to engage in or attempt to engage in physical or
33 nonphysical contact with the victim if the order is terminated or
34 modified. The victim bears no burden of proving that he or she has a
35 current reasonable fear of harm by the defendant.

36 (c) A defendant may file a motion to terminate or modify pursuant
37 to this section no more than once in every twelve-month period that
38 the order is in effect, starting from the date of the order and
39 continuing through any renewal.

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

16 **Sec. 117.** RCW 9A.88.180 and 2017 c 230 s 8 are each amended to
17 read as follows:

18 (1) If a defendant is found guilty of the crime of promoting
19 prostitution in the first degree under RCW 9A.88.070 or promoting
20 prostitution in the second degree under RCW 9A.88.080, and a
21 condition of the sentence restricts the defendant's ability to have
22 contact with the victim or witnesses, the condition must be recorded
23 and a written certified copy of that order must be provided to the
24 victim or witnesses by the clerk of the court. Willful violation of a
25 court order issued under this section is punishable under ((RCW
26 ~~26.50.110~~)) section 56 of this act. The written order must contain
27 the court's directives and shall bear the legend: Violation of this
28 order is a criminal offense under chapter ((26.50)) 7.--- RCW (the
29 new chapter created in section 81 of this act) and the violator is
30 subject to arrest; any assault, drive-by shooting, or reckless
31 endangerment that is a violation of this order is a felony.

32 (2) Whenever a no-contact order is issued under this section, the
33 clerk of the court shall forward a copy of the order on or before the
34 next judicial day to the appropriate law enforcement agency specified
35 in the order. Upon receipt of the copy of the order, the law
36 enforcement agency shall enter the order for one year or until the
37 expiration date specified on the order into any computer-based
38 criminal intelligence information system available in this state used
39 by law enforcement agencies to list outstanding warrants. Entry into

1 the computer-based criminal intelligence information system
2 constitutes notice to all law enforcement agencies of the existence
3 of the order. The order is fully enforceable in any jurisdiction in
4 the state. Upon receipt of notice that an order has been terminated,
5 the law enforcement agency shall remove the order from the computer-
6 based criminal intelligence information system.

7 **Sec. 118.** RCW 10.01.240 and 2019 c 263 s 202 are each amended to
8 read as follows:

9 Whenever a prosecutor, or the attorney general or assistants
10 acting pursuant to RCW 10.01.190, institutes or conducts a criminal
11 proceeding involving domestic violence as defined in RCW 10.99.020,
12 the prosecutor, or attorney general or assistants, shall specify
13 whether the victim and defendant are intimate partners or family or
14 household members within the meaning of (~~RCW 26.50.010~~) section 2
15 of this act.

16 **Sec. 119.** RCW 10.05.020 and 2019 c 263 s 703 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (2) of this section, the
19 petitioner shall allege under oath in the petition that the wrongful
20 conduct charged is the result of or caused by substance use disorders
21 or mental problems or domestic violence behavior problems for which
22 the person is in need of treatment and unless treated the probability
23 of future recurrence is great, along with a statement that the person
24 agrees to pay the cost of a diagnosis and treatment of the alleged
25 problem or problems if financially able to do so. The petition shall
26 also contain a case history and written assessment prepared by an
27 approved substance use disorder treatment program as designated in
28 chapter 71.24 RCW if the petition alleges a substance use disorder,
29 by an approved mental health center if the petition alleges a mental
30 problem, or by a state-certified domestic violence treatment provider
31 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this
32 act) if the petition alleges a domestic violence behavior problem.

33 (2) In the case of a petitioner charged with a misdemeanor or
34 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall
35 allege under oath in the petition that the petitioner is the natural
36 or adoptive parent of the alleged victim; that the wrongful conduct
37 charged is the result of parenting problems for which the petitioner
38 is in need of services; that the petitioner is in need of child

1 welfare services under chapter 74.13 RCW to improve his or her
2 parenting skills in order to better provide his or her child or
3 children with the basic necessities of life; that the petitioner
4 wants to correct his or her conduct to reduce the likelihood of harm
5 to his or her minor children; that in the absence of child welfare
6 services the petitioner may be unable to reduce the likelihood of
7 harm to his or her minor children; and that the petitioner has
8 cooperated with the department of social and health services to
9 develop a plan to receive appropriate child welfare services; along
10 with a statement that the person agrees to pay the cost of the
11 services if he or she is financially able to do so. The petition
12 shall also contain a case history and a written service plan from the
13 department of social and health services.

14 (3) Before entry of an order deferring prosecution, a petitioner
15 shall be advised of his or her rights as an accused and execute, as a
16 condition of receiving treatment, a statement that contains: (a) An
17 acknowledgment of his or her rights; (b) an acknowledgment and waiver
18 of the right to testify, the right to a speedy trial, the right to
19 call witnesses to testify, the right to present evidence in his or
20 her defense, and the right to a jury trial; (c) a stipulation to the
21 admissibility and sufficiency of the facts contained in the written
22 police report; and (d) an acknowledgment that the statement will be
23 entered and used to support a finding of guilty if the court finds
24 cause to revoke the order granting deferred prosecution. The
25 petitioner shall also be advised that he or she may, if he or she
26 proceeds to trial and is found guilty, be allowed to seek suspension
27 of some or all of the fines and incarceration that may be ordered
28 upon the condition that he or she seek treatment and, further, that
29 he or she may seek treatment from public and private agencies at any
30 time without regard to whether or not he or she is found guilty of
31 the offense charged. He or she shall also be advised that the court
32 will not accept a petition for deferred prosecution from a person
33 who: (i) Sincerely believes that he or she is innocent of the
34 charges; (ii) sincerely believes that he or she does not, in fact,
35 suffer from alcoholism, drug addiction, mental problems, or domestic
36 violence behavior problems; or (iii) in the case of a petitioner
37 charged under chapter 9A.42 RCW, sincerely believes that he or she
38 does not need child welfare services.

39 (4) Before entering an order deferring prosecution, the court
40 shall make specific findings that: (a) The petitioner has stipulated

1 to the admissibility and sufficiency of the facts as contained in the
2 written police report; (b) the petitioner has acknowledged the
3 admissibility of the stipulated facts in any criminal hearing on the
4 underlying offense or offenses held subsequent to revocation of the
5 order granting deferred prosecution; (c) the petitioner has
6 acknowledged and waived the right to testify, the right to a speedy
7 trial, the right to call witnesses to testify, the right to present
8 evidence in his or her defense, and the right to a jury trial; and
9 (d) the petitioner's statements were made knowingly and voluntarily.
10 Such findings shall be included in the order granting deferred
11 prosecution.

12 **Sec. 120.** RCW 10.05.030 and 2019 c 263 s 704 are each amended to
13 read as follows:

14 The arraigning judge upon consideration of the petition and with
15 the concurrence of the prosecuting attorney may continue the
16 arraignment and refer such person for a diagnostic investigation and
17 evaluation to:

18 (1) An approved substance use disorder treatment program as
19 designated in chapter 71.24 RCW if the petition alleges a substance
20 use disorder;

21 (2) An approved mental health center if the petition alleges a
22 mental problem;

23 (3) The department of social and health services if the petition
24 is brought under RCW 10.05.020(2); or

25 (4) An approved state-certified domestic violence treatment
26 provider pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified
27 by this act) if the petition alleges a domestic violence behavior
28 problem.

29 **Sec. 121.** RCW 10.22.010 and 2020 c 29 s 9 are each amended to
30 read as follows:

31 When a defendant is prosecuted in a criminal action for a
32 misdemeanor, other than a violation of RCW 9A.48.105, for which the
33 person injured by the act constituting the offense has a remedy by a
34 civil action, the offense may be compromised as provided in RCW
35 10.22.020, except when it was committed:

36 (1) By or upon an officer while in the execution of the duties of
37 his or her office;

38 (2) Riotously;

1 (3) With an intent to commit a felony; or

2 (4) By one family or household member against another or by one
3 intimate partner against another as defined in RCW (~~26.50.010~~)
4 10.99.020 and was a crime of domestic violence as defined in RCW
5 10.99.020.

6 **Sec. 122.** RCW 10.31.100 and 2020 c 29 s 10 are each amended to
7 read as follows:

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

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

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

28 (a) (~~An~~) A domestic violence protection order, a sexual assault
29 protection order, a stalking protection order, or a vulnerable adult
30 protection order has been issued, of which the person has knowledge,
31 under chapter 7.--- RCW (the new chapter created in section 81 of
32 this act), or an order has been issued, of which the person has
33 knowledge, under RCW 26.44.063, or chapter 7.92, 7.90, 9A.40, 9A.46,
34 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, 26.50, or 74.34 RCW,
35 restraining the person and the person has violated the terms of the
36 order restraining the person from acts or threats of violence, or
37 restraining the person from going onto the grounds of, or entering, a
38 residence, workplace, school, or day care, or prohibiting the person
39 from knowingly coming within, or knowingly remaining within, a

1 specified distance of a location, a protected party's person, or a
2 protected party's vehicle, or, in the case of an order issued under
3 RCW 26.44.063, imposing any other restrictions or conditions upon the
4 person;

5 (b) An extreme risk protection order has been issued against the
6 person under chapter 7.--- RCW (the new chapter created in section 81
7 of this act) or RCW 7.94.040, the person has knowledge of the order,
8 and the person has violated the terms of the order prohibiting the
9 person from having in his or her custody or control, purchasing,
10 possessing, accessing, or receiving a firearm or concealed pistol
11 license;

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

26 (d) The person is eighteen years or older and within the
27 preceding four hours has assaulted a family or household member or
28 intimate partner as defined in RCW (~~26.50.010~~) 10.99.020 and the
29 officer believes: (i) A felonious assault has occurred; (ii) an
30 assault has occurred which has resulted in bodily injury to the
31 victim, whether the injury is observable by the responding officer or
32 not; or (iii) that any physical action has occurred which was
33 intended to cause another person reasonably to fear imminent serious
34 bodily injury or death. Bodily injury means physical pain, illness,
35 or an impairment of physical condition. When the officer has probable
36 cause to believe that family or household members or intimate
37 partners have assaulted each other, the officer is not required to
38 arrest both persons. The officer shall arrest the person whom the
39 officer believes to be the primary physical aggressor. In making this
40 determination, the officer shall make every reasonable effort to

1 consider: (A) The intent to protect victims of domestic violence
2 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
3 or serious threats creating fear of physical injury; and (C) the
4 history of domestic violence of each person involved, including
5 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (9) A police officer may arrest and take into custody, pending
14 release on bail, personal recognizance, or court order, a person
15 without a warrant when the officer has probable cause to believe that
16 an antiharassment protection order has been issued of which the
17 person has knowledge under chapter 7.--- (the new chapter created in
18 section 81 of this act) or 10.14 RCW and the person has violated the
19 terms of that order.

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

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

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

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

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

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

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

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

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

19 **Sec. 123.** RCW 10.66.010 and 2020 c 29 s 11 are each amended to
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter:

23 (1) "Applicant" means any person who owns, occupies, or has a
24 substantial interest in property, or who is a neighbor to property
25 which is adversely affected by drug trafficking, including:

26 (a) A "family or household member" or "intimate partner" as
27 defined (~~by RCW 26.50.010~~) in section 2 of this act, who has a
28 possessory interest in a residence as an owner or tenant, at least as
29 great as a known drug trafficker's interest;

30 (b) An owner or lessor;

31 (c) An owner, tenant, or resident who lives or works in a
32 designated PADT area; or

33 (d) A city or prosecuting attorney for any jurisdiction in this
34 state where drug trafficking is occurring.

35 (2) "Drug" or "drugs" means a controlled substance as defined in
36 chapter 69.50 RCW or an "imitation controlled substance" as defined
37 in RCW 69.52.020.

38 (3) "Known drug trafficker" means any person who has been
39 convicted of a drug offense in this state, another state, or federal

1 court who subsequently has been arrested for a drug offense in this
2 state. For purposes of this definition, "drug offense" means a felony
3 violation of chapter 69.50 or 69.52 RCW or equivalent law in another
4 jurisdiction that involves the manufacture, distribution, or
5 possession with intent to manufacture or distribute of a controlled
6 substance or imitation controlled substance.

7 (4) "Off-limits orders" means an order issued by a superior or
8 district court in the state of Washington that enjoins known drug
9 traffickers from entering or remaining in a designated PADT area.

10 (5) "Protected against drug trafficking area" or "PADT area"
11 means any specifically described area, public or private, contained
12 in an off-limits order. The perimeters of a PADT area shall be
13 defined using street names and numbers and shall include all real
14 property contained therein, where drug sales, possession of drugs,
15 pedestrian or vehicular traffic attendant to drug activity, or other
16 activity associated with drug offenses confirms a pattern associated
17 with drug trafficking. The area may include the full width of
18 streets, alleys and sidewalks on the perimeter, common areas,
19 planting strips, or parks and parking areas within the area described
20 using the streets as boundaries.

21 **Sec. 124.** RCW 10.95.020 and 2020 c 29 s 12 are each amended to
22 read as follows:

23 A person is guilty of aggravated first degree murder, a class A
24 felony, if he or she commits first degree murder as defined by RCW
25 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
26 following aggravating circumstances exist:

27 (1) The victim was a law enforcement officer, corrections
28 officer, or firefighter who was performing his or her official duties
29 at the time of the act resulting in death and the victim was known or
30 reasonably should have been known by the person to be such at the
31 time of the killing;

32 (2) At the time of the act resulting in the death, the person was
33 serving a term of imprisonment, had escaped, or was on authorized or
34 unauthorized leave in or from a state facility or program for the
35 incarceration or treatment of persons adjudicated guilty of crimes;

36 (3) At the time of the act resulting in death, the person was in
37 custody in a county or county-city jail as a consequence of having
38 been adjudicated guilty of a felony;

1 (4) The person committed the murder pursuant to an agreement that
2 he or she would receive money or any other thing of value for
3 committing the murder;

4 (5) The person solicited another person to commit the murder and
5 had paid or had agreed to pay money or any other thing of value for
6 committing the murder;

7 (6) The person committed the murder to obtain or maintain his or
8 her membership or to advance his or her position in the hierarchy of
9 an organization, association, or identifiable group;

10 (7) The murder was committed during the course of or as a result
11 of a shooting where the discharge of the firearm, as defined in RCW
12 9.41.010, is either from a motor vehicle or from the immediate area
13 of a motor vehicle that was used to transport the shooter or the
14 firearm, or both, to the scene of the discharge;

15 (8) The victim was:

16 (a) A judge; juror or former juror; prospective, current, or
17 former witness in an adjudicative proceeding; prosecuting attorney;
18 deputy prosecuting attorney; defense attorney; a member of the
19 indeterminate sentence review board; or a probation or parole
20 officer; and

21 (b) The murder was related to the exercise of official duties
22 performed or to be performed by the victim;

23 (9) The person committed the murder to conceal the commission of
24 a crime or to protect or conceal the identity of any person
25 committing a crime, including, but specifically not limited to, any
26 attempt to avoid prosecution as a persistent offender as defined in
27 RCW 9.94A.030;

28 (10) There was more than one victim and the murders were part of
29 a common scheme or plan or the result of a single act of the person;

30 (11) The murder was committed in the course of, in furtherance
31 of, or in immediate flight from one of the following crimes:

32 (a) Robbery in the first or second degree;

33 (b) Rape in the first or second degree;

34 (c) Burglary in the first or second degree or residential
35 burglary;

36 (d) Kidnapping in the first degree; or

37 (e) Arson in the first degree;

38 (12) The victim was regularly employed or self-employed as a
39 newsreporter and the murder was committed to obstruct or hinder the
40 investigative, research, or reporting activities of the victim;

1 (13) At the time the person committed the murder, there existed a
2 court order, issued in this or any other state, which prohibited the
3 person from either contacting the victim, molesting the victim, or
4 disturbing the peace of the victim, and the person had knowledge of
5 the existence of that order;

6 (14) At the time the person committed the murder, the person and
7 the victim were "family or household members" or "intimate partners"
8 as defined in RCW (~~26.50.010~~) 10.99.020, and the person had
9 previously engaged in a pattern or practice of three or more of the
10 following crimes committed upon the victim within a five-year period,
11 regardless of whether a conviction resulted:

- 12 (a) Harassment as defined in RCW 9A.46.020; or
13 (b) Any criminal assault.

14 **Sec. 125.** RCW 10.99.020 and 2020 c 296 s 5 are each reenacted
15 and amended to read as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

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

20 (2) "Association" means the Washington association of sheriffs
21 and police chiefs.

22 (3) "Dating relationship" has the same meaning as in (~~RCW~~
23 ~~26.50.010~~) section 2 of this act.

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

- 28 (i) Assault in the first degree (RCW 9A.36.011);
29 (ii) Assault in the second degree (RCW 9A.36.021);
30 (iii) Assault in the third degree (RCW 9A.36.031);
31 (iv) Assault in the fourth degree (RCW 9A.36.041);
32 (v) Drive-by shooting (RCW 9A.36.045);
33 (vi) Reckless endangerment (RCW 9A.36.050);
34 (vii) Coercion (RCW 9A.36.070);
35 (viii) Burglary in the first degree (RCW 9A.52.020);
36 (ix) Burglary in the second degree (RCW 9A.52.030);
37 (x) Criminal trespass in the first degree (RCW 9A.52.070);
38 (xi) Criminal trespass in the second degree (RCW 9A.52.080);
39 (xii) Malicious mischief in the first degree (RCW 9A.48.070);

- 1 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
2 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
3 (xv) Kidnapping in the first degree (RCW 9A.40.020);
4 (xvi) Kidnapping in the second degree (RCW 9A.40.030);
5 (xvii) Unlawful imprisonment (RCW 9A.40.040);
6 (xviii) Violation of the provisions of a restraining order, no-
7 contact order, or protection order restraining or enjoining the
8 person or restraining the person from going onto the grounds of or
9 entering a residence, workplace, school, or day care, or prohibiting
10 the person from knowingly coming within, or knowingly remaining
11 within, a specified distance of a location, a protected party's
12 person, or a protected party's vehicle (chapter 7.--- RCW (the new
13 chapter created in section 81 of this act) or RCW 10.99.040,
14 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,
15 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
16 (xix) Rape in the first degree (RCW 9A.44.040);
17 (xx) Rape in the second degree (RCW 9A.44.050);
18 (xxi) Residential burglary (RCW 9A.52.025);
19 (xxii) Stalking (RCW 9A.46.110); and
20 (xxiii) Interference with the reporting of domestic violence (RCW
21 9A.36.150).

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

23 (6) "Employee" means any person currently employed with an
24 agency.

25 (7) "Family or household members" means (~~the same as in RCW~~
26 ~~26.50.010~~): (a) Adult persons related by blood or marriage; (b)
27 adult persons who are presently residing together or who have resided
28 together in the past; and (c) persons who have a biological or legal
29 parent-child relationship, including stepparents and stepchildren and
30 grandparents and grandchildren.

31 (8) "Intimate partners" means (~~the same as in RCW 26.50.010~~):
32 (a) Spouses or domestic partners; (b) former spouses or former
33 domestic partners; (c) persons who have a child in common regardless
34 of whether they have been married or have lived together at any time;
35 (d) adult persons presently or previously residing together who have
36 or have had a dating relationship; (e) persons 16 years of age or
37 older who are presently residing together or who have resided
38 together in the past and who have or have had a dating relationship;
39 or (f) persons 16 years of age or older with whom a person 16 years
40 of age or older has or has had a dating relationship.

1 (9) "Sworn employee" means a general authority Washington peace
2 officer as defined in RCW 10.93.020, any person appointed under RCW
3 35.21.333, and any person appointed or elected to carry out the
4 duties of the sheriff under chapter 36.28 RCW.

5 (10) "Victim" means a family or household member or an intimate
6 partner who has been subjected to domestic violence.

7 **Sec. 126.** RCW 10.99.040 and 2019 c 367 s 4 are each amended to
8 read as follows:

9 (1) Because of the serious nature of domestic violence, the court
10 in domestic violence actions:

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

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

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

21 (d) Shall identify by any reasonable means on docket sheets those
22 criminal actions arising from acts of domestic violence.

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

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

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

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

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

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

24 (c) 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 the costs of the electronic
32 monitoring.

33 (4)(a) Willful violation of a court order issued under subsection
34 (2), (3), or (7) of this section is punishable under ((RCW
35 ~~26.50.110~~) section 56 of this act.

36 (b) The written order releasing the person charged or arrested
37 shall contain the court's directives and shall bear the legend:
38 "Violation of this order is a criminal offense under chapter
39 ((~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this
40 act) and will subject a violator to arrest; any assault, drive-by

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

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

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

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

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

32 **Sec. 127.** RCW 10.99.050 and 2019 c 263 s 303 are each amended to
33 read as follows:

34 (1) When a defendant is found guilty of a crime and a condition
35 of the sentence restricts the defendant's ability to have contact
36 with the victim, such condition shall be recorded and a written
37 certified copy of that order shall be provided to the victim.

38 (2)(a) Willful violation of a court order issued under this
39 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

1 (b) The written order shall contain the court's directives and
2 shall bear the legend: Violation of this order is a criminal offense
3 under chapter ((26.50)) 7.--- RCW (the new chapter created in section
4 81 of this act) and will subject a violator to arrest; any assault,
5 drive-by shooting, or reckless endangerment that is a violation of
6 this order is a felony.

7 (c) An order issued pursuant to this section in conjunction with
8 a misdemeanor or gross misdemeanor sentence or juvenile disposition
9 remains in effect for a fixed period of time determined by the court,
10 which may not exceed five years from the date of sentencing or
11 disposition.

12 (d) An order issued pursuant to this section in conjunction with
13 a felony sentence or juvenile disposition remains in effect for a
14 fixed period of time determined by the court, which may not exceed
15 the adult maximum sentence established in RCW 9A.20.021.

16 (3) Whenever an order prohibiting contact is issued pursuant to
17 this section, the clerk of the court shall forward a copy of the
18 order on or before the next judicial day to the appropriate law
19 enforcement agency specified in the order. Upon receipt of the copy
20 of the order the law enforcement agency shall enter the order for one
21 year or until the expiration date specified on the order into any
22 computer-based criminal intelligence information system available in
23 this state used by law enforcement agencies to list outstanding
24 warrants. Entry into the computer-based criminal intelligence
25 information system constitutes notice to all law enforcement agencies
26 of the existence of the order. The order is fully enforceable in any
27 jurisdiction in the state.

28 (4) If an order prohibiting contact issued pursuant to this
29 section is modified or terminated, the clerk of the court shall
30 notify the law enforcement agency specified in the order on or before
31 the next judicial day. Upon receipt of notice that an order has been
32 terminated, the law enforcement agency shall remove the order from
33 any computer-based criminal intelligence system.

34 **Sec. 128.** RCW 10.99.090 and 2005 c 274 s 209 are each amended to
35 read as follows:

36 (1) By December 1, 2004, the association shall develop a written
37 model policy on domestic violence committed or allegedly committed by
38 sworn employees of agencies. In developing the policy, the

1 association shall convene a work group consisting of representatives
2 from the following entities and professions:

3 (a) Statewide organizations representing state and local
4 enforcement officers;

5 (b) A statewide organization providing training and education for
6 agencies having the primary responsibility of serving victims of
7 domestic violence with emergency shelter and other services; and

8 (c) Any other organization or profession the association
9 determines to be appropriate.

10 (2) Members of the work group shall serve without compensation.

11 (3) The model policy shall provide due process for employees and,
12 at a minimum, meet the following standards:

13 (a) Provide prehire screening procedures reasonably calculated to
14 disclose whether an applicant for a sworn employee position:

15 (i) Has committed or, based on credible sources, has been accused
16 of committing an act of domestic violence;

17 (ii) Is currently being investigated for an allegation of child
18 abuse or neglect or has previously been investigated for founded
19 allegations of child abuse or neglect; or

20 (iii) Is currently or has previously been subject to any order
21 under RCW 26.44.063, this chapter, chapter 10.14 or 26.50 RCW, or to
22 a domestic violence protection order or antiharassment protection
23 order under chapter 7.--- RCW (the new chapter created in section 81
24 of this act), or any equivalent order issued by another state or
25 tribal court;

26 (b) Provide for the mandatory, immediate response to acts or
27 allegations of domestic violence committed or allegedly committed by
28 a sworn employee of an agency;

29 (c) Provide to a sworn employee, upon the request of the sworn
30 employee or when the sworn employee has been alleged to have
31 committed an act of domestic violence, information on programs under
32 RCW 26.50.150 (as recodified by this act);

33 (d) Provide for the mandatory, immediate reporting by employees
34 when an employee becomes aware of an allegation of domestic violence
35 committed or allegedly committed by a sworn employee of the agency
36 employing the sworn employee;

37 (e) Provide procedures to address reporting by an employee who is
38 the victim of domestic violence committed or allegedly committed by a
39 sworn employee of an agency;

1 (f) Provide for the mandatory, immediate self-reporting by a
2 sworn employee to his or her employing agency when an agency in any
3 jurisdiction has responded to a domestic violence call in which the
4 sworn employee committed or allegedly committed an act of domestic
5 violence;

6 (g) Provide for the mandatory, immediate self-reporting by a
7 sworn employee to his or her employing agency if the employee is
8 currently being investigated for an allegation of child abuse or
9 neglect or has previously been investigated for founded allegations
10 of child abuse or neglect, or is currently or has previously been
11 subject to any order under RCW 26.44.063, this chapter, chapter 10.14
12 or 26.50 RCW, or to a domestic violence protection order or
13 antiharassment protection order under chapter 7.--- RCW (the new
14 chapter created in section 81 of this act), or any equivalent order
15 issued by another state or tribal court;

16 (h) Provide for the performance of prompt separate and impartial
17 administrative and criminal investigations of acts or allegations of
18 domestic violence committed or allegedly committed by a sworn
19 employee of an agency;

20 (i) Provide for appropriate action to be taken during an
21 administrative or criminal investigation of acts or allegations of
22 domestic violence committed or allegedly committed by a sworn
23 employee of an agency. The policy shall provide procedures to
24 address, in a manner consistent with applicable law and the agency's
25 ability to maintain public safety within its jurisdiction, whether to
26 relieve the sworn employee of agency-issued weapons and other agency-
27 issued property and whether to suspend the sworn employee's power of
28 arrest or other police powers pending resolution of any
29 investigation;

30 (j) Provide for prompt and appropriate discipline or sanctions
31 when, after an agency investigation, it is determined that a sworn
32 employee has committed an act of domestic violence;

33 (k) Provide that, when there has been an allegation of domestic
34 violence committed or allegedly committed by a sworn employee, the
35 agency immediately make available to the alleged victim the following
36 information:

37 (i) The agency's written policy on domestic violence committed or
38 allegedly committed by sworn employees;

1 (ii) Information, including but not limited to contact
2 information, about public and private nonprofit domestic violence
3 advocates and services; and

4 (iii) Information regarding relevant confidentiality policies
5 related to the victim's information;

6 (l) Provide procedures for the timely response, consistent with
7 chapters 42.56 and 10.97 RCW, to an alleged victim's inquiries into
8 the status of the administrative investigation and the procedures the
9 agency will follow in an investigation of domestic violence committed
10 or allegedly committed by a sworn employee;

11 (m) Provide procedures requiring an agency to immediately notify
12 the employing agency of a sworn employee when the notifying agency
13 becomes aware of acts or allegations of domestic violence committed
14 or allegedly committed by the sworn employee within the jurisdiction
15 of the notifying agency; and

16 (n) Provide procedures for agencies to access and share domestic
17 violence training within their jurisdiction and with other
18 jurisdictions.

19 (4) By June 1, 2005, every agency shall adopt and implement a
20 written policy on domestic violence committed or allegedly committed
21 by sworn employees of the agency that meet the minimum standards
22 specified in this section. In lieu of developing its own policy, the
23 agency may adopt the model policy developed by the association under
24 this section. In developing its own policy, or before adopting the
25 model policy, the agency shall consult public and private nonprofit
26 domestic violence advocates and any other organizations and
27 professions the agency finds appropriate.

28 (5)(a) Except as provided in this section, not later than June
29 30, 2006, every sworn employee of an agency shall be trained by the
30 agency on the agency's policy required under this section.

31 (b) Sworn employees hired by an agency on or after March 1, 2006,
32 shall, within six months of beginning employment, be trained by the
33 agency on the agency's policy required under this section.

34 (6)(a) By June 1, 2005, every agency shall provide a copy of its
35 policy developed under this section to the association and shall
36 provide a statement notifying the association of whether the agency
37 has complied with the training required under this section. The copy
38 and statement shall be provided in electronic format unless the
39 agency is unable to do so. The agency shall provide the association
40 with any revisions to the policy upon adoption.

1 (b) The association shall maintain a copy of each agency's policy
2 and shall provide to the governor and legislature not later than
3 January 1, 2006, a list of those agencies that have not developed and
4 submitted policies and those agencies that have not stated their
5 compliance with the training required under this section.

6 (c) The association shall, upon request and within its resources,
7 provide technical assistance to agencies in developing their
8 policies.

9 **Sec. 129.** RCW 11.92.195 and 2017 c 268 s 1 are each amended to
10 read as follows:

11 (1) Except as otherwise provided in this section, an
12 incapacitated person retains the right to associate with persons of
13 the incapacitated person's choosing. This right includes, but is not
14 limited to, the right to freely communicate and interact with other
15 persons, whether through in-person visits, telephone calls,
16 electronic communication, personal mail, or other means. If the
17 incapacitated person is unable to express consent for communication,
18 visitation, or interaction with another person, or is otherwise
19 unable to make a decision regarding association with another person,
20 a guardian of the incapacitated person, whether full or limited,
21 must:

22 (a) Personally inform the incapacitated person of the decision
23 under consideration, using plain language, in a manner calculated to
24 maximize the understanding of the incapacitated person;

25 (b) Maximize the incapacitated person's participation in the
26 decision-making process to the greatest extent possible, consistent
27 with the incapacitated person's abilities; and

28 (c) Give substantial weight to the incapacitated person's
29 preferences, both expressed and historical.

30 (2) A guardian or limited guardian may not restrict an
31 incapacitated person's right to communicate, visit, interact, or
32 otherwise associate with persons of the incapacitated person's
33 choosing, unless:

34 (a) The restriction is specifically authorized by the
35 guardianship court in the court order establishing or modifying the
36 guardianship or limited guardianship under chapter 11.88 RCW;

37 (b) The restriction is pursuant to a protection order issued
38 under chapter (~~(74.34 RCW, chapter 26.50)~~) 7.--- RCW (the new chapter

1 created in section 81 of this act), or other law, that limits contact
2 between the incapacitated person and other persons; or

3 (c) (i) The guardian or limited guardian has good cause to believe
4 that there is an immediate need to restrict an incapacitated person's
5 right to communicate, visit, interact, or otherwise associate with
6 persons of the incapacitated person's choosing in order to protect
7 the incapacitated person from abuse, neglect, abandonment, or
8 financial exploitation, as those terms are defined in RCW 74.34.020,
9 or to protect the incapacitated person from activities that
10 unnecessarily impose significant distress on the incapacitated
11 person; and

12 (ii) Within fourteen calendar days of imposing the restriction
13 under (c) (i) of this subsection, the guardian or limited guardian
14 files a petition for a vulnerable adult protection order under
15 chapter ((74.34)) 7.--- RCW (the new chapter created in section 81 of
16 this act). The immediate need restriction may remain in place until
17 the court has heard and issued an order or decision on the petition.

18 (3) A vulnerable adult protection order under chapter ((74.34))
19 7.--- RCW (the new chapter created in section 81 of this act) issued
20 to protect an incapacitated person as described in subsection
21 (2) (c) (ii) of this section:

22 (a) Must include written findings of fact and conclusions of law;

23 (b) May not be more restrictive than necessary to protect the
24 incapacitated person from abuse, neglect, abandonment, or financial
25 exploitation as those terms are defined in ((RCW 74.34.020)) section
26 2 of this act; and

27 (c) May not deny communication, visitation, interaction, or other
28 association between the incapacitated person and another person
29 unless the court finds that placing reasonable time, place, or manner
30 restrictions is unlikely to sufficiently protect the incapacitated
31 person from abuse, neglect, abandonment, or financial exploitation as
32 those terms are defined in ((RCW 74.34.020)) section 2 of this act.

33 (4) This section expires January 1, 2022.

34 **Sec. 130.** RCW 11.130.257 and 2020 c 312 s 112 are each amended
35 to read as follows:

36 (1) In a proceeding under this chapter either party may file a
37 motion for temporary support of children entitled to support. The
38 motion shall be accompanied by an affidavit setting forth the factual
39 basis for the motion and the amount requested.

1 (2) In a proceeding under this chapter either party may file a
2 motion for a temporary restraining order or preliminary injunction,
3 providing relief proper in the circumstances, and restraining or
4 enjoining another party from:

5 (a) Molesting or disturbing the peace of the other party or of
6 any child;

7 (b) Entering the family home or the home of the other party upon
8 a showing of the necessity therefor;

9 (c) Knowingly coming within, or knowingly remaining within, a
10 specified distance from a specified location; and

11 (d) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order
13 (~~under chapter 26.50 RCW~~) or an antiharassment protection order
14 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section
15 81 of this act) on a temporary basis by filing an appropriate
16 separate civil cause of action. The petitioner shall inform the court
17 of the existence of the action under this title. The court shall set
18 all future protection hearings on the guardianship calendar to be
19 heard concurrent with the action under this title and the clerk shall
20 relate the cases in the case management system. The court may grant
21 any of the relief provided in (~~RCW 26.50.060~~) section 39 of this
22 act except relief pertaining to residential provisions for the
23 children which provisions shall be provided for under this chapter(~~7~~
24 ~~and any of the relief provided in RCW 10.14.080~~). Ex parte orders
25 issued under this subsection shall be effective for a fixed period
26 not to exceed fourteen days, or upon court order, not to exceed
27 twenty-four days if necessary to ensure that all temporary motions in
28 the case can be heard at the same time.

29 (4) In issuing the order, the court shall consider the provisions
30 of RCW 9.41.800, and shall order the respondent to surrender, and
31 prohibit the respondent from possessing, all firearms, dangerous
32 weapons, and any concealed pistol license as required in RCW
33 9.41.800. Such orders may only be made in the civil protection case
34 related to the action under this title.

35 (5) The court may issue a temporary restraining order without
36 requiring notice to the other party only if it finds on the basis of
37 the moving affidavit or other evidence that irreparable injury could
38 result if an order is not issued until the time for responding has
39 elapsed.

1 (6) The court may issue a temporary restraining order or
2 preliminary injunction and an order for temporary support in such
3 amounts and on such terms as are just and proper in the
4 circumstances.

5 (7) A temporary order, temporary restraining order, or
6 preliminary injunction:

7 (a) Does not prejudice the rights of a party or any child which
8 are to be adjudicated at subsequent hearings in the proceeding;

9 (b) May be revoked or modified;

10 (c) Terminates when the final order is entered or when the motion
11 is dismissed;

12 (d) May be entered in a proceeding for the modification of an
13 existing order.

14 (8) A support debt owed to the state for public assistance
15 expenditures which has been charged against a party pursuant to RCW
16 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
17 extinguished by, the final decree or order, unless the office of
18 support enforcement has been given notice of the final proceeding and
19 an opportunity to present its claim for the support debt to the court
20 and has failed to file an affidavit as provided in this subsection.
21 Notice of the proceeding shall be served upon the office of support
22 enforcement personally, or by certified mail, and shall be given no
23 fewer than thirty days prior to the date of the final proceeding. An
24 original copy of the notice shall be filed with the court either
25 before service or within a reasonable time thereafter. The office of
26 support enforcement may present its claim, and thereby preserve the
27 support debt, by filing an affidavit setting forth the amount of the
28 debt with the court, and by mailing a copy of the affidavit to the
29 parties or their attorney prior to the date of the final proceeding.

30 **Sec. 131.** RCW 11.130.335 and 2020 c 312 s 206 are each amended
31 to read as follows:

32 (1) A guardian for an adult does not have the power to revoke or
33 amend a power of attorney for health care or power of attorney for
34 finances executed by the adult. If a power of attorney for health
35 care is in effect, unless there is a court order to the contrary, a
36 health care decision of an agent takes precedence over that of the
37 guardian and the guardian shall cooperate with the agent to the
38 extent feasible. If a power of attorney for finances is in effect,
39 unless there is a court order to the contrary, a decision by the

1 agent which the agent is authorized to make under the power of
2 attorney for finances takes precedence over that of the guardian and
3 the guardian shall cooperate with the agent to the extent feasible.
4 The court has authority to revoke or amend any power of attorney
5 executed by the adult.

6 (2) A guardian for an adult shall not initiate the commitment of
7 the adult to an evaluation and treatment facility except in
8 accordance with the provisions of chapter 10.77, 71.05, or 72.23 RCW.

9 (3) Unless authorized by the court in accordance with subsection
10 (4) of this section within the past thirty days, a guardian for an
11 adult may not consent to any of the following procedures for the
12 adult:

13 (a) Therapy or other procedure to induce convulsion;

14 (b) Surgery solely for the purpose of psychosurgery; or

15 (c) Other psychiatric or mental health procedures that restrict
16 physical freedom of movement or the rights set forth in RCW
17 71.05.217.

18 (4) The court may order a procedure listed in subsection (3) of
19 this section only after giving notice to the adult's attorney and
20 holding a hearing. If the adult does not have an attorney, the court
21 must appoint an attorney for the adult prior to entering an order
22 under this subsection.

23 (5) Persons under a guardianship, conservatorship, or other
24 protective arrangements—Right to associate with persons of their
25 choosing.

26 (a) Except as otherwise provided in this section, an adult
27 subject to a guardianship, conservatorship, or other protective
28 arrangement retains the right to associate with other persons of the
29 adult's choosing. This right includes, but is not limited to, the
30 right to freely communicate and interact with other persons, whether
31 through in-person visits, telephone calls, electronic communication,
32 personal mail, or other means. If the adult subject to a
33 guardianship, conservatorship, or other protective arrangement is
34 unable to express consent for communication, visitation, or
35 interaction with another person, or is otherwise unable to make a
36 decision regarding association with another person, the guardian,
37 conservator, or person acting under a protective arrangement, whether
38 full or limited, must:

39 (i) Personally inform the adult subject to a guardianship,
40 conservatorship, or other protective arrangement of the decision

1 under consideration, using plain language, in a manner calculated to
2 maximize the understanding of the adult;

3 (ii) Maximize the adult's participation in the decision-making
4 process to the greatest extent possible, consistent with the adult's
5 abilities; and

6 (iii) Give substantial weight to the adult's preferences, both
7 expressed and historical.

8 (b) A guardian or limited guardian, a conservator or limited
9 conservator, or a person acting under a protective arrangement may
10 not restrict an adult's right to communicate, visit, interact, or
11 otherwise associate with persons of the adult's choosing, unless:

12 (i) The restriction is specifically authorized by the court in
13 the court order establishing or modifying the guardianship or limited
14 guardianship, the conservatorship or limited conservatorship, or the
15 protective arrangement under this chapter;

16 (ii) The restriction is pursuant to a protection order issued
17 under chapter ((74.34 or 26.50)) 7.--- RCW (the new chapter created
18 in section 81 of this act), or other law, that limits contact between
19 the adult under a guardianship, conservatorship, or other protective
20 arrangement and other persons;

21 (iii)(A) The guardian or limited guardian, the conservator or
22 limited conservator, or the person acting under the protective
23 arrangement has good cause to believe that there is an immediate need
24 to restrict the adult's right to communicate, visit, interact, or
25 otherwise associate with persons of the adult's choosing in order to
26 protect the adult from abuse, neglect, abandonment, or financial
27 exploitation, as those terms are defined in RCW 74.34.020, or to
28 protect the adult from activities that unnecessarily impose
29 significant distress on the adult; and

30 (B) Within fourteen calendar days of imposing the restriction
31 under (b)(iii)(A) of this subsection, the guardian or limited
32 guardian, the conservator or limited conservator, or ((~~the~~)) the
33 person acting under the protective arrangement files a petition for a
34 vulnerable adult protection order under chapter ((74.34)) 7.--- RCW
35 (the new chapter created in section 81 of this act). The immediate
36 need restriction may remain in place until the court has heard and
37 issued an order or decision on the petition; or

38 (iv) The restriction is pursuant to participation in the
39 community protection program under chapter 71A.12 RCW.

1 (6) A vulnerable adult protection order under chapter ((74.34))
2 7.--- RCW (the new chapter created in section 81 of this act) issued
3 to protect the adult under a guardianship, conservatorship, or other
4 protective arrangement as described in subsection (5)(b)(iii)(B) of
5 this section:

6 (a) Must include written findings of fact and conclusions of law;

7 (b) May not be more restrictive than necessary to protect the
8 adult from abuse, neglect, abandonment, or financial exploitation as
9 those terms are defined in ((RCW 74.34.020)) section 2 of this act;
10 and

11 (c) May not deny communication, visitation, interaction, or other
12 association between the adult and another person unless the court
13 finds that placing reasonable time, place, or manner restrictions is
14 unlikely to sufficiently protect the adult from abuse, neglect,
15 abandonment, or financial exploitation as those terms are defined in
16 ((RCW 74.34.020)) section 2 of this act.

17 **Sec. 132.** RCW 12.04.140 and 1992 c 111 s 10 are each amended to
18 read as follows:

19 Except as provided under ((RCW 26.50.020)) section 14 of this
20 act, no action shall be commenced by any person under the age of
21 eighteen years, except by his guardian, or until a next friend for
22 such a person shall have been appointed. Whenever requested, the
23 justice shall appoint some suitable person, who shall consent thereto
24 in writing, to be named by such plaintiff, to act as his or her next
25 friend in such action, who shall be responsible for the costs
26 therein.

27 **Sec. 133.** RCW 12.04.150 and 1992 c 111 s 11 are each amended to
28 read as follows:

29 After service and return of process against a defendant under the
30 age of eighteen years, the action shall not be further prosecuted,
31 until a guardian for such defendant shall have been appointed, except
32 as provided under ((RCW 26.50.020)) section 14 of this act. Upon the
33 request of such defendant, the justice shall appoint some person who
34 shall consent thereto in writing, to be guardian of the defendant in
35 defense of the action; and if the defendant shall not appear on the
36 return day of the process, or if he or she neglect or refuse to
37 nominate such guardian, the justice may, at the request of the
38 plaintiff, appoint any discreet person as such guardian. The consent

1 of the guardian or next friend shall be filed with the justice; and
 2 such guardian for the defendant shall not be liable for any costs in
 3 the action.

4 **Sec. 134.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
 5 read as follows:

6 **DESCRIPTION AND OFFENSE CATEGORY**

| | | |
|-------------|----------------------------|----------------------|
| | | JUVENILE DISPOSITION |
| JUVENILE | | CATEGORY FOR |
| DISPOSITION | | ATTEMPT, BAILJUMP, |
| OFFENSE | | CONSPIRACY, OR |
| CATEGORY | DESCRIPTION (RCW CITATION) | SOLICITATION |

7
8
9
10
11 **Arson and Malicious Mischief**

| | | |
|---|---|----|
| A | Arson 1 (9A.48.020) | B+ |
| B | Arson 2 (9A.48.030) | C |
| C | Reckless Burning 1 (9A.48.040) | D |
| D | Reckless Burning 2 (9A.48.050) | E |
| B | Malicious Mischief 1 (9A.48.070) | C |
| C | Malicious Mischief 2 (9A.48.080) | D |
| D | Malicious Mischief 3 (9A.48.090) | E |
| E | Tampering with Fire Alarm Apparatus (9.40.100) | E |
| E | Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105) | E |
| A | Possession of Incendiary Device (9.40.120) | B+ |

12
13
14
15
16
17
18
19
20
21
22
23
24
25 **Assault and Other Crimes Involving
Physical Harm**

| | | |
|-----|---|----|
| A | Assault 1 (9A.36.011) | B+ |
| B+ | Assault 2 (9A.36.021) | C+ |
| C+ | Assault 3 (9A.36.031) | D+ |
| D+ | Assault 4 (9A.36.041) | E |
| B+ | Drive-By Shooting (9A.36.045) committed at age 15 or under | C+ |
| A++ | Drive-By Shooting (9A.36.045) committed at age 16 or 17 | A |
| D+ | Reckless Endangerment (9A.36.050) | E |

| | | | |
|----|----|--|----|
| 1 | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| 2 | D+ | Coercion (9A.36.070) | E |
| 3 | C+ | Custodial Assault (9A.36.100) | D+ |
| 4 | | Burglary and Trespass | |
| 5 | B+ | Burglary 1 (9A.52.020) committed at age 15 or under | C+ |
| 6 | | | |
| 7 | A- | Burglary 1 (9A.52.020) committed at age 16 or 17 | B+ |
| 8 | | | |
| 9 | B | Residential Burglary (9A.52.025) | C |
| 10 | B | Burglary 2 (9A.52.030) | C |
| 11 | D | Burglary Tools (Possession of) | E |
| 12 | | (9A.52.060) | |
| 13 | D | Criminal Trespass 1 (9A.52.070) | E |
| 14 | E | Criminal Trespass 2 (9A.52.080) | E |
| 15 | C | Mineral Trespass (78.44.330) | C |
| 16 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 17 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 18 | | Drugs | |
| 19 | E | Possession/Consumption of Alcohol (66.44.270) | E |
| 20 | | | |
| 21 | C | Illegally Obtaining Legend Drug (69.41.020) | D |
| 22 | | | |
| 23 | C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a)) | D+ |
| 24 | | | |
| 25 | E | Possession of Legend Drug (69.41.030(2)(b)) | E |
| 26 | | | |
| 27 | B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b)) | B+ |
| 28 | | | |
| 29 | | | |
| 30 | | | |
| 31 | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c)) | C |
| 32 | | | |
| 33 | | | |
| 34 | E | Possession of Marihuana <40 grams (69.50.4014) | E |
| 35 | | | |
| 36 | C | Fraudulently Obtaining Controlled Substance (69.50.403) | C |
| 37 | | | |

| | | | |
|----|----|---|----|
| 1 | C+ | Sale of Controlled Substance for Profit | C+ |
| 2 | | (69.50.410) | |
| 3 | E | Unlawful Inhalation (9.47A.020) | E |
| 4 | B | Violation of Uniform Controlled | B |
| 5 | | Substances Act - Narcotic, | |
| 6 | | Methamphetamine, or Flunitrazepam | |
| 7 | | Counterfeit Substances (69.50.4011(2) | |
| 8 | | (a) or (b)) | |
| 9 | C | Violation of Uniform Controlled | C |
| 10 | | Substances Act - Nonnarcotic Counterfeit | |
| 11 | | Substances (69.50.4011(2) (c), (d), or (e)) | |
| 12 | C | Violation of Uniform Controlled | C |
| 13 | | Substances Act - Possession of a | |
| 14 | | Controlled Substance (69.50.4013) | |
| 15 | C | Violation of Uniform Controlled | C |
| 16 | | Substances Act - Possession of a | |
| 17 | | Controlled Substance (69.50.4012) | |
| 18 | | Firearms and Weapons | |
| 19 | B | Theft of Firearm (9A.56.300) | C |
| 20 | B | Possession of Stolen Firearm | C |
| 21 | | (9A.56.310) | |
| 22 | E | Carrying Loaded Pistol Without Permit | E |
| 23 | | (9.41.050) | |
| 24 | C | Possession of Firearms by Minor (<18) | C |
| 25 | | (9.41.040(2)(a) ((vi)) (vii)) | |
| 26 | D+ | Possession of Dangerous Weapon | E |
| 27 | | (9.41.250) | |
| 28 | D | Intimidating Another Person by use of | E |
| 29 | | Weapon (9.41.270) | |
| 30 | | Homicide | |
| 31 | A+ | Murder 1 (9A.32.030) | A |
| 32 | A+ | Murder 2 (9A.32.050) | B+ |
| 33 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 34 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 35 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 36 | | Kidnapping | |
| 37 | A | Kidnap 1 (9A.40.020) | B+ |

| | | | |
|----|-----|---|----|
| 1 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 2 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 3 | | Obstructing Governmental Operation | |
| 4 | D | Obstructing a Law Enforcement Officer (9A.76.020) | E |
| 5 | | | |
| 6 | E | Resisting Arrest (9A.76.040) | E |
| 7 | B | Introducing Contraband 1 (9A.76.140) | C |
| 8 | C | Introducing Contraband 2 (9A.76.150) | D |
| 9 | E | Introducing Contraband 3 (9A.76.160) | E |
| 10 | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
| 11 | | | |
| 12 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 13 | | Public Disturbance | |
| 14 | C+ | Criminal Mischief with Weapon (9A.84.010(2)(b)) | D+ |
| 15 | | | |
| 16 | D+ | Criminal Mischief Without Weapon (9A.84.010(2)(a)) | E |
| 17 | | | |
| 18 | E | Failure to Disperse (9A.84.020) | E |
| 19 | E | Disorderly Conduct (9A.84.030) | E |
| 20 | | Sex Crimes | |
| 21 | A | Rape 1 (9A.44.040) | B+ |
| 22 | B++ | Rape 2 (9A.44.050) committed at age 14 or under | B+ |
| 23 | | | |
| 24 | A- | Rape 2 (9A.44.050) committed at age 15 through age 17 | B+ |
| 25 | | | |
| 26 | C+ | Rape 3 (9A.44.060) | D+ |
| 27 | B++ | Rape of a Child 1 (9A.44.073) committed at age 14 or under | B+ |
| 28 | | | |
| 29 | A- | Rape of a Child 1 (9A.44.073) committed at age 15 | B+ |
| 30 | | | |
| 31 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 32 | B | Incest 1 (9A.64.020(1)) | C |
| 33 | C | Incest 2 (9A.64.020(2)) | D |
| 34 | D+ | Indecent Exposure (Victim <14) (9A.88.010) | E |
| 35 | | | |

| | | | |
|----|-----|---------------------------------------|----|
| 1 | E | Indecent Exposure (Victim 14 or over) | E |
| 2 | | (9A.88.010) | |
| 3 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 4 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 5 | E | O & A (Prostitution) (9A.88.030) | E |
| 6 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 7 | B++ | Child Molestation 1 (9A.44.083) | B+ |
| 8 | | committed at age 14 or under | |
| 9 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 10 | | committed at age 15 through age 17 | |
| 11 | B | Child Molestation 2 (9A.44.086) | C+ |
| 12 | C | Failure to Register as a Sex Offender | D |
| 13 | | (9A.44.132) | |
| 14 | | Theft, Robbery, Extortion, and | |
| 15 | | Forgery | |
| 16 | B | Theft 1 (9A.56.030) | C |
| 17 | C | Theft 2 (9A.56.040) | D |
| 18 | D | Theft 3 (9A.56.050) | E |
| 19 | B | Theft of Livestock 1 and 2 (9A.56.080 | C |
| 20 | | and 9A.56.083) | |
| 21 | C | Forgery (9A.60.020) | D |
| 22 | A | Robbery 1 (9A.56.200) committed at | B+ |
| 23 | | age 15 or under | |
| 24 | A++ | Robbery 1 (9A.56.200) committed at | A |
| 25 | | age 16 or 17 | |
| 26 | B+ | Robbery 2 (9A.56.210) | C+ |
| 27 | B+ | Extortion 1 (9A.56.120) | C+ |
| 28 | C+ | Extortion 2 (9A.56.130) | D+ |
| 29 | C | Identity Theft 1 (9.35.020(2)) | D |
| 30 | D | Identity Theft 2 (9.35.020(3)) | E |
| 31 | D | Improperly Obtaining Financial | E |
| 32 | | Information (9.35.010) | |
| 33 | B | Possession of a Stolen Vehicle | C |
| 34 | | (9A.56.068) | |
| 35 | B | Possession of Stolen Property 1 | C |
| 36 | | (9A.56.150) | |

| | | | |
|----|----|--|----|
| 1 | C | Possession of Stolen Property 2 | D |
| 2 | | (9A.56.160) | |
| 3 | D | Possession of Stolen Property 3 | E |
| 4 | | (9A.56.170) | |
| 5 | B | Taking Motor Vehicle Without | C |
| 6 | | Permission 1 (9A.56.070) | |
| 7 | C | Taking Motor Vehicle Without | D |
| 8 | | Permission 2 (9A.56.075) | |
| 9 | B | Theft of a Motor Vehicle (9A.56.065) | C |
| 10 | | Motor Vehicle Related Crimes | |
| 11 | E | Driving Without a License (46.20.005) | E |
| 12 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 13 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 14 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 15 | E | Hit and Run-Unattended (46.52.010) | E |
| 16 | C | Vehicular Assault (46.61.522) | D |
| 17 | C | Attempting to Elude Pursuing Police | D |
| 18 | | Vehicle (46.61.024) | |
| 19 | E | Reckless Driving (46.61.500) | E |
| 20 | D | Driving While Under the Influence | E |
| 21 | | (46.61.502 and 46.61.504) | |
| 22 | B+ | Felony Driving While Under the | B |
| 23 | | Influence (46.61.502(6)) | |
| 24 | B+ | Felony Physical Control of a Vehicle | B |
| 25 | | While Under the Influence (46.61.504(6)) | |
| 26 | | Other | |
| 27 | B | Animal Cruelty 1 (16.52.205) | C |
| 28 | B | Bomb Threat (9.61.160) | C |
| 29 | C | Escape 1 ¹ (9A.76.110) | C |
| 30 | C | Escape 2 ¹ (9A.76.120) | C |
| 31 | D | Escape 3 (9A.76.130) | E |
| 32 | E | Obscene, Harassing, Etc., Phone Calls | E |
| 33 | | (9.61.230) | |
| 34 | A | Other Offense Equivalent to an Adult | B+ |
| 35 | | Class A Felony | |

| | | | |
|----|---|---------------------------------------|---|
| 1 | B | Other Offense Equivalent to an Adult | C |
| 2 | | Class B Felony | |
| 3 | C | Other Offense Equivalent to an Adult | D |
| 4 | | Class C Felony | |
| 5 | D | Other Offense Equivalent to an Adult | E |
| 6 | | Gross Misdemeanor | |
| 7 | E | Other Offense Equivalent to an Adult | E |
| 8 | | Misdemeanor | |
| 9 | V | Violation of Order of Restitution, | V |
| 10 | | Community Supervision, or Confinement | |
| 11 | | (13.40.200) ² | |

12 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
13 and the standard range is established as follows:

14 1st escape or attempted escape during 12-month period - 28 days
15 confinement

16 2nd escape or attempted escape during 12-month period - 8 weeks
17 confinement

18 3rd and subsequent escape or attempted escape during 12-month
19 period - 12 weeks confinement

20 ²If the court finds that a respondent has violated terms of an order,
21 it may impose a penalty of up to 30 days of confinement.

22 **JUVENILE SENTENCING STANDARDS**

23 This schedule must be used for juvenile offenders. The court may
24 select sentencing option A, B, C, or D.

25 **OPTION A**

26 **JUVENILE OFFENDER SENTENCING GRID**

27 **STANDARD RANGE**

| | | | | | | | |
|----|---------|--|-------------|--------------|---------------|---------------|---------------|
| 28 | A++ | 129 to 260 weeks for all category A++ offenses | | | | | |
| 29 | A+ | 180 weeks to age 21 for all category A+ offenses | | | | | |
| 30 | A | 103-129 weeks for all category A offenses | | | | | |
| 31 | A- | 30-40 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 32 | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 33 | CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| 34 | OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |

| | | | | | | | |
|---|---------------|----|----|----|----|-------------|-------------|
| 1 | CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
| 2 | | C | LS | LS | LS | LS | 15-36 weeks |
| 3 | | D+ | LS | LS | LS | LS | LS |
| 4 | | D | LS | LS | LS | LS | LS |
| 5 | | E | LS | LS | LS | LS | LS |
| 6 | PRIOR | | 0 | 1 | 2 | 3 | 4 or more |
| 7 | ADJUDICATIONS | | | | | | |

8 NOTE: References in the grid to days or weeks mean periods of
9 confinement. "LS" means "local sanctions" as defined in RCW
10 13.40.020.

11 (1) The vertical axis of the grid is the current offense
12 category. The current offense category is determined by the offense
13 of adjudication.

14 (2) The horizontal axis of the grid is the number of prior
15 adjudications included in the juvenile's criminal history. Each prior
16 felony adjudication shall count as one point. Each prior violation,
17 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
18 point. Fractional points shall be rounded down.

19 (3) The standard range disposition for each offense is determined
20 by the intersection of the column defined by the prior adjudications
21 and the row defined by the current offense category.

22 (4) RCW 13.40.180 applies if the offender is being sentenced for
23 more than one offense.

24 (5) A current offense that is a violation is equivalent to an
25 offense category of E. However, a disposition for a violation shall
26 not include confinement.

27 **OR**
28 **OPTION B**
29 **SUSPENDED DISPOSITION ALTERNATIVE**

30 (1) If the offender is subject to a standard range disposition
31 involving confinement by the department, the court may impose the
32 standard range and suspend the disposition on condition that the
33 offender comply with one or more local sanctions and any educational
34 or treatment requirement. The treatment programs provided to the
35 offender must be either research-based best practice programs as
36 identified by the Washington state institute for public policy or the

1 joint legislative audit and review committee, or for chemical
2 dependency treatment programs or services, they must be evidence-
3 based or research-based best practice programs. For the purposes of
4 this subsection:

5 (a) "Evidence-based" means a program or practice that has had
6 multiple site random controlled trials across heterogeneous
7 populations demonstrating that the program or practice is effective
8 for the population; and

9 (b) "Research-based" means a program or practice that has some
10 research demonstrating effectiveness, but that does not yet meet the
11 standard of evidence-based practices.

12 (2) If the offender fails to comply with the suspended
13 disposition, the court may impose sanctions pursuant to RCW 13.40.200
14 or may revoke the suspended disposition and order the disposition's
15 execution.

16 (3) An offender is ineligible for the suspended disposition
17 option under this section if the offender:

18 (a) Is adjudicated of an A+ or A++ offense;

19 (b) Is fourteen years of age or older and is adjudicated of one
20 or more of the following offenses:

21 (i) A class A offense, or an attempt, conspiracy, or solicitation
22 to commit a class A offense;

23 (ii) Manslaughter in the first degree (RCW 9A.32.060);

24 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
25 the first degree (RCW 9A.56.120), kidnapping in the second degree
26 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
27 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
28 manslaughter 2 (RCW 9A.32.070); or

29 (iv) Violation of the uniform controlled substances act (RCW
30 69.50.401(2) (a) and (b)), when the offense includes infliction of
31 bodily harm upon another or when during the commission or immediate
32 withdrawal from the offense the respondent was armed with a deadly
33 weapon;

34 (c) Is ordered to serve a disposition for a firearm violation
35 under RCW 13.40.193;

36 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
37 or

38 (e) Has a prior option B disposition.

39 **OR**

1 RCW 13.40.030(2) shall be used to determine the range. A disposition
2 outside the standard range is appealable under RCW 13.40.230 by the
3 state or the respondent. A disposition within the standard range is
4 not appealable under RCW 13.40.230.

5 (3) If a juvenile offender is found to have committed a sex
6 offense, other than a sex offense that is also a serious violent
7 offense as defined by RCW 9.94A.030, and has no history of a prior
8 sex offense, the court may impose the special sex offender
9 disposition alternative under RCW 13.40.162.

10 (4) If the juvenile offender is subject to a standard range
11 disposition of local sanctions or 15 to 36 weeks of confinement and
12 has not committed an A- or B+ offense, the court may impose the
13 disposition alternative under RCW 13.40.165.

14 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
15 confinement, the court may impose the disposition alternative under
16 RCW 13.40.167.

17 (6) When the offender is subject to a standard range commitment
18 of 15 to 36 weeks and is ineligible for a suspended disposition
19 alternative, a manifest injustice disposition below the standard
20 range, special sex offender disposition alternative, chemical
21 dependency disposition alternative, or mental health disposition
22 alternative, the court in a county with a pilot program under RCW
23 13.40.169 may impose the disposition alternative under RCW 13.40.169.

24 (7) RCW 13.40.193 shall govern the disposition of any juvenile
25 adjudicated of possessing a firearm in violation of RCW
26 9.41.040(2)(a) (~~(vi)~~) (vii) or any crime in which a special finding
27 is entered that the juvenile was armed with a firearm.

28 (8) RCW 13.40.308 shall govern the disposition of any juvenile
29 adjudicated of theft of a motor vehicle as defined under RCW
30 9A.56.065, possession of a stolen motor vehicle as defined under RCW
31 9A.56.068, taking a motor vehicle without permission in the first
32 degree under RCW 9A.56.070, and taking a motor vehicle without
33 permission in the second degree under RCW 9A.56.075.

34 (9) Whenever a juvenile offender is entitled to credit for time
35 spent in detention prior to a dispositional order, the dispositional
36 order shall specifically state the number of days of credit for time
37 served.

38 (10) Except as provided under subsection (3), (4), (5), or (6) of
39 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the

1 court shall not suspend or defer the imposition or the execution of
2 the disposition.

3 (11) In no case shall the term of confinement imposed by the
4 court at disposition exceed that to which an adult could be subjected
5 for the same offense.

6 **Sec. 136.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
7 read as follows:

8 (1) If a respondent is found to have been in possession of a
9 firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii), the court
10 shall impose a minimum disposition of ten days of confinement. If the
11 offender's standard range of disposition for the offense as indicated
12 in RCW 13.40.0357 is more than thirty days of confinement, the court
13 shall commit the offender to the department for the standard range
14 disposition. The offender shall not be released until the offender
15 has served a minimum of ten days in confinement.

16 (2)(a) If a respondent is found to have been in possession of a
17 firearm in violation of RCW 9.41.040, the disposition must include a
18 requirement that the respondent participate in a qualifying program
19 as described in (b) of this subsection, when available, unless the
20 court makes a written finding based on the outcome of the juvenile
21 court risk assessment that participation in a qualifying program
22 would not be appropriate.

23 (b) For purposes of this section, "qualifying program" means an
24 aggression replacement training program, a functional family therapy
25 program, or another program applicable to the juvenile firearm
26 offender population that has been identified as evidence-based or
27 research-based and cost-beneficial in the current list prepared at
28 the direction of the legislature by the Washington state institute
29 for public policy.

30 (3) If the court finds that the respondent or an accomplice was
31 armed with a firearm, the court shall determine the standard range
32 disposition for the offense pursuant to RCW 13.40.160. If the
33 offender or an accomplice was armed with a firearm when the offender
34 committed any felony other than possession of a machine gun or bump-
35 fire stock, possession of a stolen firearm, drive-by shooting, theft
36 of a firearm, unlawful possession of a firearm in the first and
37 second degree, or use of a machine gun or bump-fire stock in a
38 felony, the following periods of total confinement must be added to
39 the sentence: (a) Except for (b) of this subsection, for a class A

1 felony, six months; for a class B felony, four months; and for a
2 class C felony, two months; (b) for any violent offense as defined in
3 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen
4 years old at the time of the offense, a period of twelve months. The
5 additional time shall be imposed regardless of the offense's juvenile
6 disposition offense category as designated in RCW 13.40.0357.

7 (4) (a) If the court finds that the respondent who is sixteen or
8 seventeen years old and committed the offense of robbery in the first
9 degree, drive-by shooting, rape of a child in the first degree,
10 burglary in the first degree, or any violent offense as defined in
11 RCW 9.94A.030 and was armed with a firearm, and the court finds that
12 the respondent's participation was related to membership in a
13 criminal street gang or advancing the benefit, aggrandizement, gain,
14 profit, or other advantage for a criminal street gang, a period of
15 three months total confinement must be added to the sentence. The
16 additional time must be imposed regardless of the offense's juvenile
17 disposition offense category as designated in RCW 13.40.0357 and must
18 be served consecutively with any other sentencing enhancement.

19 (b) For the purposes of this section, "criminal street gang"
20 means any ongoing organization, association, or group of three or
21 more persons, whether formal or informal, having a common name or
22 common identifying sign or symbol, having as one of its primary
23 activities the commission of criminal acts, and whose members or
24 associates individually or collectively engage in or have engaged in
25 a pattern of criminal street gang activity. This definition does not
26 apply to employees engaged in concerted activities for their mutual
27 aid and protection, or to the activities of labor and bona fide
28 nonprofit organizations or their members or agents.

29 (5) When a disposition under this section would effectuate a
30 manifest injustice, the court may impose another disposition. When a
31 judge finds a manifest injustice and imposes a disposition of
32 confinement exceeding thirty days, the court shall commit the
33 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
34 shall be used to determine the range. When a judge finds a manifest
35 injustice and imposes a disposition of confinement less than thirty
36 days, the disposition shall be comprised of confinement or community
37 supervision or both.

38 (6) Any term of confinement ordered pursuant to this section
39 shall run consecutively to any term of confinement imposed in the
40 same disposition for other offenses.

1 **Sec. 137.** RCW 13.40.265 and 2020 c 18 s 11 are each amended to
2 read as follows:

3 (1) If a juvenile thirteen years of age or older is found by
4 juvenile court to have committed an offense while armed with a
5 firearm or an offense that is a violation of RCW 9.41.040(2)(a)
6 (~~(vi)~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the
7 court shall notify the department of licensing within twenty-four
8 hours after entry of the judgment, unless the offense is the
9 juvenile's first offense while armed with a firearm, first unlawful
10 possession of a firearm offense, or first offense in violation of
11 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

12 (2) Except as otherwise provided in subsection (3) of this
13 section, upon petition of a juvenile who has been found by the court
14 to have committed an offense that is a violation of chapter 66.44,
15 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems
16 appropriate notify the department of licensing that the juvenile's
17 driving privileges should be reinstated.

18 (3) If the offense is the juvenile's second or subsequent
19 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
20 may not petition the court for reinstatement of the juvenile's
21 privilege to drive revoked pursuant to RCW 46.20.265 until the date
22 the juvenile turns seventeen or one year after the date judgment was
23 entered, whichever is later.

24 **Sec. 138.** RCW 19.220.010 and 2006 c 138 s 24 are each amended to
25 read as follows:

26 (1) Each international matchmaking organization doing business in
27 Washington state shall disseminate to a recruit, upon request, state
28 background check information and personal history information
29 relating to any Washington state resident about whom any information
30 is provided to the recruit, in the recruit's native language. The
31 organization shall notify all recruits that background check and
32 personal history information is available upon request. The notice
33 that background check and personal history information is available
34 upon request shall be in the recruit's native language and shall be
35 displayed in a manner that separates it from other information, is
36 highly noticeable, and in lettering not less than one-quarter of an
37 inch high.

38 (2) If an international matchmaking organization receives a
39 request for information from a recruit pursuant to subsection (1) of

1 this section, the organization shall notify the Washington state
2 resident of the request. Upon receiving notification, the Washington
3 state resident shall obtain from the state patrol and provide to the
4 organization the complete transcript of any background check
5 information provided pursuant to RCW 43.43.760 based on a submission
6 of fingerprint impressions and provided pursuant to RCW 43.43.838 and
7 shall provide to the organization his or her personal history
8 information. The organization shall require the resident to affirm
9 that personal history information is complete and accurate. The
10 organization shall refrain from knowingly providing any further
11 services to the recruit or the Washington state resident in regards
12 to facilitating future interaction between the recruit and the
13 Washington state resident until the organization has obtained the
14 requested information and provided it to the recruit.

15 (3) This section does not apply to a traditional matchmaking
16 organization of a religious nature that otherwise operates in
17 compliance with the laws of the countries of the recruits of such
18 organization and the laws of the United States nor to any
19 organization that does not charge a fee to any party for the service
20 provided.

21 (4) As used in this section:

22 (a) "International matchmaking organization" means a corporation,
23 partnership, business, or other legal entity, whether or not
24 organized under the laws of the United States or any state, that does
25 business in the United States and for profit offers to Washington
26 state residents, including aliens lawfully admitted for permanent
27 residence and residing in Washington state, dating, matrimonial, or
28 social referral services involving citizens of a foreign country or
29 countries who are not residing in the United States, by: (i) An
30 exchange of names, telephone numbers, addresses, or statistics; (ii)
31 selection of photographs; or (iii) a social environment provided by
32 the organization in a country other than the United States.

33 (b) "Personal history information" means a declaration of the
34 person's current marital status, the number of previous marriages,
35 annulments, and dissolutions for the person, and whether any previous
36 marriages occurred as a result of receiving services from an
37 international matchmaking organization; founded allegations of child
38 abuse or neglect; and any existing orders under chapter 7.--- (the
39 new chapter created in section 81 of this act), 7.90, 10.14, 10.99,
40 or 26.50 RCW. Personal history information shall include information

1 from the state of Washington and any information from other states or
2 countries.

3 (c) "Recruit" means a noncitizen, nonresident person, recruited
4 by an international matchmaking organization for the purpose of
5 providing dating, matrimonial, or social referral services.

6 **Sec. 139.** RCW 26.09.003 and 2007 c 496 s 102 are each amended to
7 read as follows:

8 The legislature reaffirms the intent of the current law as
9 expressed in RCW 26.09.002. However, after review, the legislature
10 finds that there are certain components of the existing law which do
11 not support the original legislative intent. In order to better
12 implement the existing legislative intent the legislature finds that
13 incentives for parties to reduce family conflict and additional
14 alternative dispute resolution options can assist in reducing the
15 number of contested trials. Furthermore, the legislature finds that
16 the identification of domestic violence as defined in ((RCW
17 ~~26.50.010~~) section 2 of this act and the treatment needs of the
18 parties to dissolutions are necessary to improve outcomes for
19 children. When judicial officers have the discretion to tailor
20 individualized resolutions, the legislative intent expressed in RCW
21 26.09.002 can more readily be achieved. Judicial officers should have
22 the discretion and flexibility to assess each case based on the
23 merits of the individual cases before them.

24 **Sec. 140.** RCW 26.09.015 and 2020 c 29 s 13 are each amended to
25 read as follows:

26 (1) In any proceeding under this chapter, the matter may be set
27 for mediation of the contested issues before, or concurrent with, the
28 setting of the matter for hearing. The purpose of the mediation
29 proceeding shall be to reduce acrimony which may exist between the
30 parties and to develop an agreement assuring the child's close and
31 continuing contact with both parents after the marriage or the
32 domestic partnership is dissolved. The mediator shall use his or her
33 best efforts to effect a settlement of the dispute.

34 (2)(a) Each superior court may make available a mediator. The
35 court shall use the most cost-effective mediation services that are
36 readily available unless there is good cause to access alternative
37 providers. The mediator may be a member of the professional staff of
38 a family court or mental health services agency, or may be any other

1 person or agency designated by the court. In order to provide
2 mediation services, the court is not required to institute a family
3 court.

4 (b) In any proceeding involving issues relating to residential
5 time or other matters governed by a parenting plan, the matter may be
6 set for mediation of the contested issues before, or concurrent with,
7 the setting of the matter for hearing. Counties may, and to the
8 extent state funding is provided therefor counties shall, provide
9 both predecree and postdecree mediation at reduced or waived fee to
10 the parties within one year of the filing of the dissolution
11 petition.

12 (3)(a) Mediation proceedings under this chapter shall be governed
13 in all respects by chapter 7.07 RCW, except as follows:

14 (i) Mediation communications in postdecree mediations mandated by
15 a parenting plan are admissible in subsequent proceedings for the
16 limited purpose of proving:

17 (A) Abuse, neglect, abandonment, exploitation, or unlawful
18 harassment, as defined in RCW 9A.46.020(1), of a child;

19 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1),
20 of a family or household member or intimate partner, each as defined
21 in RCW (~~26.50.010~~) 10.99.020; or

22 (C) That a parent used or frustrated the dispute resolution
23 process without good reason for purposes of RCW 26.09.184(4)(d).

24 (ii) If a postdecree mediation-arbitration proceeding is required
25 pursuant to a parenting plan and the same person acts as both
26 mediator and arbitrator, mediation communications in the mediation
27 phase of such a proceeding may be admitted during the arbitration
28 phase, and shall be admissible in the judicial review of such a
29 proceeding under RCW 26.09.184(4)(e) to the extent necessary for such
30 review to be effective.

31 (b) None of the exceptions under (a)(i) and (ii) of this
32 subsection shall subject a mediator to compulsory process to testify
33 except by court order for good cause shown, taking into consideration
34 the need for the mediator's testimony and the interest in the
35 mediator maintaining an appearance of impartiality. If a mediation
36 communication is not privileged under (a)(i) of this subsection or
37 that portion of (a)(ii) of this subsection pertaining to judicial
38 review, only the portion of the communication necessary for the
39 application of the exception may be admitted, and such admission of
40 evidence shall not render any other mediation communication

1 discoverable or admissible except as may be provided in chapter 7.07
2 RCW.

3 (4) The mediator shall assess the needs and interests of the
4 child or children involved in the controversy and may interview the
5 child or children if the mediator deems such interview appropriate or
6 necessary.

7 (5) Any agreement reached by the parties as a result of mediation
8 shall be reported to the court and to counsel for the parties by the
9 mediator on the day set for mediation or any time thereafter
10 designated by the court.

11 **Sec. 141.** RCW 26.09.050 and 2008 c 6 s 1008 are each amended to
12 read as follows:

13 (1) In entering a decree of dissolution of marriage or domestic
14 partnership, legal separation, or declaration of invalidity, the
15 court shall determine the marital or domestic partnership status of
16 the parties, make provision for a parenting plan for any minor child
17 of the marriage or domestic partnership, make provision for the
18 support of any child of the marriage or domestic partnership entitled
19 to support, consider or approve provision for the maintenance of
20 either spouse or either domestic partner, make provision for the
21 disposition of property and liabilities of the parties, make
22 provision for the allocation of the children as federal tax
23 exemptions, make provision for any necessary continuing restraining
24 orders including the provisions contained in RCW 9.41.800, make
25 provision for the issuance within this action of the restraint
26 provisions of a domestic violence protection order (~~under chapter~~
27 ~~26.50—RCW~~) or an antiharassment protection order under chapter
28 ((10.14)) 7.--- RCW (the new chapter created in section 81 of this
29 act), and make provision for the change of name of any party.

30 (2) Restraining orders issued under this section restraining or
31 enjoining the person from molesting or disturbing another party, or
32 from going onto the grounds of or entering the home, workplace, or
33 school of the other party or the day care or school of any child, or
34 prohibiting the person from knowingly coming within, or knowingly
35 remaining within, a specified distance of a location, a protected
36 party's person, or a protected party's vehicle, shall prominently
37 bear on the front page of the order the legend: VIOLATION OF THIS
38 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER

1 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 81 of
2 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

3 (3) The court shall order that any restraining order bearing a
4 criminal offense legend, any domestic violence protection order, or
5 any antiharassment protection order granted under this section, in
6 addition to the law enforcement information sheet or proof of service
7 of the order, be forwarded by the clerk of the court on or before the
8 next judicial day to the appropriate law enforcement agency specified
9 in the order. Upon receipt of the order, the law enforcement agency
10 shall enter the order into any computer-based criminal intelligence
11 information system available in this state used by law enforcement
12 agencies to list outstanding warrants. The order is fully enforceable
13 in any county in the state.

14 (4) If a restraining order issued pursuant to this section is
15 modified or terminated, the clerk of the court shall notify the law
16 enforcement agency specified in the order on or before the next
17 judicial day. Upon receipt of notice that an order has been
18 terminated, the law enforcement agency shall remove the order from
19 any computer-based criminal intelligence system.

20 **Sec. 142.** RCW 26.09.060 and 2019 c 245 s 17 are each amended to
21 read as follows:

22 (1) In a proceeding for:

23 (a) Dissolution of marriage or domestic partnership, legal
24 separation, or a declaration of invalidity; or

25 (b) Disposition of property or liabilities, maintenance, or
26 support following dissolution of the marriage or the domestic
27 partnership by a court which lacked personal jurisdiction over the
28 absent spouse or absent domestic partner; either party may move for
29 temporary maintenance or for temporary support of children entitled
30 to support. The motion shall be accompanied by an affidavit setting
31 forth the factual basis for the motion and the amounts requested.

32 (2) As a part of a motion for temporary maintenance or support or
33 by independent motion accompanied by affidavit, either party may
34 request the court to issue a temporary restraining order or
35 preliminary injunction, providing relief proper in the circumstances,
36 and restraining or enjoining any person from:

37 (a) Transferring, removing, encumbering, concealing, or in any
38 way disposing of any property except in the usual course of business
39 or for the necessities of life, and, if so restrained or enjoined,

1 requiring him or her to notify the moving party of any proposed
2 extraordinary expenditures made after the order is issued;

3 (b) Molesting or disturbing the peace of the other party or of
4 any child;

5 (c) Going onto the grounds of or entering the home, workplace, or
6 school of the other party or the day care or school of any child upon
7 a showing of the necessity therefor;

8 (d) Knowingly coming within, or knowingly remaining within, a
9 specified distance from a specified location, a protected party's
10 person, or a protected party's vehicle; and

11 (e) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order
13 (~~under chapter 26.50 RCW~~) or an antiharassment protection order
14 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section
15 81 of this act) on a temporary basis. The court may grant any of the
16 relief provided in (~~RCW 26.50.060~~) section 39 of this act except
17 relief pertaining to residential provisions for the children which
18 provisions shall be provided for under this chapter(~~, and any of the~~
19 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this
20 subsection shall be effective for a fixed period not to exceed
21 fourteen days, or upon court order, not to exceed twenty-four days if
22 necessary to ensure that all temporary motions in the case can be
23 heard at the same time.

24 (4) In issuing the order, the court shall consider the provisions
25 of RCW 9.41.800, and shall order the respondent to surrender, and
26 prohibit the respondent from possessing, all firearms, dangerous
27 weapons, and any concealed pistol license as required in RCW
28 9.41.800.

29 (5) The court may issue a temporary restraining order without
30 requiring notice to the other party only if it finds on the basis of
31 the moving affidavit or other evidence that irreparable injury could
32 result if an order is not issued until the time for responding has
33 elapsed.

34 (6) The court may issue a temporary restraining order or
35 preliminary injunction and an order for temporary maintenance or
36 support in such amounts and on such terms as are just and proper in
37 the circumstances. The court may in its discretion waive the filing
38 of the bond or the posting of security.

39 (7) Restraining orders issued under this section restraining the
40 person from molesting or disturbing another party, or from going onto

1 the grounds of or entering the home, workplace, or school of the
2 other party or the day care or school of any child, or prohibiting
3 the person from knowingly coming within, or knowingly remaining
4 within, a specified distance of a location, a protected party's
5 person, or a protected party's vehicle, shall prominently bear on the
6 front page of the order the legend: VIOLATION OF THIS ORDER WITH
7 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER
8 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 81 of this
9 act) AND WILL SUBJECT A VIOLATOR TO ARREST.

10 (8) The court shall order that any temporary restraining order
11 bearing a criminal offense legend, any domestic violence protection
12 order, or any antiharassment protection order granted under this
13 section be forwarded by the clerk of the court on or before the next
14 judicial day to the appropriate law enforcement agency specified in
15 the order. Upon receipt of the order, the law enforcement agency
16 shall enter the order into any computer-based criminal intelligence
17 information system available in this state used by law enforcement
18 agencies to list outstanding warrants. Entry into the computer-based
19 criminal intelligence information system constitutes notice to all
20 law enforcement agencies of the existence of the order. The order is
21 fully enforceable in any county in the state.

22 (9) If a restraining order issued pursuant to this section is
23 modified or terminated, the clerk of the court shall notify the law
24 enforcement agency specified in the order on or before the next
25 judicial day. Upon receipt of notice that an order has been
26 terminated, the law enforcement agency shall remove the order from
27 any computer-based criminal intelligence system.

28 (10) A temporary order, temporary restraining order, or
29 preliminary injunction:

30 (a) Does not prejudice the rights of a party or any child which
31 are to be adjudicated at subsequent hearings in the proceeding;

32 (b) May be revoked or modified;

33 (c) Terminates when the final decree is entered, except as
34 provided under subsection (11) of this section, or when the petition
35 for dissolution, legal separation, or declaration of invalidity is
36 dismissed;

37 (d) May be entered in a proceeding for the modification of an
38 existing decree.

39 (11) Delinquent support payments accrued under an order for
40 temporary support remain collectible and are not extinguished when a

1 final decree is entered unless the decree contains specific language
2 to the contrary. A support debt under a temporary order owed to the
3 state for public assistance expenditures shall not be extinguished by
4 the final decree if:

5 (a) The obligor was given notice of the state's interest under
6 chapter 74.20A RCW; or

7 (b) The temporary order directs the obligor to make support
8 payments to the office of support enforcement or the Washington state
9 support registry.

10 **Sec. 143.** RCW 26.09.191 and 2020 c 311 s 8 are each amended to
11 read as follows:

12 (1) The permanent parenting plan shall not require mutual
13 decision-making or designation of a dispute resolution process other
14 than court action if it is found that a parent has engaged in any of
15 the following conduct: (a) Willful abandonment that continues for an
16 extended period of time or substantial refusal to perform parenting
17 functions; (b) physical, sexual, or a pattern of emotional abuse of a
18 child; or (c) a history of acts of domestic violence as defined in
19 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual
20 assault that causes grievous bodily harm or the fear of such harm or
21 that results in a pregnancy.

22 (2)(a) The parent's residential time with the child shall be
23 limited if it is found that the parent has engaged in any of the
24 following conduct: (i) Willful abandonment that continues for an
25 extended period of time or substantial refusal to perform parenting
26 functions; (ii) physical, sexual, or a pattern of emotional abuse of
27 a child; (iii) a history of acts of domestic violence as defined in
28 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual
29 assault that causes grievous bodily harm or the fear of such harm or
30 that results in a pregnancy; or (iv) the parent has been convicted as
31 an adult of a sex offense under:

32 (A) RCW 9A.44.076 if, because of the difference in age between
33 the offender and the victim, no rebuttable presumption exists under
34 (d) of this subsection;

35 (B) RCW 9A.44.079 if, because of the difference in age between
36 the offender and the victim, no rebuttable presumption exists under
37 (d) of this subsection;

1 (C) RCW 9A.44.086 if, because of the difference in age between
2 the offender and the victim, no rebuttable presumption exists under
3 (d) of this subsection;

4 (D) RCW 9A.44.089;

5 (E) RCW 9A.44.093;

6 (F) RCW 9A.44.096;

7 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
8 between the offender and the victim, no rebuttable presumption exists
9 under (d) of this subsection;

10 (H) Chapter 9.68A RCW;

11 (I) Any predecessor or antecedent statute for the offenses listed
12 in (a)(iv)(A) through (H) of this subsection;

13 (J) Any statute from any other jurisdiction that describes an
14 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
15 this subsection.

16 This subsection (2)(a) shall not apply when (c) or (d) of this
17 subsection applies.

18 (b) The parent's residential time with the child shall be limited
19 if it is found that the parent resides with a person who has engaged
20 in any of the following conduct: (i) Physical, sexual, or a pattern
21 of emotional abuse of a child; (ii) a history of acts of domestic
22 violence as defined in (~~RCW 26.50.010(3)~~) section 2 of this act or
23 an assault or sexual assault that causes grievous bodily harm or the
24 fear of such harm or that results in a pregnancy; or (iii) the person
25 has been convicted as an adult or as a juvenile has been adjudicated
26 of a sex offense under:

27 (A) RCW 9A.44.076 if, because of the difference in age between
28 the offender and the victim, no rebuttable presumption exists under
29 (e) of this subsection;

30 (B) RCW 9A.44.079 if, because of the difference in age between
31 the offender and the victim, no rebuttable presumption exists under
32 (e) of this subsection;

33 (C) RCW 9A.44.086 if, because of the difference in age between
34 the offender and the victim, no rebuttable presumption exists under
35 (e) of this subsection;

36 (D) RCW 9A.44.089;

37 (E) RCW 9A.44.093;

38 (F) RCW 9A.44.096;

1 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
2 between the offender and the victim, no rebuttable presumption exists
3 under (e) of this subsection;

4 (H) Chapter 9.68A RCW;

5 (I) Any predecessor or antecedent statute for the offenses listed
6 in (b)(iii)(A) through (H) of this subsection;

7 (J) Any statute from any other jurisdiction that describes an
8 offense analogous to the offenses listed in (b)(iii)(A) through (H)
9 of this subsection.

10 This subsection (2)(b) shall not apply when (c) or (e) of this
11 subsection applies.

12 (c) If a parent has been found to be a sexual predator under
13 chapter 71.09 RCW or under an analogous statute of any other
14 jurisdiction, the court shall restrain the parent from contact with a
15 child that would otherwise be allowed under this chapter. If a parent
16 resides with an adult or a juvenile who has been found to be a sexual
17 predator under chapter 71.09 RCW or under an analogous statute of any
18 other jurisdiction, the court shall restrain the parent from contact
19 with the parent's child except contact that occurs outside that
20 person's presence.

21 (d) There is a rebuttable presumption that a parent who has been
22 convicted as an adult of a sex offense listed in (d)(i) through (ix)
23 of this subsection poses a present danger to a child. Unless the
24 parent rebuts this presumption, the court shall restrain the parent
25 from contact with a child that would otherwise be allowed under this
26 chapter:

27 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
28 was at least five years older than the other person;

29 (ii) RCW 9A.44.073;

30 (iii) RCW 9A.44.076, provided that the person convicted was at
31 least eight years older than the victim;

32 (iv) RCW 9A.44.079, provided that the person convicted was at
33 least eight years older than the victim;

34 (v) RCW 9A.44.083;

35 (vi) RCW 9A.44.086, provided that the person convicted was at
36 least eight years older than the victim;

37 (vii) RCW 9A.44.100;

38 (viii) Any predecessor or antecedent statute for the offenses
39 listed in (d)(i) through (vii) of this subsection;

1 (ix) Any statute from any other jurisdiction that describes an
2 offense analogous to the offenses listed in (d)(i) through (vii) of
3 this subsection.

4 (e) There is a rebuttable presumption that a parent who resides
5 with a person who, as an adult, has been convicted, or as a juvenile
6 has been adjudicated, of the sex offenses listed in (e)(i) through
7 (ix) of this subsection places a child at risk of abuse or harm when
8 that parent exercises residential time in the presence of the
9 convicted or adjudicated person. Unless the parent rebuts the
10 presumption, the court shall restrain the parent from contact with
11 the parent's child except for contact that occurs outside of the
12 convicted or adjudicated person's presence:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at
19 least eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at
22 least eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses
25 listed in (e)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (e)(i) through (vii) of
28 this subsection.

29 (f) The presumption established in (d) of this subsection may be
30 rebutted only after a written finding that the child was not
31 conceived and subsequently born as a result of a sexual assault
32 committed by the parent requesting residential time and that:

33 (i) If the child was not the victim of the sex offense committed
34 by the parent requesting residential time, (A) contact between the
35 child and the offending parent is appropriate and poses minimal risk
36 to the child, and (B) the offending parent has successfully engaged
37 in treatment for sex offenders or is engaged in and making progress
38 in such treatment, if any was ordered by a court, and the treatment
39 provider believes such contact is appropriate and poses minimal risk
40 to the child; or

1 (ii) If the child was the victim of the sex offense committed by
2 the parent requesting residential time, (A) contact between the child
3 and the offending parent is appropriate and poses minimal risk to the
4 child, (B) if the child is in or has been in therapy for victims of
5 sexual abuse, the child's counselor believes such contact between the
6 child and the offending parent is in the child's best interest, and
7 (C) the offending parent has successfully engaged in treatment for
8 sex offenders or is engaged in and making progress in such treatment,
9 if any was ordered by a court, and the treatment provider believes
10 such contact is appropriate and poses minimal risk to the child.

11 (g) The presumption established in (e) of this subsection may be
12 rebutted only after a written finding that the child was not
13 conceived and subsequently born as a result of a sexual assault
14 committed by the parent requesting residential time and that:

15 (i) If the child was not the victim of the sex offense committed
16 by the person who is residing with the parent requesting residential
17 time, (A) contact between the child and the parent residing with the
18 convicted or adjudicated person is appropriate and that parent is
19 able to protect the child in the presence of the convicted or
20 adjudicated person, and (B) the convicted or adjudicated person has
21 successfully engaged in treatment for sex offenders or is engaged in
22 and making progress in such treatment, if any was ordered by a court,
23 and the treatment provider believes such contact is appropriate and
24 poses minimal risk to the child; or

25 (ii) If the child was the victim of the sex offense committed by
26 the person who is residing with the parent requesting residential
27 time, (A) contact between the child and the parent in the presence of
28 the convicted or adjudicated person is appropriate and poses minimal
29 risk to the child, (B) if the child is in or has been in therapy for
30 victims of sexual abuse, the child's counselor believes such contact
31 between the child and the parent residing with the convicted or
32 adjudicated person in the presence of the convicted or adjudicated
33 person is in the child's best interest, and (C) the convicted or
34 adjudicated person has successfully engaged in treatment for sex
35 offenders or is engaged in and making progress in such treatment, if
36 any was ordered by a court, and the treatment provider believes
37 contact between the parent and child in the presence of the convicted
38 or adjudicated person is appropriate and poses minimal risk to the
39 child.

1 (h) If the court finds that the parent has met the burden of
2 rebutting the presumption under (f) of this subsection, the court may
3 allow a parent who has been convicted as an adult of a sex offense
4 listed in (d)(i) through (ix) of this subsection to have residential
5 time with the child supervised by a neutral and independent adult and
6 pursuant to an adequate plan for supervision of such residential
7 time. The court shall not approve of a supervisor for contact between
8 the child and the parent unless the court finds, based on the
9 evidence, that the supervisor is willing and capable of protecting
10 the child from harm. The court shall revoke court approval of the
11 supervisor upon finding, based on the evidence, that the supervisor
12 has failed to protect the child or is no longer willing or capable of
13 protecting the child.

14 (i) If the court finds that the parent has met the burden of
15 rebutting the presumption under (g) of this subsection, the court may
16 allow a parent residing with a person who has been adjudicated as a
17 juvenile of a sex offense listed in (e)(i) through (ix) of this
18 subsection to have residential time with the child in the presence of
19 the person adjudicated as a juvenile, supervised by a neutral and
20 independent adult and pursuant to an adequate plan for supervision of
21 such residential time. The court shall not approve of a supervisor
22 for contact between the child and the parent unless the court finds,
23 based on the evidence, that the supervisor is willing and capable of
24 protecting the child from harm. The court shall revoke court approval
25 of the supervisor upon finding, based on the evidence, that the
26 supervisor has failed to protect the child or is no longer willing or
27 capable of protecting the child.

28 (j) If the court finds that the parent has met the burden of
29 rebutting the presumption under (g) of this subsection, the court may
30 allow a parent residing with a person who, as an adult, has been
31 convicted of a sex offense listed in (e)(i) through (ix) of this
32 subsection to have residential time with the child in the presence of
33 the convicted person supervised by a neutral and independent adult
34 and pursuant to an adequate plan for supervision of such residential
35 time. The court shall not approve of a supervisor for contact between
36 the child and the parent unless the court finds, based on the
37 evidence, that the supervisor is willing and capable of protecting
38 the child from harm. The court shall revoke court approval of the
39 supervisor upon finding, based on the evidence, that the supervisor

1 has failed to protect the child or is no longer willing or capable of
2 protecting the child.

3 (k) A court shall not order unsupervised contact between the
4 offending parent and a child of the offending parent who was sexually
5 abused by that parent. A court may order unsupervised contact between
6 the offending parent and a child who was not sexually abused by the
7 parent after the presumption under (d) of this subsection has been
8 rebutted and supervised residential time has occurred for at least
9 two years with no further arrests or convictions of sex offenses
10 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
11 9.68A RCW and (i) the sex offense of the offending parent was not
12 committed against a child of the offending parent, and (ii) the court
13 finds that unsupervised contact between the child and the offending
14 parent is appropriate and poses minimal risk to the child, after
15 consideration of the testimony of a state-certified therapist, mental
16 health counselor, or social worker with expertise in treating child
17 sexual abuse victims who has supervised at least one period of
18 residential time between the parent and the child, and after
19 consideration of evidence of the offending parent's compliance with
20 community supervision requirements, if any. If the offending parent
21 was not ordered by a court to participate in treatment for sex
22 offenders, then the parent shall obtain a psychosexual evaluation
23 conducted by a certified sex offender treatment provider or a
24 certified affiliate sex offender treatment provider indicating that
25 the offender has the lowest likelihood of risk to reoffend before the
26 court grants unsupervised contact between the parent and a child.

27 (l) A court may order unsupervised contact between the parent and
28 a child which may occur in the presence of a juvenile adjudicated of
29 a sex offense listed in (e)(i) through (ix) of this subsection who
30 resides with the parent after the presumption under (e) of this
31 subsection has been rebutted and supervised residential time has
32 occurred for at least two years during which time the adjudicated
33 juvenile has had no further arrests, adjudications, or convictions of
34 sex offenses involving children under chapter 9A.44 RCW, RCW
35 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that
36 unsupervised contact between the child and the parent that may occur
37 in the presence of the adjudicated juvenile is appropriate and poses
38 minimal risk to the child, after consideration of the testimony of a
39 state-certified therapist, mental health counselor, or social worker
40 with expertise in treatment of child sexual abuse victims who has

1 supervised at least one period of residential time between the parent
2 and the child in the presence of the adjudicated juvenile, and after
3 consideration of evidence of the adjudicated juvenile's compliance
4 with community supervision or parole requirements, if any. If the
5 adjudicated juvenile was not ordered by a court to participate in
6 treatment for sex offenders, then the adjudicated juvenile shall
7 obtain a psychosexual evaluation conducted by a certified sex
8 offender treatment provider or a certified affiliate sex offender
9 treatment provider indicating that the adjudicated juvenile has the
10 lowest likelihood of risk to reoffend before the court grants
11 unsupervised contact between the parent and a child which may occur
12 in the presence of the adjudicated juvenile who is residing with the
13 parent.

14 (m)(i) The limitations imposed by the court under (a) or (b) of
15 this subsection shall be reasonably calculated to protect the child
16 from the physical, sexual, or emotional abuse or harm that could
17 result if the child has contact with the parent requesting
18 residential time. The limitations shall also be reasonably calculated
19 to provide for the safety of the parent who may be at risk of
20 physical, sexual, or emotional abuse or harm that could result if the
21 parent has contact with the parent requesting residential time. The
22 limitations the court may impose include, but are not limited to:
23 Supervised contact between the child and the parent or completion of
24 relevant counseling or treatment. If the court expressly finds based
25 on the evidence that limitations on the residential time with the
26 child will not adequately protect the child from the harm or abuse
27 that could result if the child has contact with the parent requesting
28 residential time, the court shall restrain the parent requesting
29 residential time from all contact with the child.

30 (ii) The court shall not enter an order under (a) of this
31 subsection allowing a parent to have contact with a child if the
32 parent has been found by clear and convincing evidence in a civil
33 action or by a preponderance of the evidence in a dependency action
34 to have sexually abused the child, except upon recommendation by an
35 evaluator or therapist for the child that the child is ready for
36 contact with the parent and will not be harmed by the contact. The
37 court shall not enter an order allowing a parent to have contact with
38 the child in the offender's presence if the parent resides with a
39 person who has been found by clear and convincing evidence in a civil
40 action or by a preponderance of the evidence in a dependency action

1 to have sexually abused a child, unless the court finds that the
2 parent accepts that the person engaged in the harmful conduct and the
3 parent is willing to and capable of protecting the child from harm
4 from the person.

5 (iii) The court shall not enter an order under (a) of this
6 subsection allowing a parent to have contact with a child if the
7 parent has been found by clear and convincing evidence pursuant to
8 RCW 26.26A.465 to have committed sexual assault, as defined in RCW
9 26.26A.465, against the child's parent, and that the child was born
10 within three hundred twenty days of the sexual assault.

11 (iv) If the court limits residential time under (a) or (b) of
12 this subsection to require supervised contact between the child and
13 the parent, the court shall not approve of a supervisor for contact
14 between a child and a parent who has engaged in physical, sexual, or
15 a pattern of emotional abuse of the child unless the court finds
16 based upon the evidence that the supervisor accepts that the harmful
17 conduct occurred and is willing to and capable of protecting the
18 child from harm. The court shall revoke court approval of the
19 supervisor upon finding, based on the evidence, that the supervisor
20 has failed to protect the child or is no longer willing to or capable
21 of protecting the child.

22 (n) If the court expressly finds based on the evidence that
23 contact between the parent and the child will not cause physical,
24 sexual, or emotional abuse or harm to the child and that the
25 probability that the parent's or other person's harmful or abusive
26 conduct will recur is so remote that it would not be in the child's
27 best interests to apply the limitations of (a), (b), and (m)(i) and
28 (iv) of this subsection, or if the court expressly finds that the
29 parent's conduct did not have an impact on the child, then the court
30 need not apply the limitations of (a), (b), and (m)(i) and (iv) of
31 this subsection. The weight given to the existence of a protection
32 order issued under chapter 7.--- (the new chapter created in section
33 81 of this act) or 26.50 RCW as to domestic violence is within the
34 discretion of the court. This subsection shall not apply when (c),
35 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
36 subsection apply.

37 (3) A parent's involvement or conduct may have an adverse effect
38 on the child's best interests, and the court may preclude or limit
39 any provisions of the parenting plan, if any of the following factors
40 exist:

- 1 (a) A parent's neglect or substantial nonperformance of parenting
2 functions;
- 3 (b) A long-term emotional or physical impairment which interferes
4 with the parent's performance of parenting functions as defined in
5 RCW 26.09.004;
- 6 (c) A long-term impairment resulting from drug, alcohol, or other
7 substance abuse that interferes with the performance of parenting
8 functions;
- 9 (d) The absence or substantial impairment of emotional ties
10 between the parent and the child;
- 11 (e) The abusive use of conflict by the parent which creates the
12 danger of serious damage to the child's psychological development.
13 Abusive use of conflict includes, but is not limited to, abusive
14 litigation as defined in RCW 26.51.020. If the court finds a parent
15 has engaged in abusive litigation, the court may impose any
16 restrictions or remedies set forth in chapter 26.51 RCW in addition
17 to including a finding in the parenting plan. Litigation that is
18 aggressive or improper but that does not meet the definition of
19 abusive litigation shall not constitute a basis for a finding under
20 this section. A report made in good faith to law enforcement, a
21 medical professional, or child protective services of sexual,
22 physical, or mental abuse of a child shall not constitute a basis for
23 a finding of abusive use of conflict;
- 24 (f) A parent has withheld from the other parent access to the
25 child for a protracted period without good cause; or
- 26 (g) Such other factors or conduct as the court expressly finds
27 adverse to the best interests of the child.
- 28 (4) In cases involving allegations of limiting factors under
29 subsection (2)(a)(ii) and (iii) of this section, both parties shall
30 be screened to determine the appropriateness of a comprehensive
31 assessment regarding the impact of the limiting factor on the child
32 and the parties.
- 33 (5) In entering a permanent parenting plan, the court shall not
34 draw any presumptions from the provisions of the temporary parenting
35 plan.
- 36 (6) In determining whether any of the conduct described in this
37 section has occurred, the court shall apply the civil rules of
38 evidence, proof, and procedure.
- 39 (7) For the purposes of this section:

1 (a) "A parent's child" means that parent's natural child, adopted
2 child, or stepchild; and

3 (b) "Social worker" means a person with a master's or further
4 advanced degree from a social work educational program accredited and
5 approved as provided in RCW 18.320.010.

6 **Sec. 144.** RCW 26.09.300 and 2000 c 119 s 21 are each amended to
7 read as follows:

8 (1) Whenever a restraining order is issued under this chapter,
9 and the person to be restrained knows of the order, a violation of
10 the provisions restricting the person from acts or threats of
11 violence or of a provision restraining the person from going onto the
12 grounds of or entering the residence, workplace, school, or day care
13 of another, or prohibiting the person from knowingly coming within,
14 or knowingly remaining within, a specified distance of a location, a
15 protected party's person, or a protected party's vehicle, is
16 punishable under (~~RCW 26.50.110~~) section 56 of this act.

17 (2) A person is deemed to have notice of a restraining order if:

18 (a) The person to be restrained or the person's attorney signed
19 the order;

20 (b) The order recites that the person to be restrained or the
21 person's attorney appeared in person before the court;

22 (c) The order was served upon the person to be restrained; or

23 (d) The peace officer gives the person oral or written evidence
24 of the order by reading from it or handing to the person a certified
25 copy of the original order, certified to be an accurate copy of the
26 original by a notary public or by the clerk of the court.

27 (3) A peace officer shall verify the existence of a restraining
28 order by:

29 (a) Obtaining information confirming the existence and terms of
30 the order from a law enforcement agency; or

31 (b) Obtaining a certified copy of the order, certified to be an
32 accurate copy of the original by a notary public or by the clerk of
33 the court.

34 (4) A peace officer shall arrest and take into custody, pending
35 release on bail, personal recognizance, or court order, a person
36 without a warrant when the officer has probable cause to believe
37 that:

38 (a) A restraining order has been issued under this chapter;

1 (b) The respondent or person to be restrained knows of the order;
2 and

3 (c) The person to be arrested has violated the terms of the order
4 restraining the person from acts or threats of violence or
5 restraining the person from going onto the grounds of or entering the
6 residence, workplace, school, or day care of another, or prohibiting
7 the person from knowingly coming within, or knowingly remaining
8 within, a specified distance of a location.

9 (5) It is a defense to prosecution under subsection (1) of this
10 section that the court order was issued contrary to law or court
11 rule.

12 (6) No peace officer may be held criminally or civilly liable for
13 making an arrest under subsection (4) of this section if the officer
14 acts in good faith and without malice.

15 **Sec. 145.** RCW 26.12.260 and 2008 c 6 s 1047 are each amended to
16 read as follows:

17 (1) After July 1, 2009, but no later than November 1, 2009, a
18 county may, and to the extent state funding is provided to meet the
19 minimum requirements of the program a county shall, create a program
20 to provide services to all parties involved in proceedings under
21 chapter 26.09 RCW. Minimum components of this program shall include:

22 (a) An individual to serve as an initial point of contact for parties
23 filing petitions for dissolutions or legal separations under chapter
24 26.09 RCW; (b) informing parties about courthouse facilitation
25 programs and orientations; (c) informing parties of alternatives to
26 filing a dissolution petition, such as marriage or domestic
27 partnership counseling; (d) informing parties of alternatives to
28 litigation including counseling, legal separation, and mediation
29 services if appropriate; (e) informing parties of supportive family
30 services available in the community; (f) screening for referral for
31 services in the areas of domestic violence as defined in ((RCW
32 ~~26.50.010~~) section 2 of this act, child abuse, substance abuse, and
33 mental health; and (g) assistance to the court in superior court
34 cases filed under chapter 26.09 RCW.

35 (2) This program shall not provide legal advice. No attorney-
36 client relationship or privilege is created, by implication or by
37 inference, between persons providing basic information under this
38 section and the participants in the program.

1 (3) The legislative authority of any county may impose user fees
2 or may impose a surcharge of up to twenty dollars on only those
3 superior court cases filed under this title, or both, to pay for the
4 expenses of this program. Fees collected under this section shall be
5 collected and deposited in the same manner as other county funds are
6 collected and deposited, and shall be maintained in a separate
7 account to be used as provided in this section. The program shall
8 provide services to indigent persons at no expense.

9 (4) Persons who implement the program shall be appointed in the
10 same manner as investigators, stenographers, and clerks as described
11 in RCW 26.12.050.

12 (5) If the county has a program under this section, any petition
13 under RCW 26.09.020 must allege that the moving party met and
14 conferred with the program prior to the filing of the petition.

15 (6) If the county has a program under this section, parties shall
16 meet and confer with the program prior to participation in mediation
17 under RCW 26.09.016.

18 **Sec. 146.** RCW 26.12.802 and 2019 c 46 s 5023 are each amended to
19 read as follows:

20 The administrative office of the courts shall conduct a unified
21 family court pilot program.

22 (1) Pilot program sites shall be selected through a request for
23 proposal process, and shall be established in no more than three
24 superior court judicial districts.

25 (2) To be eligible for consideration as a pilot project site,
26 judicial districts must have a statutorily authorized judicial
27 complement of at least five judges.

28 (3) The administrative office of the courts shall develop
29 criteria for the unified family court pilot program. The pilot
30 program shall include:

31 (a) All case types under Title 13 RCW, chapters 26.09, ~~((26.10,))~~
32 26.12, 26.18, 26.19, 26.20, 26.26A, 26.26B, ~~((26.50,))~~ 26.27, and
33 28A.225 RCW, and domestic violence protection order cases under
34 chapter 7.--- RCW (the new chapter created in section 81 of this
35 act);

36 (b) Unified family court judicial officers, who volunteer for the
37 program, and meet training requirements established by local court
38 rule;

1 (c) Case management practices that provide a flexible response to
2 the diverse court-related needs of families involved in multiple
3 areas of the justice system. Case management practices should result
4 in a reduction in process redundancies and an efficient use of time
5 and resources, and create a system enabling multiple case type
6 resolution by one judicial officer or judicial team;

7 (d) A court facilitator to provide assistance to parties with
8 matters before the unified family court; and

9 (e) An emphasis on providing nonadversarial methods of dispute
10 resolution such as a settlement conference, evaluative mediation by
11 attorney mediators, and facilitative mediation by nonattorney
12 mediators.

13 (4) The administrative office of the courts shall publish and
14 disseminate a state-approved listing of definitions of nonadversarial
15 methods of dispute resolution so that court officials, practitioners,
16 and users can choose the most appropriate process for the matter at
17 hand.

18 (5) The administrative office of the courts shall provide to the
19 judicial districts selected for the pilot program the computer
20 resources needed by each judicial district to implement the unified
21 family court pilot program.

22 (6) The administrative office of the courts shall conduct a study
23 of the pilot program measuring improvements in the judicial system's
24 response to family involvement in the judicial system. The
25 administrator for the courts shall report preliminary findings and
26 final results of the study to the governor, the chief justice of the
27 supreme court, and the legislature on a biennial basis. The initial
28 report is due by July 1, 2000, and the final report is due by
29 December 1, 2004.

30 **Sec. 147.** RCW 26.26A.470 and 2019 c 46 s 1002 are each amended
31 to read as follows:

32 (1) In a proceeding under RCW 26.26A.400 through 26.26A.515, the
33 court may issue a temporary order for child support if the order is
34 consistent with law of this state other than this chapter and the
35 individual ordered to pay support is:

36 (a) A presumed parent of the child;

37 (b) Petitioning to be adjudicated a parent;

38 (c) Identified as a genetic parent through genetic testing under
39 RCW 26.26A.325;

1 (d) An alleged genetic parent who has declined to submit to
2 genetic testing;

3 (e) Shown by clear and convincing evidence to be a parent of the
4 child; or

5 (f) A parent under this chapter.

6 (2) A temporary order may include a provision for parenting time
7 and visitation under law of this state other than this chapter.

8 (3) Any party may request the court to issue a temporary
9 restraining order or preliminary injunction, providing relief proper
10 in the circumstances, and restraining or enjoining any party from:

11 (a) Molesting or disturbing the peace of another party;

12 (b) Going onto the grounds of or entering the home, workplace, or
13 school of another party or the day care or school of any child;

14 (c) Knowingly coming within, or knowingly remaining within, a
15 specified distance from a specified location, a protected party's
16 person, or a protected party's vehicle; and

17 (d) Removing a child from the jurisdiction of the court.

18 (4) Either party may request a domestic violence protection order
19 (~~under chapter 26.50 RCW~~) or an antiharassment protection order
20 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section
21 81 of this act) on a temporary basis. The court may grant any of the
22 relief provided in (~~RCW 26.50.060~~) section 39 of this act except
23 relief pertaining to residential provisions for the children which
24 provisions shall be provided for under this chapter(~~, and any of the~~
25 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this
26 subsection shall be effective for a fixed period not to exceed
27 fourteen days, or upon court order, not to exceed twenty-four days if
28 necessary to ensure that all temporary motions in the case can be
29 heard at the same time.

30 (5) Restraining orders issued under this section restraining or
31 enjoining the person from molesting or disturbing another party, or
32 from going onto the grounds of or entering the home, workplace, or
33 school of the other party or the day care or school of any child, or
34 prohibiting the person from knowingly coming within, or knowingly
35 remaining within, a specified distance of a location, a protected
36 party's person, or a protected party's vehicle, shall prominently
37 bear on the front page of the order the legend: VIOLATION OF THIS
38 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
39 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of
40 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

1 (6) The court shall order that any temporary restraining order
2 bearing a criminal offense legend, any domestic violence protection
3 order, or any antiharassment protection order granted under this
4 section be forwarded by the clerk of the court on or before the next
5 judicial day to the appropriate law enforcement agency specified in
6 the order. Upon receipt of the order, the law enforcement agency
7 shall enter the order into any computer-based criminal intelligence
8 information system available in this state used by law enforcement
9 agencies to list outstanding warrants. The order is fully enforceable
10 in any county in the state.

11 (7) If a restraining order issued pursuant to this section is
12 modified or terminated, the clerk of the court shall notify the law
13 enforcement agency specified in the order on or before the next
14 judicial day. Upon receipt of notice that an order has been
15 terminated, the law enforcement agency shall remove the order from
16 any computer-based criminal intelligence information system.

17 (8) The court may issue a temporary restraining order without
18 requiring notice to the other party only if it finds on the basis of
19 the moving affidavit or other evidence that irreparable injury could
20 result if an order is not issued until the time for responding has
21 elapsed.

22 (9) The court may issue a temporary restraining order or
23 preliminary injunction and an order for temporary support in such
24 amounts and on such terms as are just and proper in the
25 circumstances. In issuing the order, the court shall consider the
26 provisions of RCW 9.41.800.

27 (10) A temporary order, temporary restraining order, or
28 preliminary injunction:

29 (a) Does not prejudice the rights of a party or any child which
30 are to be adjudicated at subsequent hearings in the proceeding;

31 (b) May be revoked or modified;

32 (c) Terminates when the final order is entered or when the
33 petition is dismissed; and

34 (d) May be entered in a proceeding for the modification of an
35 existing order.

36 (11) A support debt owed to the state for public assistance
37 expenditures which has been charged against a party pursuant to RCW
38 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
39 extinguished by, the final decree or order, unless the office of
40 support enforcement has been given notice of the final proceeding and

1 an opportunity to present its claim for the support debt to the court
2 and has failed to file an affidavit as provided in this subsection.
3 Notice of the proceeding shall be served upon the office of support
4 enforcement personally, or by certified mail, and shall be given no
5 fewer than thirty days prior to the date of the final proceeding. An
6 original copy of the notice shall be filed with the court either
7 before service or within a reasonable time thereafter. The office of
8 support enforcement may present its claim, and thereby preserve the
9 support debt, by filing an affidavit setting forth the amount of the
10 debt with the court, and by mailing a copy of the affidavit to the
11 parties or their attorney prior to the date of the final proceeding.

12 (12) Any party may request the court to issue any order
13 referenced by RCW 9.41.800.

14 **Sec. 148.** RCW 26.26B.020 and 2019 c 46 s 5028 are each amended
15 to read as follows:

16 (1) The judgment and order of the court determining the existence
17 or nonexistence of the parent and child relationship shall be
18 determinative for all purposes.

19 (2) If the judgment and order of the court is at variance with
20 the child's birth certificate, the court shall order that an amended
21 birth certificate be issued.

22 (3) The judgment and order shall contain other appropriate
23 provisions directed to the appropriate parties to the proceeding,
24 concerning the duty of current and future support, the extent of any
25 liability for past support furnished to the child if that issue is
26 before the court, the furnishing of bond or other security for the
27 payment of the judgment, or any other matter in the best interest of
28 the child. The judgment and order may direct one parent to pay the
29 reasonable expenses of the mother's pregnancy and childbirth. The
30 judgment and order may include a continuing restraining order or
31 injunction. In issuing the order, the court shall consider the
32 provisions of RCW 9.41.800.

33 (4) The judgment and order shall contain a provision that each
34 party must file with the court and the Washington state child support
35 registry and update as necessary the information required in the
36 confidential information form required by RCW 26.23.050.

37 (5) Support judgment and orders shall be for periodic payments
38 which may vary in amount. The court may limit the parent's liability
39 for the past support to the child to the proportion of the expenses

1 already incurred as the court deems just. The court shall not limit
2 or affect in any manner the right of nonparties including the state
3 of Washington to seek reimbursement for support and other services
4 previously furnished to the child.

5 (6) After considering all relevant factors, the court shall order
6 either or both parents to pay an amount determined pursuant to the
7 schedule and standards contained in chapter 26.19 RCW.

8 (7) On the same basis as provided in chapter 26.09 RCW, the court
9 shall make residential provisions with regard to minor children of
10 the parties, except that a parenting plan shall not be required
11 unless requested by a party. If a parenting plan or residential
12 schedule was not entered at the time the order establishing parentage
13 was entered, a parent may move the court for entry of a parenting
14 plan or residential schedule:

15 (a) By filing a motion and proposed parenting plan or residential
16 schedule and providing notice to the other parent and other persons
17 who have residential time with the child pursuant to a court order:
18 PROVIDED, That at the time of filing the motion less than twenty-four
19 months have passed since entry of the order establishing parentage
20 and that the proposed parenting plan or residential schedule does not
21 change the designation of the parent with whom the child spends the
22 majority of time; or

23 (b) By filing a petition for modification under RCW 26.09.260 or
24 petition to establish a parenting plan, residential schedule, or
25 residential provisions.

26 (8) In any dispute between the persons claiming parentage of a
27 child and a person or persons who have (a) commenced adoption
28 proceedings or who have been granted an order of adoption, and (b)
29 pursuant to a court order, or placement by the department of social
30 and health services or by a licensed agency, have had actual custody
31 of the child for a period of one year or more before court action is
32 commenced by the persons claiming parentage, the court shall consider
33 the best welfare and interests of the child, including the child's
34 need for situation stability, in determining the matter of custody,
35 and the parent or person who is more fit shall have the superior
36 right to custody.

37 (9) In entering an order under this chapter or chapter 26.26A
38 RCW, the court may issue any necessary continuing restraining orders,
39 including the restraint provisions of domestic violence protection
40 orders (~~(under chapter 26.50 RCW)~~) or antiharassment protection

1 orders under chapter (~~10.14~~) 7.--- RCW (the new chapter created in
2 section 81 of this act).

3 (10) Restraining orders issued under this section restraining or
4 enjoining the person from molesting or disturbing another party, from
5 going onto the grounds of or entering the home, workplace, or school
6 of the other party or the day care or school of any child, or
7 prohibiting the person from knowingly coming within, or knowingly
8 remaining within, a specified distance of a location, a protected
9 party's person, or a protected party's vehicle, shall prominently
10 bear on the front page of the order the legend: VIOLATION OF THIS
11 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
12 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of
13 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

14 (11) The court shall order that any restraining order bearing a
15 criminal offense legend, any domestic violence protection order, or
16 any antiharassment protection order granted under this section be
17 forwarded by the clerk of the court on or before the next judicial
18 day to the appropriate law enforcement agency specified in the order.
19 Upon receipt of the order, the law enforcement agency shall forthwith
20 enter the order into any computer-based criminal intelligence
21 information system available in this state used by law enforcement
22 agencies to list outstanding warrants. The order is fully enforceable
23 in any county in the state.

24 (12) If a restraining order issued pursuant to this section is
25 modified or terminated, the clerk of the court shall notify the law
26 enforcement agency specified in the order on or before the next
27 judicial day. Upon receipt of notice that an order has been
28 terminated, the law enforcement agency shall remove the order from
29 any computer-based criminal intelligence system.

30 **Sec. 149.** RCW 26.26B.050 and 2019 c 46 s 5030 are each amended
31 to read as follows:

32 (1) Whenever a restraining order is issued under this chapter or
33 chapter 26.26A RCW, and the person to be restrained knows of the
34 order, a violation of the provisions restricting the person from acts
35 or threats of violence or of a provision restraining the person from
36 going onto the grounds of or entering the residence, workplace,
37 school, or day care of another, or prohibiting the person from
38 knowingly coming within, or knowingly remaining within, a specified
39 distance of a location, a protected party's person, or a protected

1 party's vehicle, is punishable under ((RCW 26.50.110)) section 56 of
2 this act.

3 (2) A person is deemed to have notice of a restraining order if:

4 (a) The person to be restrained or the person's attorney signed
5 the order;

6 (b) The order recites that the person to be restrained or the
7 person's attorney appeared in person before the court;

8 (c) The order was served upon the person to be restrained; or

9 (d) The peace officer gives the person oral or written evidence
10 of the order by reading from it or handing to the person a certified
11 copy of the original order, certified to be an accurate copy of the
12 original by a notary public or by the clerk of the court.

13 (3) A peace officer shall verify the existence of a restraining
14 order by:

15 (a) Obtaining information confirming the existence and terms of
16 the order from a law enforcement agency; or

17 (b) Obtaining a certified copy of the order, certified to be an
18 accurate copy of the original by a notary public or by the clerk of
19 the court.

20 (4) A peace officer shall arrest and take into custody, pending
21 release on bail, personal recognizance, or court order, a person
22 without a warrant when the officer has probable cause to believe
23 that:

24 (a) A restraining order has been issued under this chapter or
25 chapter 26.26A RCW;

26 (b) The respondent or person to be restrained knows of the order;
27 and

28 (c) The person to be arrested has violated the terms of the order
29 restraining the person from acts or threats of violence or
30 restraining the person from going onto the grounds of or entering the
31 residence, workplace, school, or day care of another, or prohibiting
32 the person from knowingly coming within, or knowingly remaining
33 within, a specified distance of a location, a protected party's
34 person, or a protected party's vehicle.

35 (5) It is a defense to prosecution under subsection (1) of this
36 section that the court order was issued contrary to law or court
37 rule.

38 (6) No peace officer may be held criminally or civilly liable for
39 making an arrest under subsection (4) of this section if the officer
40 acts in good faith and without malice.

1 **Sec. 150.** RCW 26.28.015 and 1992 c 111 s 12 are each amended to
2 read as follows:

3 Notwithstanding any other provision of law, and except as
4 provided under (~~RCW 26.50.020~~) section 14 of this act, all persons
5 shall be deemed and taken to be of full age for the specific purposes
6 hereafter enumerated at the age of eighteen years:

7 (1) To enter into any marriage contract without parental consent
8 if otherwise qualified by law;

9 (2) To execute a will for the disposition of both real and
10 personal property if otherwise qualified by law;

11 (3) To vote in any election if authorized by the Constitution and
12 otherwise qualified by law;

13 (4) To enter into any legal contractual obligation and to be
14 legally bound thereby to the full extent as any other adult person;

15 (5) To make decisions in regard to their own body and the body of
16 their lawful issue whether natural born to or adopted by such person
17 to the full extent allowed to any other adult person including but
18 not limited to consent to surgical operations;

19 (6) To sue and be sued on any action to the full extent as any
20 other adult person in any of the courts of this state, without the
21 necessity for a guardian ad litem.

22 **Sec. 151.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
27 or injury of a child by any person under circumstances which cause
28 harm to the child's health, welfare, or safety, excluding conduct
29 permitted under RCW 9A.16.100; or the negligent treatment or
30 maltreatment of a child by a person responsible for or providing care
31 to the child. An abused child is a child who has been subjected to
32 child abuse or neglect as defined in this section.

33 (2) "Child" or "children" means any person under the age of
34 eighteen years of age.

35 (3) "Child forensic interview" means a developmentally sensitive
36 and legally sound method of gathering factual information regarding
37 allegations of child abuse, child neglect, or exposure to violence.
38 This interview is conducted by a competently trained, neutral

1 professional utilizing techniques informed by research and best
2 practice as part of a larger investigative process.

3 (4) "Child protective services" means those services provided by
4 the department designed to protect children from child abuse and
5 neglect and safeguard such children from future abuse and neglect,
6 and conduct investigations of child abuse and neglect reports.
7 Investigations may be conducted regardless of the location of the
8 alleged abuse or neglect. Child protective services includes referral
9 to services to ameliorate conditions that endanger the welfare of
10 children, the coordination of necessary programs and services
11 relevant to the prevention, intervention, and treatment of child
12 abuse and neglect, and services to children to ensure that each child
13 has a permanent home. In determining whether protective services
14 should be provided, the department shall not decline to provide such
15 services solely because of the child's unwillingness or developmental
16 inability to describe the nature and severity of the abuse or
17 neglect.

18 (5) "Child protective services section" means the child
19 protective services section of the department.

20 (6) "Child who is a candidate for foster care" means a child who
21 the department identifies as being at imminent risk of entering
22 foster care but who can remain safely in the child's home or in a
23 kinship placement as long as services or programs that are necessary
24 to prevent entry of the child into foster care are provided, and
25 includes but is not limited to a child whose adoption or guardianship
26 arrangement is at risk of a disruption or dissolution that would
27 result in a foster care placement. The term includes a child for whom
28 there is reasonable cause to believe that any of the following
29 circumstances exist:

30 (a) The child has been abandoned by the parent as defined in RCW
31 13.34.030 and the child's health, safety, and welfare is seriously
32 endangered as a result;

33 (b) The child has been abused or neglected as defined in this
34 chapter ((~~26.44-RCW~~)) and the child's health, safety, and welfare is
35 seriously endangered as a result;

36 (c) There is no parent capable of meeting the child's needs such
37 that the child is in circumstances that constitute a serious danger
38 to the child's development;

39 (d) The child is otherwise at imminent risk of harm.

1 (7) "Children's advocacy center" means a child-focused facility
2 in good standing with the state chapter for children's advocacy
3 centers and that coordinates a multidisciplinary process for the
4 investigation, prosecution, and treatment of sexual and other types
5 of child abuse. Children's advocacy centers provide a location for
6 forensic interviews and coordinate access to services such as, but
7 not limited to, medical evaluations, advocacy, therapy, and case
8 review by multidisciplinary teams within the context of county
9 protocols as defined in RCW 26.44.180 and 26.44.185.

10 (8) "Clergy" means any regularly licensed or ordained minister,
11 priest, or rabbi of any church or religious denomination, whether
12 acting in an individual capacity or as an employee or agent of any
13 public or private organization or institution.

14 (9) "Court" means the superior court of the state of Washington,
15 juvenile department.

16 (10) "Department" means the department of children, youth, and
17 families.

18 (11) "Family assessment" means a comprehensive assessment of
19 child safety, risk of subsequent child abuse or neglect, and family
20 strengths and needs that is applied to a child abuse or neglect
21 report. Family assessment does not include a determination as to
22 whether child abuse or neglect occurred, but does determine the need
23 for services to address the safety of the child and the risk of
24 subsequent maltreatment.

25 (12) "Family assessment response" means a way of responding to
26 certain reports of child abuse or neglect made under this chapter
27 using a differential response approach to child protective services.
28 The family assessment response shall focus on the safety of the
29 child, the integrity and preservation of the family, and shall assess
30 the status of the child and the family in terms of risk of abuse and
31 neglect including the parent's or guardian's or other caretaker's
32 capacity and willingness to protect the child and, if necessary, plan
33 and arrange the provision of services to reduce the risk and
34 otherwise support the family. No one is named as a perpetrator, and
35 no investigative finding is entered in the record as a result of a
36 family assessment.

37 (13) "Founded" means the determination following an investigation
38 by the department that, based on available information, it is more
39 likely than not that child abuse or neglect did occur.

1 (14) "Inconclusive" means the determination following an
2 investigation by the department of social and health services, prior
3 to October 1, 2008, that based on available information a decision
4 cannot be made that more likely than not, child abuse or neglect did
5 or did not occur.

6 (15) "Institution" means a private or public hospital or any
7 other facility providing medical diagnosis, treatment, or care.

8 (16) "Law enforcement agency" means the police department, the
9 prosecuting attorney, the state patrol, the director of public
10 safety, or the office of the sheriff.

11 (17) "Malice" or "maliciously" means an intent, wish, or design
12 to intimidate, annoy, or injure another person. Such malice may be
13 inferred from an act done in willful disregard of the rights of
14 another, or an act wrongfully done without just cause or excuse, or
15 an act or omission of duty betraying a willful disregard of social
16 duty.

17 (18) "Negligent treatment or maltreatment" means an act or a
18 failure to act, or the cumulative effects of a pattern of conduct,
19 behavior, or inaction, that evidences a serious disregard of
20 consequences of such magnitude as to constitute a clear and present
21 danger to a child's health, welfare, or safety, including but not
22 limited to conduct prohibited under RCW 9A.42.100. When considering
23 whether a clear and present danger exists, evidence of a parent's
24 substance abuse as a contributing factor to negligent treatment or
25 maltreatment shall be given great weight. The fact that siblings
26 share a bedroom is not, in and of itself, negligent treatment or
27 maltreatment. Poverty, homelessness, or exposure to domestic violence
28 as defined in (~~RCW 26.50.010~~) section 2 of this act that is
29 perpetrated against someone other than the child does not constitute
30 negligent treatment or maltreatment in and of itself.

31 (19) "Pharmacist" means any registered pharmacist under chapter
32 18.64 RCW, whether acting in an individual capacity or as an employee
33 or agent of any public or private organization or institution.

34 (20) "Practitioner of the healing arts" or "practitioner" means a
35 person licensed by this state to practice podiatric medicine and
36 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
37 medicine and surgery, or medicine and surgery or to provide other
38 health services. The term "practitioner" includes a duly accredited
39 Christian Science practitioner. A person who is being furnished
40 Christian Science treatment by a duly accredited Christian Science

1 practitioner will not be considered, for that reason alone, a
2 neglected person for the purposes of this chapter.

3 (21) "Prevention and family services and programs" means specific
4 mental health prevention and treatment services, substance abuse
5 prevention and treatment services, and in-home parent skill-based
6 programs that qualify for federal funding under the federal family
7 first prevention services act, P.L. 115-123. For purposes of this
8 chapter, prevention and family services and programs are not remedial
9 services or family reunification services as described in RCW
10 13.34.025(2).

11 (22) "Professional school personnel" include, but are not limited
12 to, teachers, counselors, administrators, child care facility
13 personnel, and school nurses.

14 (23) "Psychologist" means any person licensed to practice
15 psychology under chapter 18.83 RCW, whether acting in an individual
16 capacity or as an employee or agent of any public or private
17 organization or institution.

18 (24) "Screened-out report" means a report of alleged child abuse
19 or neglect that the department has determined does not rise to the
20 level of a credible report of abuse or neglect and is not referred
21 for investigation.

22 (25) "Sexual exploitation" includes: (a) Allowing, permitting, or
23 encouraging a child to engage in prostitution by any person; or (b)
24 allowing, permitting, encouraging, or engaging in the obscene or
25 pornographic photographing, filming, or depicting of a child by any
26 person.

27 (26) "Sexually aggressive youth" means a child who is defined in
28 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

29 (27) "Social service counselor" means anyone engaged in a
30 professional capacity during the regular course of employment in
31 encouraging or promoting the health, welfare, support, or education
32 of children, or providing social services to adults or families,
33 including mental health, drug and alcohol treatment, and domestic
34 violence programs, whether in an individual capacity, or as an
35 employee or agent of any public or private organization or
36 institution.

37 (28) "Unfounded" means the determination following an
38 investigation by the department that available information indicates
39 that, more likely than not, child abuse or neglect did not occur, or

1 that there is insufficient evidence for the department to determine
2 whether the alleged child abuse did or did not occur.

3 **Sec. 152.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abusive litigation" means litigation where the following
8 apply:

9 (a)(i) The opposing parties have a current or former intimate
10 partner relationship;

11 (ii) The party who is filing, initiating, advancing, or
12 continuing the litigation has been found by a court to have committed
13 domestic violence against the other party pursuant to: (A) An order
14 entered under (~~this~~) chapter ~~7~~ 7 ~~---~~ (the new chapter created in
15 section 81 of this act) or 26.50 RCW; (B) a parenting plan with
16 restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining
17 order entered under chapter 26.09, (~~26.26, or~~) 26.26A, or 26.26B
18 RCW, provided that the issuing court made a specific finding that the
19 restraining order was necessary due to domestic violence; and

20 (iii) The litigation is being initiated, advanced, or continued
21 primarily for the purpose of harassing, intimidating, or maintaining
22 contact with the other party; and

23 (b) At least one of the following factors apply:

24 (i) Claims, allegations, and other legal contentions made in the
25 litigation are not warranted by existing law or by a reasonable
26 argument for the extension, modification, or reversal of existing
27 law, or the establishment of new law;

28 (ii) Allegations and other factual contentions made in the
29 litigation are without the existence of evidentiary support; or

30 (iii) An issue or issues that are the basis of the litigation
31 have previously been filed in one or more other courts or
32 jurisdictions and the actions have been litigated and disposed of
33 unfavorably to the party filing, initiating, advancing, or continuing
34 the litigation.

35 (2) "Intimate partner" is defined in (~~RCW 26.50.010~~) section 2
36 of this act.

37 (3) "Litigation" means any kind of legal action or proceeding
38 including, but not limited to: (~~(i) [(a)]~~) (a) Filing a summons,
39 complaint, demand, or petition; (~~(ii) [(b)]~~) (b) serving a summons,

1 complaint, demand, or petition, regardless of whether it has been
2 filed; (~~((iii)–[(e)])~~) (c) filing a motion, notice of court date,
3 note for motion docket, or order to appear; (~~((iv)–[(d)])~~) (d)
4 serving a motion, notice of court date, note for motion docket, or
5 order to appear, regardless of whether it has been filed or
6 scheduled; (~~((v)–[(e)])~~) (e) filing a subpoena, subpoena duces tecum,
7 request for interrogatories, request for production, notice of
8 deposition, or other discovery request; or (~~((vi)–[(f)])~~) (f) serving
9 a subpoena, subpoena duces tecum, request for interrogatories,
10 request for production, notice of deposition, or other discovery
11 request.

12 (4) "Perpetrator of abusive litigation" means a person who files,
13 initiates, advances, or continues litigation in violation of an order
14 restricting abusive litigation.

15 **Sec. 153.** RCW 26.52.010 and 1999 c 184 s 3 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Domestic or family violence" includes, but is not limited
20 to, conduct when committed by one family member against another that
21 is classified in the jurisdiction where the conduct occurred as a
22 domestic violence crime or a crime committed in another jurisdiction
23 that under the laws of this state would be classified as domestic
24 violence under RCW 10.99.020.

25 (2) "Family (~~or household~~) members" means (~~(spouses, former~~
26 ~~spouses, persons who have a child in common regardless of whether~~
27 ~~they have been married or have lived together at any time, adult~~
28 ~~persons related by blood or marriage, adult persons who are presently~~
29 ~~residing together or who have resided together in the past, persons~~
30 ~~sixteen years of age or older who are presently residing together or~~
31 ~~who have resided together in the past and who have or have had a~~
32 ~~dating relationship, persons sixteen years of age or older with whom~~
33 ~~a person sixteen years of age or older has or has had a dating~~
34 ~~relationship, and persons who have a biological or legal parent-child~~
35 ~~relationship, including stepparents and stepchildren and grandparents~~
36 ~~and grandchildren)) intimate partners and family or household members~~
37 as those terms are defined in section 2 of this act.

38 (3) "Foreign protection order" means an injunction or other order
39 related to domestic or family violence, harassment, sexual abuse, or

1 stalking, for the purpose of preventing violent or threatening acts
2 or harassment against, or contact or communication with or physical
3 proximity to another person issued by a court of another state,
4 territory, or possession of the United States, the Commonwealth of
5 Puerto Rico, or the District of Columbia, or any United States
6 military tribunal, or a tribal court, in a civil or criminal action.

7 (4) "Harassment" includes, but is not limited to, conduct that is
8 classified in the jurisdiction where the conduct occurred as
9 harassment or a crime committed in another jurisdiction that under
10 the laws of this state would be classified as harassment under RCW
11 9A.46.040.

12 (5) "Judicial day" does not include Saturdays, Sundays, or legal
13 holidays in Washington state.

14 (6) "Person entitled to protection" means a person, regardless of
15 whether the person was the moving party in the foreign jurisdiction,
16 who is benefited by the foreign protection order.

17 (7) "Person under restraint" means a person, regardless of
18 whether the person was the responding party in the foreign
19 jurisdiction, whose ability to contact or communicate with another
20 person, or to be physically close to another person, is restricted by
21 the foreign protection order.

22 (8) "Sexual abuse" includes, but is not limited to, conduct that
23 is classified in the jurisdiction where the conduct occurred as a sex
24 offense or a crime committed in another jurisdiction that under the
25 laws of this state would be classified as a sex offense under RCW
26 9.94A.030.

27 (9) "Stalking" includes, but is not limited to, conduct that is
28 classified in the jurisdiction where the conduct occurred as stalking
29 or a crime committed in another jurisdiction that under the laws of
30 this state would be classified as stalking under RCW 9A.46.110.

31 (10) "Washington court" includes the superior, district, and
32 municipal courts of the state of Washington.

33 **Sec. 154.** RCW 26.52.070 and 2000 c 119 s 26 are each amended to
34 read as follows:

35 (1) Whenever a foreign protection order is granted to a person
36 entitled to protection and the person under restraint knows of the
37 foreign protection order, a violation of a provision prohibiting the
38 person under restraint from contacting or communicating with another
39 person, or of a provision excluding the person under restraint from a

1 residence, workplace, school, or day care, or of a provision
2 prohibiting a person from knowingly coming within, or knowingly
3 remaining within, a specified distance of a location, a protected
4 party's person, or a protected party's vehicle, or a violation of any
5 provision for which the foreign protection order specifically
6 indicates that a violation will be a crime, is punishable under ((RCW
7 ~~26.50.110~~)) section 56 of this act.

8 (2) A peace officer shall arrest without a warrant and take into
9 custody a person when the peace officer has probable cause to believe
10 that a foreign protection order has been issued of which the person
11 under restraint has knowledge and the person under restraint has
12 violated a provision of the foreign protection order that prohibits
13 the person under restraint from contacting or communicating with
14 another person, or a provision that excludes the person under
15 restraint from a residence, workplace, school, or day care, or of a
16 provision prohibiting a person from knowingly coming within, or
17 knowingly remaining within, a specified distance of a location, a
18 protected party's person, or a protected party's vehicle, or a
19 violation of any provision for which the foreign protection order
20 specifically indicates that a violation will be a crime. Presence of
21 the order in the law enforcement computer-based criminal intelligence
22 information system is not the only means of establishing knowledge of
23 the order.

24 **Sec. 155.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to
25 read as follows:

26 (1) Revenue collected under this section is subject to division
27 with the state under RCW 36.18.025 and with the county or regional
28 law library fund under RCW 27.24.070, except as provided in
29 subsection (5) of this section.

30 (2) Clerks of superior courts shall collect the following fees
31 for their official services:

32 (a) In addition to any other fee required by law, the party
33 filing the first or initial document in any civil action, including,
34 but not limited to an action for restitution, adoption, or change of
35 name, and any party filing a counterclaim, cross-claim, or third-
36 party claim in any such civil action, shall pay, at the time the
37 document is filed, a fee of two hundred dollars except, in an
38 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
39 the plaintiff shall pay a case initiating filing fee of forty-five

1 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
2 violation of the compulsory attendance laws where the petitioner
3 shall not pay a filing fee. The forty-five dollar filing fee under
4 this subsection for an unlawful detainer action shall not include an
5 order to show cause or any other order or judgment except a default
6 order or default judgment in an unlawful detainer action.

7 (b) Any party, except a defendant in a criminal case, filing the
8 first or initial document on an appeal from a court of limited
9 jurisdiction or any party on any civil appeal, shall pay, when the
10 document is filed, a fee of two hundred dollars.

11 (c) For filing of a petition for judicial review as required
12 under RCW 34.05.514 a filing fee of two hundred dollars.

13 ~~((For filing of a petition for unlawful harassment under RCW
14 10.14.040 a filing fee of fifty-three dollars.~~

15 ~~(e))~~ For filing the notice of debt due for the compensation of a
16 crime victim under RCW 7.68.120(2) (a) a fee of two hundred dollars.

17 ~~((f))~~ (e) In probate proceedings, the party instituting such
18 proceedings, shall pay at the time of filing the first document
19 therein, a fee of two hundred dollars.

20 ~~((g))~~ (f) For filing any petition to contest a will admitted to
21 probate or a petition to admit a will which has been rejected, or a
22 petition objecting to a written agreement or memorandum as provided
23 in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

24 ~~((h))~~ (g) Upon conviction or plea of guilty, upon failure to
25 prosecute an appeal from a court of limited jurisdiction as provided
26 by law, or upon affirmance of a conviction by a court of limited
27 jurisdiction, an adult defendant in a criminal case shall be liable
28 for a fee of two hundred dollars, except this fee shall not be
29 imposed on a defendant who is indigent as defined in RCW
30 10.101.010(3) (a) through (c).

31 ~~((i))~~ (h) With the exception of demands for jury hereafter made
32 and garnishments hereafter issued, civil actions and probate
33 proceedings filed prior to midnight, July 1, 1972, shall be completed
34 and governed by the fee schedule in effect as of January 1, 1972.
35 However, no fee shall be assessed if an order of dismissal on the
36 clerk's record be filed as provided by rule of the supreme court.

37 (3) No fee shall be collected when a petition for relinquishment
38 of parental rights is filed pursuant to RCW 26.33.080 or for forms
39 and instructional brochures provided under ~~((RCW 26.50.030))~~ section
40 16 of this act.

1 (4) No fee shall be collected when an abstract of judgment is
2 filed by the county clerk of another county for the purposes of
3 collection of legal financial obligations.

4 (5)(a) Until July 1, 2021, in addition to the fees required to be
5 collected under this section, clerks of the superior courts must
6 collect surcharges as provided in this subsection (5) of which
7 seventy-five percent must be remitted to the state treasurer for
8 deposit in the judicial stabilization trust account and twenty-five
9 percent must be retained by the county.

10 (b) On filing fees required to be collected under subsection
11 (2)(b) of this section, a surcharge of thirty dollars must be
12 collected.

13 (c) On all filing fees required to be collected under this
14 section, except for fees required under subsection (2)(b) (~~((r),(d),r))~~)
15 and (~~((h))~~) (g) of this section, a surcharge of forty dollars must be
16 collected.

17 **Sec. 156.** RCW 36.28A.410 and 2019 c 263 s 915 and 2019 c 46 s
18 5041 are each reenacted and amended to read as follows:

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

34 (b) The notification requirements of this section apply to any
35 court order issued under chapter 7.--- (the new chapter created in
36 section 81 of this act) or 7.92 RCW and RCW 7.90.090, 9A.46.080,
37 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,
38 26.10.115, 26.26A.470, 26.26B.020, 26.50.060, or 26.50.070, any
39 foreign protection order filed with a Washington court pursuant to

1 chapter 26.52 RCW, and any Canadian domestic violence protection
2 order filed with a Washington court pursuant to chapter 26.55 RCW,
3 where the order prohibits the respondent from possessing firearms or
4 where by operation of law the respondent is ineligible to possess
5 firearms during the term of the order. The notification requirements
6 of this section apply even if the respondent has notified the
7 Washington state patrol that he or she has appealed a background
8 check denial under RCW 43.43.823.

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

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

26 **Sec. 157.** RCW 41.04.655 and 2020 c 29 s 14 and 2020 c 6 s 1 are
27 each reenacted and amended to read as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout RCW 41.04.650 through 41.04.670,
30 28A.400.380, and section 7, chapter 93, Laws of 1989.

31 (1) "Domestic violence" means any of the following acts committed
32 by one family or household member against another or by one intimate
33 partner against another, as those terms are defined in RCW
34 (~~26.50.010~~) 10.99.020:

35 (a) Physical harm, bodily injury, assault, or the infliction of
36 fear of imminent physical harm, bodily injury, or assault;

37 (b) Sexual assault; or

38 (c) Stalking as defined in RCW 9A.46.110.

1 (2) "Employee" means any employee of the state, including
2 employees of school districts and educational service districts, who
3 are entitled to accrue sick leave or annual leave and for whom
4 accurate leave records are maintained.

5 (3) "Parental leave" means leave to bond and care for a newborn
6 child after birth or to bond and care for a child after placement for
7 adoption or foster care.

8 (4) "Pregnancy disability" means a pregnancy-related medical
9 condition or miscarriage.

10 (5) "Program" means the leave sharing program established in RCW
11 41.04.660.

12 (6) "Service in the uniformed services" means the performance of
13 duty on a voluntary or involuntary basis in a uniformed service under
14 competent authority and includes active duty, active duty for
15 training, initial active duty for training, inactive duty training,
16 full-time national guard duty including state-ordered active duty,
17 and a period for which a person is absent from a position of
18 employment for the purpose of an examination to determine the fitness
19 of the person to perform any such duty.

20 (7) "Sexual assault" has the same meaning as set forth in RCW
21 70.125.030.

22 (8) "Stalking" has the same meaning as set forth in RCW
23 9A.46.110.

24 (9) "State agency" or "agency" means departments, offices,
25 agencies, or institutions of state government, the legislature,
26 institutions of higher education, school districts, and educational
27 service districts.

28 (10) "Uniformed services" means the armed forces, the army
29 national guard, and the air national guard of any state, territory,
30 commonwealth, possession, or district when engaged in active duty for
31 training, inactive duty training, full-time national guard duty, or
32 state active duty, the commissioned corps of the public health
33 service, the coast guard, and any other category of persons
34 designated by the president of the United States in time of war or
35 national emergency.

36 (11) "Victim" means a person against whom domestic violence,
37 sexual assault, or stalking has been committed as defined in this
38 section.

1 **Sec. 158.** RCW 43.43.754 and 2020 c 26 s 7 are each amended to
2 read as follows:

3 (1) A biological sample must be collected for purposes of DNA
4 identification analysis from:

5 (a) Every adult or juvenile individual convicted of a felony, or
6 any of the following crimes (or equivalent juvenile offenses):

7 (i) Assault in the fourth degree where domestic violence as
8 defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041,
9 9.94A.030);

10 (ii) Assault in the fourth degree with sexual motivation (RCW
11 9A.36.041, 9.94A.835);

12 (iii) Communication with a minor for immoral purposes (RCW
13 9.68A.090);

14 (iv) Custodial sexual misconduct in the second degree (RCW
15 9A.44.170);

16 (v) Failure to register (chapter 9A.44 RCW);

17 (vi) Harassment (RCW 9A.46.020);

18 (vii) Patronizing a prostitute (RCW 9A.88.110);

19 (viii) Sexual misconduct with a minor in the second degree (RCW
20 9A.44.096);

21 (ix) Stalking (RCW 9A.46.110);

22 (x) Indecent exposure (RCW 9A.88.010);

23 (xi) Violation of a sexual assault protection order granted under
24 chapter 7.--- (the new chapter created in section 81 of this act) or
25 7.90 RCW; and

26 (b) Every adult or juvenile individual who is required to
27 register under RCW 9A.44.130.

28 (2)(a) A municipal jurisdiction may also submit any biological
29 sample to the laboratory services bureau of the Washington state
30 patrol for purposes of DNA identification analysis when:

31 (i) The sample was collected from a defendant upon conviction for
32 a municipal offense where the underlying ordinance does not adopt the
33 relevant state statute by reference but the offense is otherwise
34 equivalent to an offense in subsection (1)(a) of this section;

35 (ii) The equivalent offense in subsection (1)(a) of this section
36 was an offense for which collection of a biological sample was
37 required under this section at the time of the conviction; and

38 (iii) The sample was collected on or after June 12, 2008, and
39 before January 1, 2020.

1 (b) When submitting a biological sample under this subsection,
2 the municipal jurisdiction must include a signed affidavit from the
3 municipal prosecuting authority of the jurisdiction in which the
4 conviction occurred specifying the state crime to which the municipal
5 offense is equivalent.

6 (3) Law enforcement may submit to the forensic laboratory
7 services bureau of the Washington state patrol, for purposes of DNA
8 identification analysis, any lawfully obtained biological sample
9 within its control from a deceased offender who was previously
10 convicted of an offense under subsection (1)(a) of this section,
11 regardless of the date of conviction.

12 (4) If the Washington state patrol crime laboratory already has a
13 DNA sample from an individual for a qualifying offense, a subsequent
14 submission is not required to be submitted.

15 (5) Biological samples shall be collected in the following
16 manner:

17 (a) For persons convicted of any offense listed in subsection
18 (1)(a) of this section or adjudicated guilty of an equivalent
19 juvenile offense, who do not serve a term of confinement in a
20 department of corrections facility or a department of children,
21 youth, and families facility, and are serving a term of confinement
22 in a city or county jail facility, the city or county jail facility
23 shall be responsible for obtaining the biological samples.

24 (b) The local police department or sheriff's office shall be
25 responsible for obtaining the biological samples for:

26 (i) Persons convicted of any offense listed in subsection (1)(a)
27 of this section or adjudicated guilty of an equivalent juvenile
28 offense, who do not serve a term of confinement in a department of
29 corrections facility, department of children, youth, and families
30 facility, or a city or county jail facility; and

31 (ii) Persons who are required to register under RCW 9A.44.130.

32 (c) For persons convicted of any offense listed in subsection
33 (1)(a) of this section or adjudicated guilty of an equivalent
34 juvenile offense, who are serving or who are to serve a term of
35 confinement in a department of corrections facility or a department
36 of children, youth, and families facility, the facility holding the
37 person shall be responsible for obtaining the biological samples as
38 part of the intake process. If the facility did not collect the
39 biological sample during the intake process, then the facility shall
40 collect the biological sample as soon as is practicable. For those

1 persons incarcerated before June 12, 2008, who have not yet had a
2 biological sample collected, priority shall be given to those persons
3 who will be released the soonest.

4 (d) For persons convicted of any offense listed in subsection
5 (1)(a) of this section or adjudicated guilty of an equivalent
6 juvenile offense, who will not serve a term of confinement, the court
7 shall: Order the person to report to the local police department or
8 sheriff's office as provided under subsection (5)(b)(i) of this
9 section within a reasonable period of time established by the court
10 in order to provide a biological sample; or if the local police
11 department or sheriff's office has a protocol for collecting the
12 biological sample in the courtroom, order the person to immediately
13 provide the biological sample to the local police department or
14 sheriff's office before leaving the presence of the court. The court
15 must further inform the person that refusal to provide a biological
16 sample is a gross misdemeanor under this section.

17 (6) Any biological sample taken pursuant to RCW 43.43.752 through
18 43.43.758 may be retained by the forensic laboratory services bureau,
19 and shall be used solely for the purpose of providing DNA or other
20 tests for identification analysis and prosecution of a criminal
21 offense or for the identification of human remains or missing
22 persons. Nothing in this section prohibits the submission of results
23 derived from the biological samples to the federal bureau of
24 investigation combined DNA index system.

25 (7) The forensic laboratory services bureau of the Washington
26 state patrol is responsible for testing performed on all biological
27 samples that are collected under this section, to the extent allowed
28 by funding available for this purpose. Known duplicate samples may be
29 excluded from testing unless testing is deemed necessary or advisable
30 by the director.

31 (8) This section applies to:

32 (a) All adults and juveniles to whom this section applied prior
33 to June 12, 2008;

34 (b) All adults and juveniles to whom this section did not apply
35 prior to June 12, 2008, who:

36 (i) Are convicted on or after June 12, 2008, of an offense listed
37 in subsection (1)(a) of this section on the date of conviction; or

38 (ii) Were convicted prior to June 12, 2008, of an offense listed
39 in subsection (1)(a) of this section and are still incarcerated on or
40 after June 12, 2008;

1 (c) All adults and juveniles who are required to register under
2 RCW 9A.44.130 on or after June 12, 2008, whether convicted before,
3 on, or after June 12, 2008; and

4 (d) All samples submitted under subsections (2) and (3) of this
5 section.

6 (9) This section creates no rights in a third person. No cause of
7 action may be brought based upon the noncollection or nonanalysis or
8 the delayed collection or analysis of a biological sample authorized
9 to be taken under RCW 43.43.752 through 43.43.758.

10 (10) The detention, arrest, or conviction of a person based upon
11 a database match or database information is not invalidated if it is
12 determined that the sample was obtained or placed in the database by
13 mistake, or if the conviction or juvenile adjudication that resulted
14 in the collection of the biological sample was subsequently vacated
15 or otherwise altered in any future proceeding including but not
16 limited to posttrial or postfact-finding motions, appeals, or
17 collateral attacks. No cause of action may be brought against the
18 state based upon the analysis of a biological sample authorized to be
19 taken pursuant to a municipal ordinance if the conviction or
20 adjudication that resulted in the collection of the biological sample
21 was subsequently vacated or otherwise altered in any future
22 proceeding including, but not limited to, posttrial or postfact-
23 finding motions, appeals, or collateral attacks.

24 (11) A person commits the crime of refusal to provide DNA if the
25 person willfully refuses to comply with a legal request for a DNA
26 sample as required under this section. The refusal to provide DNA is
27 a gross misdemeanor.

28 **Sec. 159.** RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22
29 are each reenacted and amended to read as follows:

30 (1)(a) The secretary of social and health services and the
31 secretary of health shall adopt additional requirements for the
32 licensure or relicensure of agencies, facilities, and licensed
33 individuals who provide care and treatment to vulnerable adults,
34 including nursing pools registered under chapter 18.52C RCW. These
35 additional requirements shall ensure that any person associated with
36 a licensed agency or facility having unsupervised access with a
37 vulnerable adult shall not be the respondent in an active
38 (~~protective~~) vulnerable adult protection order under chapter 7.---
39 RCW (~~(74.34.130)~~) (the new chapter created in section 81 of this

1 act), nor have been: (i) Convicted of a crime against children or
2 other persons as defined in RCW 43.43.830, except as provided in this
3 section; (ii) convicted of crimes relating to financial exploitation
4 as defined in RCW 43.43.830, except as provided in this section; or
5 (iii) found in any disciplinary board final decision to have abused a
6 vulnerable adult (~~under~~) as defined in RCW 43.43.830.

7 (b) A person associated with a licensed agency or facility who
8 has unsupervised access with a vulnerable adult shall make the
9 disclosures specified in RCW 43.43.834(2). The person shall make the
10 disclosures in writing, sign, and swear to the contents under penalty
11 of perjury. The person shall, in the disclosures, specify all crimes
12 against children or other persons, all crimes relating to financial
13 exploitation, and all crimes relating to drugs as defined in RCW
14 43.43.830, committed by the person.

15 (2) The rules adopted under this section shall permit the
16 licensee to consider the criminal history of an applicant for
17 employment in a licensed facility when the applicant has one or more
18 convictions for a past offense and:

19 (a) The offense was simple assault, assault in the fourth degree,
20 or the same offense as it may be renamed, and three or more years
21 have passed between the most recent conviction and the date of
22 application for employment;

23 (b) The offense was prostitution, or the same offense as it may
24 be renamed, and three or more years have passed between the most
25 recent conviction and the date of application for employment;

26 (c) The offense was theft in the third degree, or the same
27 offense as it may be renamed, and three or more years have passed
28 between the most recent conviction and the date of application for
29 employment;

30 (d) The offense was theft in the second degree, or the same
31 offense as it may be renamed, and five or more years have passed
32 between the most recent conviction and the date of application for
33 employment;

34 (e) The offense was forgery, or the same offense as it may be
35 renamed, and five or more years have passed between the most recent
36 conviction and the date of application for employment;

37 (f) The department of social and health services reviewed the
38 employee's otherwise disqualifying criminal history through the
39 department of social and health services' background assessment

1 review team process conducted in 2002, and determined that such
2 employee could remain in a position covered by this section; or

3 (g) The otherwise disqualifying conviction or disposition has
4 been the subject of a pardon, annulment, or other equivalent
5 procedure.

6 The offenses set forth in (a) through (g) of this subsection do
7 not automatically disqualify an applicant from employment by a
8 licensee. Nothing in this section may be construed to require the
9 employment of any person against a licensee's judgment.

10 (3) The rules adopted pursuant to subsection (2) of this section
11 may not allow a licensee to automatically deny an applicant with a
12 conviction for an offense set forth in subsection (2) of this section
13 for a position as a substance use disorder professional or substance
14 use disorder professional trainee certified under chapter 18.205 RCW
15 if:

16 (a) At least one year has passed between the applicant's most
17 recent conviction for an offense set forth in subsection (2) of this
18 section and the date of application for employment;

19 (b) The offense was committed as a result of the applicant's
20 substance use or untreated mental health symptoms; and

21 (c) The applicant is at least one year in recovery from a
22 substance use disorder, whether through abstinence or stability on
23 medication-assisted therapy, or in recovery from a mental health
24 disorder.

25 (4) The rules adopted pursuant to subsection (2) of this section
26 may not allow a licensee to automatically deny an applicant with a
27 conviction for an offense set forth in subsection (2) of this section
28 for a position as an agency affiliated counselor registered under
29 chapter 18.19 RCW practicing as a peer counselor in an agency or
30 facility if:

31 (a) At least one year has passed between the applicant's most
32 recent conviction for an offense set forth in subsection (2) of this
33 section and the date of application for employment;

34 (b) The offense was committed as a result of the person's
35 substance use or untreated mental health symptoms; and

36 (c) The applicant is at least one year in recovery from a
37 substance use disorder, whether through abstinence or stability on
38 medication-assisted therapy, or in recovery from mental health
39 challenges.

1 (5) In consultation with law enforcement personnel, the secretary
2 of social and health services and the secretary of health shall
3 investigate, or cause to be investigated, the conviction record and
4 the protection proceeding record information under this chapter of
5 the staff of each agency or facility under their respective
6 jurisdictions seeking licensure or relicensure. An individual
7 responding to a criminal background inquiry request from his or her
8 employer or potential employer shall disclose the information about
9 his or her criminal history under penalty of perjury. The secretaries
10 shall use the information solely for the purpose of determining
11 eligibility for licensure or relicensure. Criminal justice agencies
12 shall provide the secretaries such information as they may have and
13 that the secretaries may require for such purpose.

14 **Sec. 160.** RCW 48.18.550 and 2020 c 29 s 15 are each amended to
15 read as follows:

16 (1) No insurer shall deny or refuse to accept an application for
17 insurance, refuse to insure, refuse to renew, cancel, restrict, or
18 otherwise terminate a policy of insurance, or charge a different rate
19 for the same coverage on the basis that the applicant or insured
20 person is, has been, or may be a victim of domestic abuse.

21 (2) Nothing in this section shall prevent an insurer from taking
22 any of the actions set forth in subsection (1) of this section on the
23 basis of loss history or medical condition or for any other reason
24 not otherwise prohibited by this section, any other law, regulation,
25 or rule.

26 (3) Any form filed or filed after June 11, 1998, subject to RCW
27 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may
28 exclude coverage for losses caused by intentional or fraudulent acts
29 of any insured. Such an exclusion, however, shall not apply to deny
30 an insured's otherwise-covered property loss if the property loss is
31 caused by an act of domestic abuse by another insured under the
32 policy, the insured claiming property loss files a police report and
33 cooperates with any law enforcement investigation relating to the act
34 of domestic abuse, and the insured claiming property loss did not
35 cooperate in, or contribute to, the creation of the property loss.
36 Payment by the insurer to an insured may be limited to the person's
37 insurable interest in the property less payments made to a mortgagee
38 or other party with a legal secured interest in the property. An
39 insurer making payment to an insured under this section has all

1 rights of subrogation to recover against the perpetrator of the act
2 that caused the loss.

3 (4) Nothing in this section prohibits an insurer from
4 investigating a claim and complying with chapter 48.30A RCW.

5 (5) For the purposes of this section, the following definitions
6 apply:

7 (a) "Domestic abuse" means: (i) Physical harm, bodily injury,
8 assault, or the infliction of fear of imminent physical harm, bodily
9 injury, or assault between family or household members or intimate
10 partners; (ii) sexual assault of one family or household member by
11 another or of one intimate partner by another; (iii) stalking as
12 defined in RCW 9A.46.110 of one family or household member by another
13 or of one intimate partner by another; or (iv) intentionally,
14 knowingly, or recklessly causing damage to property so as to
15 intimidate or attempt to control the behavior of another family or
16 household member or of another intimate partner.

17 (b) "Family or household member" has the same meaning as in RCW
18 (~~26.50.010~~) 10.99.020.

19 (c) "Intimate partner" has the same meaning as in RCW
20 (~~26.50.010~~) 10.99.020.

21 **Sec. 161.** RCW 49.76.020 and 2017 3rd sp.s. c 5 s 90 are each
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"
26 and "sick leave and other paid time off" have the same meanings as in
27 RCW 49.12.265.

28 (2) "Dating relationship" has the same meaning as in (~~RCW~~
29 ~~26.50.010~~) section 2 of this act.

30 (3) "Department," "director," "employer," and "employee" have the
31 same meanings as in RCW 49.12.005.

32 (4) "Domestic violence" has the same meaning as in (~~RCW~~
33 ~~26.50.010~~) section 2 of this act.

34 (5) "Family member" means any individual whose relationship to
35 the employee can be classified as a child, spouse, parent, parent-in-
36 law, grandparent, or person with whom the employee has a dating
37 relationship.

38 (6) "Intermittent leave" is leave taken in separate blocks of
39 time due to a single qualifying reason.

1 (7) "Reduced leave schedule" means a leave schedule that reduces
2 the usual number of hours per workweek, or hours per workday, of an
3 employee.

4 (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

5 (9) "Stalking" has the same meaning as in RCW 9A.46.110.

6 **Sec. 162.** RCW 59.18.570 and 2009 c 395 s 1 are each reenacted
7 and amended to read as follows:

8 The definitions in this section apply throughout this section and
9 RCW 59.18.575 through 59.18.585 unless the context clearly requires
10 otherwise.

11 (1) "Credit reporting agency" has the same meaning as set forth
12 in RCW 19.182.010(5).

13 (2) "Domestic violence" has the same meaning as set forth in
14 (~~RCW 26.50.010~~) section 2 of this act.

15 (3) "Household member" means a child or adult residing with the
16 tenant other than the perpetrator of domestic violence, stalking, or
17 sexual assault.

18 (4) "Landlord" has the same meaning as in RCW 59.18.030 and
19 includes the landlord's employees.

20 (5) "Qualified third party" means any of the following people
21 acting in their official capacity:

22 (a) Law enforcement officers;

23 (b) Persons subject to the provisions of chapter 18.120 RCW;

24 (c) Employees of a court of the state;

25 (d) Licensed mental health professionals or other licensed
26 counselors;

27 (e) Employees of crime victim/witness programs as defined in RCW
28 7.69.020 who are trained advocates for the program; and

29 (f) Members of the clergy as defined in RCW 26.44.020.

30 (6) "Sexual assault" has the same meaning as set forth in RCW
31 70.125.030.

32 (7) "Stalking" has the same meaning as set forth in RCW
33 9A.46.110.

34 (8) "Tenant screening service provider" means any nongovernmental
35 agency that provides, for a fee, background information on
36 prospective tenants to landlords.

37 (9) "Unlawful harassment" has the same meaning as in (~~RCW~~
38 ~~10.14.020~~) section 2 of this act and also includes any request for

1 sexual favors to a tenant or household member in return for a change
2 in or performance of any or all terms of a lease or rental agreement.

3 **Sec. 163.** RCW 59.18.575 and 2019 c 46 s 5042 are each amended to
4 read as follows:

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

10 (i) The tenant or the household member has a domestic violence
11 protection order, sexual assault protection order, stalking
12 protection order, or antiharassment protection order under chapter
13 7.--- RCW (the new chapter created in section 81 of this act), or a
14 valid order for protection under one or more of the following:
15 Chapter 7.90, 26.50, 26.26A, or 26.26B RCW or RCW 9A.46.040,
16 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

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

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

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

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

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

17 ... domestic violence as defined by ((RCW
18 26.50.010)) section 2 of this act.

19 ... sexual assault as defined by RCW
20 70.125.030.

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

22 ... unlawful harassment as defined by RCW
23 59.18.570.

24 Briefly describe the incident of domestic violence,
25 sexual assault, unlawful harassment, or stalking:
26

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

30 The incident(s) that I rely on in support of this
31 declaration were committed by the following person(s): ...
32

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

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

.....

Signature of Tenant or
Household Member

I verify that I have provided to the person whose
signature appears above the statutes cited in RCW
59.18.575 and that the individual was a victim of an act that
constitutes a crime of domestic violence, sexual assault,
unlawful harassment, or stalking, and that the individual
informed me of the name of the alleged perpetrator of the
act.

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

.....

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

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

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

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

5 (ii) A written record of a report signed by the qualified third
6 party must be substantially in the form specified under subsection
7 (1)(b) of this section. The record of the report provided to the
8 landlord must not include the name of the alleged perpetrator of the
9 act. On written request by the landlord, the qualified third party
10 shall, within seven days, provide the name of the alleged perpetrator
11 of the act to the landlord only if the alleged perpetrator was a
12 person meeting the definition of the term "landlord" under RCW
13 59.18.570.

14 (b) A tenant who terminates his or her rental agreement under
15 this subsection is discharged from the payment of rent for any period
16 following the latter of: (i) The date the tenant vacates the unit; or
17 (ii) the date the record of the report of the qualified third party
18 and the written notice that the tenant has vacated are delivered to
19 the landlord by mail, fax, or personal delivery by a third party. The
20 tenant is entitled to a pro rata refund of any prepaid rent and must
21 receive a full and specific statement of the basis for retaining any
22 of the deposit together with any refund due in accordance with RCW
23 59.18.280.

24 (4) If a tenant or a household member is a victim of sexual
25 assault, stalking, or unlawful harassment by a landlord, the tenant
26 may change or add locks to the tenant's dwelling unit at the tenant's
27 expense. If a tenant exercises his or her rights to change or add
28 locks, the following rules apply:

29 (a) Within seven days of changing or adding locks, the tenant
30 must deliver to the landlord by mail, fax, or personal delivery by a
31 third party: (i) Written notice that the tenant has changed or added
32 locks; and (ii) a copy of a valid order for protection or a written
33 record of a report signed by a qualified third party. A written
34 record of a report signed by a qualified third party must be
35 substantially in the form specified under subsection (1)(b) of this
36 section. The record of the report provided to the landlord must not
37 include the name of the alleged perpetrator of the act. On written
38 request by the landlord, the qualified third party shall, within
39 seven days, provide the name of the alleged perpetrator to the

1 landlord only if the alleged perpetrator was a person meeting the
2 definition of the term "landlord" under RCW 59.18.570.

3 (b) After the tenant provides notice to the landlord that the
4 tenant has changed or added locks, the tenant's rental agreement
5 shall terminate on the ninetieth day after providing such notice,
6 unless:

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

20 (ii) The tenant exercises his or her rights to terminate the
21 rental agreement under subsection (3) of this section within sixty
22 days of providing notice that the tenant has changed or added locks.

23 (c) After a landlord receives notice that a tenant has changed or
24 added locks to his or her dwelling unit under (a) of this subsection,
25 the landlord may not enter the tenant's dwelling unit except as
26 follows:

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

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

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

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

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

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

8 (6) The provision of verification of a report under subsection
9 (1)(b) of this section does not waive the confidential or privileged
10 nature of the communication between a victim of domestic violence,
11 sexual assault, or stalking with a qualified third party pursuant to
12 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
13 obtained from such disclosure may be used in any civil,
14 administrative, or criminal proceeding against the victim unless a
15 written waiver of applicable evidentiary privilege is obtained,
16 except that the verification itself, and no other privileged
17 information, under subsection (1)(b) of this section may be used in
18 civil proceedings brought under this section.

19 **Sec. 164.** RCW 70.02.230 and 2020 c 256 s 402 are each amended to
20 read as follows:

21 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
22 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265,
23 or pursuant to a valid authorization under RCW 70.02.030, the fact of
24 admission to a provider for mental health services and all
25 information and records compiled, obtained, or maintained in the
26 course of providing mental health services to either voluntary or
27 involuntary recipients of services at public or private agencies must
28 be confidential.

29 (2) Information and records related to mental health services,
30 other than those obtained through treatment under chapter 71.34 RCW,
31 may be disclosed only:

32 (a) In communications between qualified professional persons to
33 meet the requirements of chapter 71.05 RCW, including Indian health
34 care providers, in the provision of services or appropriate
35 referrals, or in the course of guardianship proceedings if provided
36 to a professional person:

37 (i) Employed by the facility;

38 (ii) Who has medical responsibility for the patient's care;

39 (iii) Who is a designated crisis responder;

1 (iv) Who is providing services under chapter 71.24 RCW;
2 (v) Who is employed by a state or local correctional facility
3 where the person is confined or supervised; or
4 (vi) Who is providing evaluation, treatment, or follow-up
5 services under chapter 10.77 RCW;

6 (b) When the communications regard the special needs of a patient
7 and the necessary circumstances giving rise to such needs and the
8 disclosure is made by a facility providing services to the operator
9 of a facility in which the patient resides or will reside;

10 (c)(i) When the person receiving services, or his or her
11 guardian, designates persons to whom information or records may be
12 released, or if the person is a minor, when his or her parents make
13 such a designation;

14 (ii) A public or private agency shall release to a person's next
15 of kin, attorney, personal representative, guardian, or conservator,
16 if any:

17 (A) The information that the person is presently a patient in the
18 facility or that the person is seriously physically ill;

19 (B) A statement evaluating the mental and physical condition of
20 the patient, and a statement of the probable duration of the
21 patient's confinement, if such information is requested by the next
22 of kin, attorney, personal representative, guardian, or conservator;
23 and

24 (iii) Other information requested by the next of kin or attorney
25 as may be necessary to decide whether or not proceedings should be
26 instituted to appoint a guardian or conservator;

27 (d)(i) To the courts, including tribal courts, as necessary to
28 the administration of chapter 71.05 RCW or to a court ordering an
29 evaluation or treatment under chapter 10.77 RCW solely for the
30 purpose of preventing the entry of any evaluation or treatment order
31 that is inconsistent with any order entered under chapter 71.05 RCW.

32 (ii) To a court or its designee in which a motion under chapter
33 10.77 RCW has been made for involuntary medication of a defendant for
34 the purpose of competency restoration.

35 (iii) Disclosure under this subsection is mandatory for the
36 purpose of the federal health insurance portability and
37 accountability act;

38 (e)(i) When a mental health professional or designated crisis
39 responder is requested by a representative of a law enforcement or
40 corrections agency, including a police officer, sheriff, community

1 corrections officer, a municipal attorney, or prosecuting attorney to
2 undertake an investigation or provide treatment under RCW 71.05.150,
3 10.31.110, or 71.05.153, the mental health professional or designated
4 crisis responder shall, if requested to do so, advise the
5 representative in writing of the results of the investigation
6 including a statement of reasons for the decision to detain or
7 release the person investigated. The written report must be submitted
8 within seventy-two hours of the completion of the investigation or
9 the request from the law enforcement or corrections representative,
10 whichever occurs later.

11 (ii) Disclosure under this subsection is mandatory for the
12 purposes of the federal health insurance portability and
13 accountability act;

14 (f) To the attorney of the detained person;

15 (g) To the prosecuting attorney as necessary to carry out the
16 responsibilities of the office under RCW 71.05.330(2),
17 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
18 access to records regarding the committed person's treatment and
19 prognosis, medication, behavior problems, and other records relevant
20 to the issue of whether treatment less restrictive than inpatient
21 treatment is in the best interest of the committed person or others.
22 Information must be disclosed only after giving notice to the
23 committed person and the person's counsel;

24 (h)(i) To appropriate law enforcement agencies and to a person,
25 when the identity of the person is known to the public or private
26 agency, whose health and safety has been threatened, or who is known
27 to have been repeatedly harassed, by the patient. The person may
28 designate a representative to receive the disclosure. The disclosure
29 must be made by the professional person in charge of the public or
30 private agency or his or her designee and must include the dates of
31 commitment, admission, discharge, or release, authorized or
32 unauthorized absence from the agency's facility, and only any other
33 information that is pertinent to the threat or harassment. The agency
34 or its employees are not civilly liable for the decision to disclose
35 or not, so long as the decision was reached in good faith and without
36 gross negligence.

37 (ii) Disclosure under this subsection is mandatory for the
38 purposes of the federal health insurance portability and
39 accountability act;

1 (i)(i) To appropriate corrections and law enforcement agencies
2 all necessary and relevant information in the event of a crisis or
3 emergent situation that poses a significant and imminent risk to the
4 public. The mental health service agency or its employees are not
5 civilly liable for the decision to disclose or not so long as the
6 decision was reached in good faith and without gross negligence.

7 (ii) Disclosure under this subsection is mandatory for the
8 purposes of the health insurance portability and accountability act;

9 (j) To the persons designated in RCW 71.05.425 for the purposes
10 described in those sections;

11 (k) Upon the death of a person. The person's next of kin,
12 personal representative, guardian, or conservator, if any, must be
13 notified. Next of kin who are of legal age and competent must be
14 notified under this section in the following order: Spouse, parents,
15 children, brothers and sisters, and other relatives according to the
16 degree of relation. Access to all records and information compiled,
17 obtained, or maintained in the course of providing services to a
18 deceased patient are governed by RCW 70.02.140;

19 (l) To mark headstones or otherwise memorialize patients interred
20 at state hospital cemeteries. The department of social and health
21 services shall make available the name, date of birth, and date of
22 death of patients buried in state hospital cemeteries fifty years
23 after the death of a patient;

24 (m) To law enforcement officers and to prosecuting attorneys as
25 are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent
26 of information that may be released is limited as follows:

27 (i) Only the fact, place, and date of involuntary commitment, an
28 official copy of any order or orders of commitment, and an official
29 copy of any written or oral notice of ineligibility to possess a
30 firearm that was provided to the person pursuant to RCW 9.41.047(1),
31 must be disclosed upon request;

32 (ii) The law enforcement and prosecuting attorneys may only
33 release the information obtained to the person's attorney as required
34 by court rule and to a jury or judge, if a jury is waived, that
35 presides over any trial at which the person is charged with violating
36 RCW 9.41.040(2)(a)(~~(iv)~~) (v);

37 (iii) Disclosure under this subsection is mandatory for the
38 purposes of the federal health insurance portability and
39 accountability act;

1 (n) When a patient would otherwise be subject to the provisions
2 of this section and disclosure is necessary for the protection of the
3 patient or others due to his or her unauthorized disappearance from
4 the facility, and his or her whereabouts is unknown, notice of the
5 disappearance, along with relevant information, may be made to
6 relatives, the department of corrections when the person is under the
7 supervision of the department, and governmental law enforcement
8 agencies designated by the physician or psychiatric advanced
9 registered nurse practitioner in charge of the patient or the
10 professional person in charge of the facility, or his or her
11 professional designee;

12 (o) Pursuant to lawful order of a court, including a tribal
13 court;

14 (p) To qualified staff members of the department, to the
15 authority, to behavioral health administrative services
16 organizations, to managed care organizations, to resource management
17 services responsible for serving a patient, or to service providers
18 designated by resource management services as necessary to determine
19 the progress and adequacy of treatment and to determine whether the
20 person should be transferred to a less restrictive or more
21 appropriate treatment modality or facility;

22 (q) Within the mental health service agency or Indian health care
23 provider facility where the patient is receiving treatment,
24 confidential information may be disclosed to persons employed,
25 serving in bona fide training programs, or participating in
26 supervised volunteer programs, at the facility when it is necessary
27 to perform their duties;

28 (r) Within the department and the authority as necessary to
29 coordinate treatment for mental illness, developmental disabilities,
30 alcoholism, or substance use disorder of persons who are under the
31 supervision of the department;

32 (s) Between the department of social and health services, the
33 department of children, youth, and families, and the health care
34 authority as necessary to coordinate treatment for mental illness,
35 developmental disabilities, alcoholism, or drug abuse of persons who
36 are under the supervision of the department of social and health
37 services or the department of children, youth, and families;

38 (t) To a licensed physician or psychiatric advanced registered
39 nurse practitioner who has determined that the life or health of the
40 person is in danger and that treatment without the information and

1 records related to mental health services could be injurious to the
2 patient's health. Disclosure must be limited to the portions of the
3 records necessary to meet the medical emergency;

4 (u)(i) Consistent with the requirements of the federal health
5 insurance portability and accountability act, to:

6 (A) A health care provider, including an Indian health care
7 provider, who is providing care to a patient, or to whom a patient
8 has been referred for evaluation or treatment; or

9 (B) Any other person who is working in a care coordinator role
10 for a health care facility, health care provider, or Indian health
11 care provider, or is under an agreement pursuant to the federal
12 health insurance portability and accountability act with a health
13 care facility or a health care provider and requires the information
14 and records to assure coordinated care and treatment of that patient.

15 (ii) A person authorized to use or disclose information and
16 records related to mental health services under this subsection
17 (2)(u) must take appropriate steps to protect the information and
18 records relating to mental health services.

19 (iii) Psychotherapy notes may not be released without
20 authorization of the patient who is the subject of the request for
21 release of information;

22 (v) To administrative and office support staff designated to
23 obtain medical records for those licensed professionals listed in (u)
24 of this subsection;

25 (w) To a facility that is to receive a person who is
26 involuntarily committed under chapter 71.05 RCW, or upon transfer of
27 the person from one evaluation and treatment facility to another. The
28 release of records under this subsection is limited to the
29 information and records related to mental health services required by
30 law, a record or summary of all somatic treatments, and a discharge
31 summary. The discharge summary may include a statement of the
32 patient's problem, the treatment goals, the type of treatment which
33 has been provided, and recommendation for future treatment, but may
34 not include the patient's complete treatment record;

35 (x) To the person's counsel or guardian ad litem, without
36 modification, at any time in order to prepare for involuntary
37 commitment or recommitment proceedings, reexaminations, appeals, or
38 other actions relating to detention, admission, commitment, or
39 patient's rights under chapter 71.05 RCW;

1 (y) To staff members of the protection and advocacy agency or to
2 staff members of a private, nonprofit corporation for the purpose of
3 protecting and advocating the rights of persons with mental disorders
4 or developmental disabilities. Resource management services may limit
5 the release of information to the name, birthdate, and county of
6 residence of the patient, information regarding whether the patient
7 was voluntarily admitted, or involuntarily committed, the date and
8 place of admission, placement, or commitment, the name and address of
9 a guardian of the patient, and the date and place of the guardian's
10 appointment. Any staff member who wishes to obtain additional
11 information must notify the patient's resource management services in
12 writing of the request and of the resource management services' right
13 to object. The staff member shall send the notice by mail to the
14 guardian's address. If the guardian does not object in writing within
15 fifteen days after the notice is mailed, the staff member may obtain
16 the additional information. If the guardian objects in writing within
17 fifteen days after the notice is mailed, the staff member may not
18 obtain the additional information;

19 (z) To all current treating providers, including Indian health
20 care providers, of the patient with prescriptive authority who have
21 written a prescription for the patient within the last twelve months.
22 For purposes of coordinating health care, the department or the
23 authority may release without written authorization of the patient,
24 information acquired for billing and collection purposes as described
25 in RCW 70.02.050(1)(d). The department, or the authority, if
26 applicable, shall notify the patient that billing and collection
27 information has been released to named providers, and provide the
28 substance of the information released and the dates of such release.
29 Neither the department nor the authority may release counseling,
30 inpatient psychiatric hospitalization, or drug and alcohol treatment
31 information without a signed written release from the client;

32 (aa)(i) To the secretary of social and health services and the
33 director of the health care authority for either program evaluation
34 or research, or both so long as the secretary or director, where
35 applicable, adopts rules for the conduct of the evaluation or
36 research, or both. Such rules must include, but need not be limited
37 to, the requirement that all evaluators and researchers sign an oath
38 of confidentiality substantially as follows:

1 "As a condition of conducting evaluation or research concerning
2 persons who have received services from (fill in the facility,
3 agency, or person) I,, agree not to divulge, publish, or
4 otherwise make known to unauthorized persons or the public any
5 information obtained in the course of such evaluation or research
6 regarding persons who have received services such that the person who
7 received such services is identifiable.

8 I recognize that unauthorized release of confidential information
9 may subject me to civil liability under the provisions of state law.
10 /s/"

11 (ii) Nothing in this chapter may be construed to prohibit the
12 compilation and publication of statistical data for use by government
13 or researchers under standards, including standards to assure
14 maintenance of confidentiality, set forth by the secretary, or
15 director, where applicable;

16 (bb) To any person if the conditions in RCW 70.02.205 are met;

17 (cc) To the secretary of health for the purposes of the maternal
18 mortality review panel established in RCW 70.54.450;

19 (dd) To a tribe or Indian health care provider to carry out the
20 requirements of RCW 71.05.150(7).

21 (3) Whenever federal law or federal regulations restrict the
22 release of information contained in the information and records
23 related to mental health services of any patient who receives
24 treatment for a substance use disorder, the department or the
25 authority may restrict the release of the information as necessary to
26 comply with federal law and regulations.

27 (4) Civil liability and immunity for the release of information
28 about a particular person who is committed to the department of
29 social and health services or the authority under RCW 71.05.280(3)
30 and 71.05.320(4)(c) after dismissal of a sex offense as defined in
31 RCW 9.94A.030, is governed by RCW 4.24.550.

32 (5) The fact of admission to a provider of mental health
33 services, as well as all records, files, evidence, findings, or
34 orders made, prepared, collected, or maintained pursuant to chapter
35 71.05 RCW are not admissible as evidence in any legal proceeding
36 outside that chapter without the written authorization of the person
37 who was the subject of the proceeding except as provided in RCW
38 70.02.260, in a subsequent criminal prosecution of a person committed
39 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were

1 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
2 trial, in a civil commitment proceeding pursuant to chapter 71.09
3 RCW, or, in the case of a minor, a guardianship or dependency
4 proceeding. The records and files maintained in any court proceeding
5 pursuant to chapter 71.05 RCW must be confidential and available
6 subsequent to such proceedings only to the person who was the subject
7 of the proceeding or his or her attorney. In addition, the court may
8 order the subsequent release or use of such records or files only
9 upon good cause shown if the court finds that appropriate safeguards
10 for strict confidentiality are and will be maintained.

11 (6) (a) Except as provided in RCW 4.24.550, any person may bring
12 an action against an individual who has willfully released
13 confidential information or records concerning him or her in
14 violation of the provisions of this section, for the greater of the
15 following amounts:

16 (i) One thousand dollars; or

17 (ii) Three times the amount of actual damages sustained, if any.

18 (b) It is not a prerequisite to recovery under this subsection
19 that the plaintiff suffered or was threatened with special, as
20 contrasted with general, damages.

21 (c) Any person may bring an action to enjoin the release of
22 confidential information or records concerning him or her or his or
23 her ward, in violation of the provisions of this section, and may in
24 the same action seek damages as provided in this subsection.

25 (d) The court may award to the plaintiff, should he or she
26 prevail in any action authorized by this subsection, reasonable
27 attorney fees in addition to those otherwise provided by law.

28 (e) If an action is brought under this subsection, no action may
29 be brought under RCW 70.02.170.

30 **Sec. 165.** RCW 70.02.240 and 2019 c 381 s 20 are each amended to
31 read as follows:

32 The fact of admission and all information and records related to
33 mental health services obtained through inpatient or outpatient
34 treatment of a minor under chapter 71.34 RCW must be kept
35 confidential, except as authorized by this section or under RCW
36 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265.
37 Confidential information under this section may be disclosed only:

1 (1) In communications between mental health professionals to meet
2 the requirements of chapter 71.34 RCW, in the provision of services
3 to the minor, or in making appropriate referrals;

4 (2) In the course of guardianship or dependency proceedings;

5 (3) To the minor, the minor's parent, including those acting as a
6 parent as defined in RCW 71.34.020 for purposes of family-initiated
7 treatment, and the minor's attorney, subject to RCW 13.50.100;

8 (4) To the courts as necessary to administer chapter 71.34 RCW;

9 (5) To law enforcement officers or public health officers as
10 necessary to carry out the responsibilities of their office. However,
11 only the fact and date of admission, and the date of discharge, the
12 name and address of the treatment provider, if any, and the last
13 known address must be disclosed upon request;

14 (6) To law enforcement officers, public health officers,
15 relatives, and other governmental law enforcement agencies, if a
16 minor has escaped from custody, disappeared from an evaluation and
17 treatment facility, violated conditions of a less restrictive
18 treatment order, or failed to return from an authorized leave, and
19 then only such information as may be necessary to provide for public
20 safety or to assist in the apprehension of the minor. The officers
21 are obligated to keep the information confidential in accordance with
22 this chapter;

23 (7) To the secretary of social and health services and the
24 director of the health care authority for assistance in data
25 collection and program evaluation or research so long as the
26 secretary or director, where applicable, adopts rules for the conduct
27 of such evaluation and research. The rules must include, but need not
28 be limited to, the requirement that all evaluators and researchers
29 sign an oath of confidentiality substantially as follows:

30 "As a condition of conducting evaluation or research concerning
31 persons who have received services from (fill in the facility,
32 agency, or person) I,, agree not to divulge, publish, or
33 otherwise make known to unauthorized persons or the public any
34 information obtained in the course of such evaluation or research
35 regarding minors who have received services in a manner such that the
36 minor is identifiable.

37 I recognize that unauthorized release of confidential information
38 may subject me to civil liability under state law.

39 /s/";

1 (8) To appropriate law enforcement agencies, upon request, all
2 necessary and relevant information in the event of a crisis or
3 emergent situation that poses a significant and imminent risk to the
4 public. The mental health service agency or its employees are not
5 civilly liable for the decision to disclose or not, so long as the
6 decision was reached in good faith and without gross negligence;

7 (9) To appropriate law enforcement agencies and to a person, when
8 the identity of the person is known to the public or private agency,
9 whose health and safety has been threatened, or who is known to have
10 been repeatedly harassed, by the patient. The person may designate a
11 representative to receive the disclosure. The disclosure must be made
12 by the professional person in charge of the public or private agency
13 or his or her designee and must include the dates of admission,
14 discharge, authorized or unauthorized absence from the agency's
15 facility, and only any other information that is pertinent to the
16 threat or harassment. The agency or its employees are not civilly
17 liable for the decision to disclose or not, so long as the decision
18 was reached in good faith and without gross negligence;

19 (10) To a minor's next of kin, attorney, guardian, or
20 conservator, if any, the information that the minor is presently in
21 the facility or that the minor is seriously physically ill and a
22 statement evaluating the mental and physical condition of the minor
23 as well as a statement of the probable duration of the minor's
24 confinement;

25 (11) Upon the death of a minor, to the minor's next of kin;

26 (12) To a facility in which the minor resides or will reside;

27 (13) To law enforcement officers and to prosecuting attorneys as
28 are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent
29 of information that may be released is limited as follows:

30 (a) Only the fact, place, and date of involuntary commitment, an
31 official copy of any order or orders of commitment, and an official
32 copy of any written or oral notice of ineligibility to possess a
33 firearm that was provided to the person pursuant to RCW 9.41.047(1),
34 must be disclosed upon request;

35 (b) The law enforcement and prosecuting attorneys may only
36 release the information obtained to the person's attorney as required
37 by court rule and to a jury or judge, if a jury is waived, that
38 presides over any trial at which the person is charged with violating
39 RCW 9.41.040(2)(a) ~~((iv))~~ (v);

1 (c) Disclosure under this subsection is mandatory for the
2 purposes of the federal health insurance portability and
3 accountability act;

4 (14) This section may not be construed to prohibit the
5 compilation and publication of statistical data for use by government
6 or researchers under standards, including standards to assure
7 maintenance of confidentiality, set forth by the director of the
8 health care authority or the secretary of the department of social
9 and health services, where applicable. The fact of admission and all
10 information obtained pursuant to chapter 71.34 RCW are not admissible
11 as evidence in any legal proceeding outside chapter 71.34 RCW, except
12 guardianship or dependency, without the written consent of the minor
13 or the minor's parent;

14 (15) For the purpose of a correctional facility participating in
15 the postinstitutional medical assistance system supporting the
16 expedited medical determinations and medical suspensions as provided
17 in RCW 74.09.555 and 74.09.295;

18 (16) Pursuant to a lawful order of a court.

19 **Sec. 166.** RCW 71.09.305 and 2002 c 68 s 6 are each amended to
20 read as follows:

21 (1) Unless otherwise ordered by the court:

22 (a) Residents of a secure community transition facility shall
23 wear electronic monitoring devices at all times. To the extent that
24 electronic monitoring devices that employ global positioning system
25 technology are available and funds for this purpose are appropriated
26 by the legislature, the department shall use these devices.

27 (b) At least one staff member, or other court-authorized and
28 department-approved person must escort each resident when the
29 resident leaves the secure community transition facility for
30 appointments, employment, or other approved activities. Escorting
31 persons must supervise the resident closely and maintain close
32 proximity to the resident. The escort must immediately notify the
33 department of any serious violation, as defined in RCW 71.09.325, by
34 the resident and must immediately notify law enforcement of any
35 violation of law by the resident. The escort may not be a relative of
36 the resident or a person with whom the resident has, or has had, a
37 dating relationship as defined in (~~RCW 26.50.010~~) section 2 of this
38 act.

1 (2) Staff members of the special commitment center and any other
2 total confinement facility and any secure community transition
3 facility must be trained in self-defense and appropriate crisis
4 responses including incident de-escalation. Prior to escorting a
5 person outside of a facility, staff members must also have training
6 in the offense pattern of the offender they are escorting.

7 (3) Any escort must carry a cellular telephone or a similar
8 device at all times when escorting a resident of a secure community
9 transition facility.

10 (4) The department shall require training in offender pattern,
11 self-defense, and incident response for all court-authorized escorts
12 who are not employed by the department or the department of
13 corrections.

14 **Sec. 167.** RCW 71.32.090 and 2003 c 283 s 9 are each amended to
15 read as follows:

16 A witness may not be any of the following:

17 (1) A person designated to make health care decisions on the
18 principal's behalf;

19 (2) A health care provider or professional person directly
20 involved with the provision of care to the principal at the time the
21 directive is executed;

22 (3) An owner, operator, employee, or relative of an owner or
23 operator of a health care facility or long-term care facility in
24 which the principal is a patient or resident;

25 (4) A person who is related by blood, marriage, or adoption to
26 the person or with whom the principal has a dating relationship, as
27 defined in (~~RCW 26.50.010~~) section 2 of this act;

28 (5) A person who is declared to be an incapacitated person; or

29 (6) A person who would benefit financially if the principal
30 making the directive undergoes mental health treatment.

31 **Sec. 168.** RCW 71.32.200 and 2016 c 209 s 412 are each amended to
32 read as follows:

33 Any person with reasonable cause to believe that a directive has
34 been created or revoked under circumstances amounting to fraud,
35 duress, or undue influence may petition the court for appointment of
36 a guardian for the person or to review the actions of the agent or
37 person alleged to be involved in improper conduct under RCW
38 11.125.160 or (~~74.34.110~~) chapter 74.34 RCW.

1 (10) You may ask the court to rule on the validity of your directive.

2
3 **PART I.**

4 **STATEMENT OF INTENT TO CREATE A**
5 **MENTAL HEALTH ADVANCE DIRECTIVE**

6 I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that
7 my choices regarding my mental health care will be carried out in circumstances when I am unable to express my
8 instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health
9 decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

10 The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed
11 sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in
12 my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the
13 extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

14 I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot
15 revoke this directive if a court, two health care providers, or one mental health professional and one health care provider
16 find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive
17 while incapacitated.

18 I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this
19 directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional
20 person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial
21 exploitation, or abandonment to carry out my directive.

22 I understand that there are some circumstances where my provider may not have to follow my directive.

23
24 **PART II.**

25 **WHEN THIS DIRECTIVE IS EFFECTIVE**

26 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

27 I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

28 Immediately upon my signing of this directive.

29 If I become incapacitated.

30 When the following circumstances, symptoms, or behaviors occur:

31
32 **PART III.**

33 **DURATION OF THIS DIRECTIVE**

34 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

35 I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

36 Remain valid and in effect for an indefinite period of time.

1 Automatically expire years from the date it was created.

2
3 **PART IV.**

4 **WHEN I MAY REVOKE THIS DIRECTIVE**

5 *YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.*

6 I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

7 Only when I have capacity.

8 I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if
9 I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this
10 directive, even if I object at the time.

11 Even if I am incapacitated.

12 I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further
13 understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I
14 specify in this directive, even if I want the treatment.

15
16 **PART V.**

17 **PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS ((~~f~~
18 ~~PHYSICIAN ASSISTANTS,))~~, PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED
19 NURSE PRACTITIONERS**

20 **A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered
21 Nurse Practitioner(s) to be Involved in My Treatment**

22 I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below
23 to be involved in my treatment decisions:

24 Dr., PA-C, or PARNP Contact information:

25 Dr., PA-C, or PARNP Contact information:

26 I do not wish to be treated by Dr. or PARNP

27 **B. Preferences and Instructions About Other Providers**

28 I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the
29 following treatment provider(s) to be contacted when this directive is effective:

30 Name Profession Contact information.

31 Name Profession Contact information.

32 **C. Preferences and Instructions About Medications for Psychiatric Treatment (*initial and complete all that apply*)**

33 I consent, and authorize my agent (if appointed) to consent, to the following
34 medications:

35 I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following
36 medications:

1 I am willing to take the medications excluded above if my only reason for excluding them is the side effects which
2 include.
3 and these side effects can be eliminated by dosage adjustment or other means
4 I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered
5 nurse practitioner recommends
6 I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced
7 registered nurse practitioner recommends
8 I do not want to try any other medications.

9 **Medication Allergies**

10 I have allergies to, or severe side effects from, the following:
11

12 **Other Medication Preferences or Instructions**

13 I have the following other preferences or instructions about medications.
14

15 **D. Preferences and Instructions About Hospitalization and Alternatives**

16 *(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)*

17 In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions
18 that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as
19 alternatives to psychiatric hospitalizations.

20 I would also like the interventions below to be tried before hospitalization is considered:

21 Calling someone or having someone call me when needed.

22 Name: Telephone:

23 Staying overnight with someone

24 Name: Telephone:

25 Having a mental health service provider come to see me

26 Going to a crisis triage center or emergency room

27 Staying overnight at a crisis respite (temporary) bed

28 Seeing a service provider for help with psychiatric medications

29 Other, specify:

30 **Authority to Consent to Inpatient Treatment**

31 I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment
32 for days *(not to exceed 14 days)*

33 (Sign one):

1 If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric
2 advanced registered nurse practitioner

3

4 (Signature)

5 or

6 Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for
7 hospitalization)

8

9 (Signature)

10 I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

11

12 (Signature)

13 **Hospital Preferences and Instructions**

14 If hospitalization is required, I prefer the following hospitals:

15 I do not consent to be admitted to the following hospitals:

16 **E. Preferences and Instructions About Preemergency**

17 I would like the interventions below to be tried before use of seclusion or restraint is considered

18 (*initial all that apply*):

19 "Talk me down" one-on-one

20 More medication

21 Time out/privacy

22 Show of authority/force

23 Shift my attention to something else

24 Set firm limits on my behavior

25 Help me to discuss/vent feelings

26 Decrease stimulation

27 Offer to have neutral person settle dispute

28 Other, specify

29 **F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

30 If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of
31 medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and
32 so on*):

33 Seclusion

34 Seclusion and physical restraint (combined)

1 Medication by injection

2 Medication in pill or liquid form

3 In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides
4 to use medication in response to an emergency situation after due consideration of my preferences and instructions for
5 emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have
6 expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in
7 emergency situations do not constitute consent to use of the medication for nonemergency treatment.

8 **G. Preferences and Instructions About Electroconvulsive Therapy**
9 **(ECT or Shock Therapy)**

10 My wishes regarding electroconvulsive therapy are (*sign one*):

11 I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive
12 therapy

13

14 (Signature)

15 I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

16

17 (Signature)

18 I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but
19 only under the following conditions:

20

21 (Signature)

22 **H. Preferences and Instructions About Who is Permitted to Visit**

23 If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

24 Name:

25 Name:

26 Name:

27 I understand that persons not listed above may be permitted to visit me.

28 **I. Additional Instructions About My Mental Health Care**

29 Other instructions about my mental health care:

30 In case of emergency, please contact:

31 Name: Address:

32 Work telephone: Home telephone:

33 Physician, Physician Assistant, or Psychiatric Address:

34 Advanced Registered Nurse Practitioner:

1 Telephone:

2 The following may help me to avoid a hospitalization:

3 I generally react to being hospitalized as follows:

4 Staff of the hospital or crisis unit can help me by doing the following:

5 **J. Refusal of Treatment**

6 I do not consent to any mental health treatment.

7

8 (Signature)

9

10 **PART VI.**

11 **DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

12 *(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

13 I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes
14 the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure,
15 consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be
16 made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this
17 document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent
18 determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this
19 durable power of attorney, I may revoke it unless prohibited by other state law.

20 **A. Designation of an Agent**

21 I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document
22 and request that this person be notified immediately when this directive becomes effective:

23 Name: Address:

24 Work telephone: Home telephone:

25 Relationship:

26 **B. Designation of Alternate Agent**

27 If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to
28 serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified
29 immediately when this directive becomes effective or when my original agent is no longer my agent:

30 Name: Address:

31 Work telephone: Home telephone:

32 Relationship:

33 **C. When My Spouse is My Agent** *(initial if desired)*

34 If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is
35 dissolved, unless there is a court order to the contrary or I have remarried.

1 **D. Limitations on My Agent's Authority**

2 I do not grant my agent the authority to consent on my behalf to the following:

3 **E. Limitations on My Ability to Revoke this Durable Power of Attorney**

4 I choose to limit my ability to revoke this durable power of attorney as follows:

5 **F. Preference as to Court-Appointed Guardian**

6 In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the
7 following person **as my guardian**:

8 Name: Address:

9 Work telephone: Home telephone:

10 Relationship:

11 The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or
12 decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by
13 law.

14

15 (Signature required if nomination is made)

16
17 **PART VII.**
18 **OTHER DOCUMENTS**

19 *(Initial all that apply)*

20 I have executed the following documents that include the power to make decisions regarding health care services for
21 myself:

22 Health care power of attorney (chapter 11.125 RCW)

23 "Living will" (Health care directive; chapter 70.122 RCW)

24 I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated
25 below:

26
27 **PART VIII.**
28 **NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

29 *(Fill out this part only if you wish to provide nontreatment instructions.)*

30 I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no
31 treatment provider is required to act on them.

32 **A. Who Should Be Notified**

33 I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

34 Name: Address:

1 Day telephone: Evening telephone:

2 Name: Address:

3 Day telephone: Evening telephone:

4 **B. Preferences or Instructions About Personal Affairs**

5 I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am
6 admitted to a mental health treatment facility:

7 **C. Additional Preferences and Instructions:**

8

9

PART IX.

SIGNATURE

10

11 By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed
12 consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I
13 intend that my consent in this directive be construed as being consistent with the elements of informed consent under
14 chapter 7.70 RCW.

15 Signature: Date:

16 Printed Name:

17 This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her
18 request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the
19 Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not
20 appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- 21 (A) A person designated to make medical decisions on the principal's behalf;
- 22 (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the
23 directive is executed;
- 24 (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in
25 which the principal is a patient or resident;
- 26 (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating
27 relationship as defined in ((RCW 26.50.010)) section 2 of this act;
- 28 (E) An incapacitated person;
- 29 (F) A person who would benefit financially if the principal undergoes mental health treatment; or
- 30 (G) A minor.

31 Witness 1: Signature: Date:

32 Printed Name:

33 Telephone: Address:

34 Witness 2: Signature: Date:

35 Printed Name:

1 Telephone: Address:

2
3 **PART X.**
4 **RECORD OF DIRECTIVE**

5 I have given a copy of this directive to the following persons:

6 DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE
7 THIS DIRECTIVE IN PART OR IN WHOLE

8
9 **PART XI.**
10 **REVOCAION OF THIS DIRECTIVE**

11 *(Initial any that apply):*

12 I am revoking the following part(s) of this directive (specify):

13 I am revoking all of this directive.

14 By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any
15 revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

16 Signature: Date:

17 Printed Name:

18 **DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS**
19 **DIRECTIVE IN PART OR IN WHOLE**

20 **Sec. 170.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to
21 read as follows:

22 (1) At the earliest possible date, and in no event later than
23 thirty days before release except in the event of escape or emergency
24 furloughs as defined in RCW 72.66.010, the department of corrections
25 shall send written notice of parole, release, community custody, work
26 release placement, furlough, or escape about a specific inmate
27 convicted of a violent offense, a sex offense as defined by RCW
28 9.94A.030, a domestic violence court order violation pursuant to
29 section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,
30 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a
31 felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,
32 to the following:

33 (a) The chief of police of the city, if any, in which the inmate
34 will reside or in which placement will be made in a work release
35 program; and

1 (b) The sheriff of the county in which the inmate will reside or
2 in which placement will be made in a work release program.

3 The sheriff of the county where the offender was convicted shall
4 be notified if the department does not know where the offender will
5 reside. The department shall notify the state patrol of the release
6 of all sex offenders, and that information shall be placed in the
7 Washington crime information center for dissemination to all law
8 enforcement.

9 (2) The same notice as required by subsection (1) of this section
10 shall be sent to the following if such notice has been requested in
11 writing about a specific inmate convicted of a violent offense, a sex
12 offense as defined by RCW 9.94A.030, a domestic violence court order
13 violation pursuant to section 56 of this act, RCW 10.99.040,
14 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or
15 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060
16 or 9A.46.110:

17 (a) The victim of the crime for which the inmate was convicted or
18 the victim's next of kin if the crime was a homicide;

19 (b) Any witnesses who testified against the inmate in any court
20 proceedings involving the violent offense;

21 (c) Any person specified in writing by the prosecuting attorney;
22 and

23 (d) Any person who requests such notice about a specific inmate
24 convicted of a sex offense as defined by RCW 9.94A.030 from the
25 department of corrections at least sixty days prior to the expected
26 release date of the offender.

27 Information regarding victims, next of kin, or witnesses
28 requesting the notice, information regarding any other person
29 specified in writing by the prosecuting attorney to receive the
30 notice, and the notice are confidential and shall not be available to
31 the inmate. Whenever the department of corrections mails notice
32 pursuant to this subsection and the notice is returned as
33 undeliverable, the department shall attempt alternative methods of
34 notification, including a telephone call to the person's last known
35 telephone number.

36 (3) The existence of the notice requirements contained in
37 subsections (1) and (2) of this section shall not require an
38 extension of the release date in the event that the release plan
39 changes after notification.

1 (4) If an inmate convicted of a violent offense, a sex offense as
2 defined by RCW 9.94A.030, a domestic violence court order violation
3 pursuant to section 56 of this act, RCW 10.99.040, 10.99.050,
4 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145,
5 or a felony harassment offense as defined by RCW 9A.46.060 or
6 9A.46.110, escapes from a correctional facility, the department of
7 corrections shall immediately notify, by the most reasonable and
8 expedient means available, the chief of police of the city and the
9 sheriff of the county in which the inmate resided immediately before
10 the inmate's arrest and conviction. If previously requested, the
11 department shall also notify the witnesses and the victim of the
12 crime for which the inmate was convicted or the victim's next of kin
13 if the crime was a homicide. If the inmate is recaptured, the
14 department shall send notice to the persons designated in this
15 subsection as soon as possible but in no event later than two working
16 days after the department learns of such recapture.

17 (5) If the victim, the victim's next of kin, or any witness is
18 under the age of sixteen, the notice required by this section shall
19 be sent to the parents or legal guardian of the child.

20 (6) The department of corrections shall send the notices required
21 by this chapter to the last address provided to the department by the
22 requesting party. The requesting party shall furnish the department
23 with a current address.

24 (7) The department of corrections shall keep, for a minimum of
25 two years following the release of an inmate, the following:

26 (a) A document signed by an individual as proof that that person
27 is registered in the victim or witness notification program; and

28 (b) A receipt showing that an individual registered in the victim
29 or witness notification program was mailed a notice, at the
30 individual's last known address, upon the release or movement of an
31 inmate.

32 (8) For purposes of this section the following terms have the
33 following meanings:

34 (a) "Violent offense" means a violent offense under RCW
35 9.94A.030;

36 (b) "Next of kin" means a person's spouse, state registered
37 domestic partner, parents, siblings and children.

38 (9) Nothing in this section shall impose any liability upon a
39 chief of police of a city or sheriff of a county for failing to

1 request in writing a notice as provided in subsection (1) of this
2 section.

3 **Sec. 171.** RCW 72.09.714 and 2019 c 46 s 5044 are each amended to
4 read as follows:

5 The department of corrections shall provide the victims,
6 witnesses, and next of kin in the case of a homicide and victims and
7 witnesses involved in violent offense cases, sex offenses as defined
8 by RCW 9.94A.030, a domestic violence court order violation pursuant
9 to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,
10 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a
11 felony harassment pursuant to RCW 9A.46.060 or 9A.46.110, a statement
12 of the rights of victims and witnesses to request and receive
13 notification under RCW 72.09.712 and 72.09.716.

14 **Sec. 172.** RCW 74.34.020 and 2019 c 325 s 5030 are each amended
15 to read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Abandonment" means action or inaction by a person or entity
19 with a duty of care for a vulnerable adult that leaves the vulnerable
20 person without the means or ability to obtain necessary food,
21 clothing, shelter, or health care.

22 (2) "Abuse" means the intentional, willful, or reckless action or
23 inaction that inflicts injury, unreasonable confinement,
24 intimidation, or punishment on a vulnerable adult. In instances of
25 abuse of a vulnerable adult who is unable to express or demonstrate
26 physical harm, pain, or mental anguish, the abuse is presumed to
27 cause physical harm, pain, or mental anguish. Abuse includes sexual
28 abuse, mental abuse, physical abuse, and personal exploitation of a
29 vulnerable adult, and improper use of restraint against a vulnerable
30 adult which have the following meanings:

31 (a) "Sexual abuse" means any form of nonconsensual sexual
32 conduct, including but not limited to unwanted or inappropriate
33 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual
34 coercion, sexually explicit photographing or recording, voyeurism,
35 indecent exposure, and sexual harassment. Sexual abuse also includes
36 any sexual conduct between a staff person, who is not also a resident
37 or client, of a facility or a staff person of a program authorized
38 under chapter 71A.12 RCW, and a vulnerable adult living in that

1 facility or receiving service from a program authorized under chapter
2 71A.12 RCW, whether or not it is consensual.

3 (b) "Physical abuse" means the intentional, willful, or reckless
4 action of inflicting bodily injury or physical mistreatment. Physical
5 abuse includes, but is not limited to, striking with or without an
6 object, slapping, pinching, choking, kicking, shoving, or prodding.

7 (c) "Mental abuse" means ((a)) an intentional, willful, or
8 reckless verbal or nonverbal action that threatens, humiliates,
9 harasses, coerces, intimidates, isolates, unreasonably confines, or
10 punishes a vulnerable adult. Mental abuse may include ridiculing,
11 yelling, or swearing.

12 (d) "Personal exploitation" means an act of forcing, compelling,
13 or exerting undue influence over a vulnerable adult causing the
14 vulnerable adult to act in a way that is inconsistent with relevant
15 past behavior, or causing the vulnerable adult to perform services
16 for the benefit of another.

17 (e) "Improper use of restraint" means the inappropriate use of
18 chemical, physical, or mechanical restraints for convenience or
19 discipline or in a manner that: (i) Is inconsistent with federal or
20 state licensing or certification requirements for facilities,
21 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
22 not medically authorized; or (iii) otherwise constitutes abuse under
23 this section.

24 (3) "Chemical restraint" means the administration of any drug to
25 manage a vulnerable adult's behavior in a way that reduces the safety
26 risk to the vulnerable adult or others, has the temporary effect of
27 restricting the vulnerable adult's freedom of movement, and is not
28 standard treatment for the vulnerable adult's medical or psychiatric
29 condition.

30 (4) "Consent" means express written consent granted after the
31 vulnerable adult or his or her legal representative has been fully
32 informed of the nature of the services to be offered and that the
33 receipt of services is voluntary.

34 (5) "Department" means the department of social and health
35 services.

36 (6) "Facility" means a residence licensed or required to be
37 licensed under chapter 18.20 RCW, assisted living facilities; chapter
38 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
39 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential

1 habilitation centers; or any other facility licensed or certified by
2 the department.

3 (7) "Financial exploitation" means the illegal or improper use,
4 control over, or withholding of the property, income, resources, or
5 trust funds of the vulnerable adult by any person or entity for any
6 person's or entity's profit or advantage other than for the
7 vulnerable adult's profit or advantage. "Financial exploitation"
8 includes, but is not limited to:

9 (a) The use of deception, intimidation, or undue influence by a
10 person or entity in a position of trust and confidence with a
11 vulnerable adult to obtain or use the property, income, resources, or
12 trust funds of the vulnerable adult for the benefit of a person or
13 entity other than the vulnerable adult;

14 (b) The breach of a fiduciary duty, including, but not limited
15 to, the misuse of a power of attorney, trust, or a guardianship
16 appointment, that results in the unauthorized appropriation, sale, or
17 transfer of the property, income, resources, or trust funds of the
18 vulnerable adult for the benefit of a person or entity other than the
19 vulnerable adult; or

20 (c) Obtaining or using a vulnerable adult's property, income,
21 resources, or trust funds without lawful authority, by a person or
22 entity who knows or clearly should know that the vulnerable adult
23 lacks the capacity to consent to the release or use of his or her
24 property, income, resources, or trust funds.

25 (8) "Financial institution" has the same meaning as in RCW
26 30A.22.040 and 30A.22.041. For purposes of this chapter only,
27 "financial institution" also means a "broker-dealer" or "investment
28 adviser" as defined in RCW 21.20.005.

29 (9) "Hospital" means a facility licensed under chapter 70.41 or
30 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
31 employee, agent, officer, director, or independent contractor
32 thereof.

33 (10) "Incapacitated person" means a person who is at a
34 significant risk of personal or financial harm under RCW 11.88.010(1)
35 (a), (b), (c), or (d).

36 (11) "Individual provider" means a person under contract with the
37 department to provide services in the home under chapter 74.09 or
38 74.39A RCW.

39 (12) "Interested person" means a person who demonstrates to the
40 court's satisfaction that the person is interested in the welfare of

1 the vulnerable adult, that the person has a good faith belief that
2 the court's intervention is necessary, and that the vulnerable adult
3 is unable, due to incapacity, undue influence, or duress at the time
4 the petition is filed, to protect his or her own interests.

5 (13) (a) "Isolate" or "isolation" means to restrict a vulnerable
6 adult's ability to communicate, visit, interact, or otherwise
7 associate with persons of his or her choosing. Isolation may be
8 evidenced by acts including but not limited to:

9 (i) Acts that prevent a vulnerable adult from sending, making, or
10 receiving his or her personal mail, electronic communications, or
11 telephone calls; or

12 (ii) Acts that prevent or obstruct the vulnerable adult from
13 meeting with others, such as telling a prospective visitor or caller
14 that a vulnerable adult is not present, or does not wish contact,
15 where the statement is contrary to the express wishes of the
16 vulnerable adult.

17 (b) The term "isolate" or "isolation" may not be construed in a
18 manner that prevents a guardian or limited guardian from performing
19 his or her fiduciary obligations under chapter 11.92 RCW or prevents
20 a hospital or facility from providing treatment consistent with the
21 standard of care for delivery of health services.

22 (14) "Mandated reporter" is an employee of the department; law
23 enforcement officer; social worker; professional school personnel;
24 individual provider; an employee of a facility; an operator of a
25 facility; an employee of a social service, welfare, mental health,
26 adult day health, adult day care, home health, home care, or hospice
27 agency; county coroner or medical examiner; Christian Science
28 practitioner; or health care provider subject to chapter 18.130 RCW.

29 (15) "Mechanical restraint" means any device attached or adjacent
30 to the vulnerable adult's body that he or she cannot easily remove
31 that restricts freedom of movement or normal access to his or her
32 body. "Mechanical restraint" does not include the use of devices,
33 materials, or equipment that are (a) medically authorized, as
34 required, and (b) used in a manner that is consistent with federal or
35 state licensing or certification requirements for facilities,
36 hospitals, or programs authorized under chapter 71A.12 RCW.

37 (16) "Neglect" means (a) a pattern of conduct or inaction by a
38 person or entity with a duty of care that fails to provide the goods
39 and services that maintain physical or mental health of a vulnerable
40 adult, or that fails to avoid or prevent physical or mental harm or

1 pain to a vulnerable adult; or (b) an act or omission by a person or
2 entity with a duty of care that demonstrates a serious disregard of
3 consequences of such a magnitude as to constitute a clear and present
4 danger to the vulnerable adult's health, welfare, or safety,
5 including but not limited to conduct prohibited under RCW 9A.42.100.

6 (17) "Permissive reporter" means any person, including, but not
7 limited to, an employee of a financial institution, attorney, or
8 volunteer in a facility or program providing services for vulnerable
9 adults.

10 (18) "Physical restraint" means the application of physical force
11 without the use of any device, for the purpose of restraining the
12 free movement of a vulnerable adult's body. "Physical restraint" does
13 not include (a) briefly holding without undue force a vulnerable
14 adult in order to calm or comfort him or her, or (b) holding a
15 vulnerable adult's hand to safely escort him or her from one area to
16 another.

17 (19) "Protective services" means any services provided by the
18 department to a vulnerable adult with the consent of the vulnerable
19 adult, or the legal representative of the vulnerable adult, who has
20 been abandoned, abused, financially exploited, neglected, or in a
21 state of self-neglect. These services may include, but are not
22 limited to case management, social casework, home care, placement,
23 arranging for medical evaluations, psychological evaluations, day
24 care, or referral for legal assistance.

25 (20) "Self-neglect" means the failure of a vulnerable adult, not
26 living in a facility, to provide for himself or herself the goods and
27 services necessary for the vulnerable adult's physical or mental
28 health, and the absence of which impairs or threatens the vulnerable
29 adult's well-being. This definition may include a vulnerable adult
30 who is receiving services through home health, hospice, or a home
31 care agency, or an individual provider when the neglect is not a
32 result of inaction by that agency or individual provider.

33 (21) "Social worker" means:

34 (a) A social worker as defined in RCW 18.320.010(2); or

35 (b) Anyone engaged in a professional capacity during the regular
36 course of employment in encouraging or promoting the health, welfare,
37 support, or education of vulnerable adults, or providing social
38 services to vulnerable adults, whether in an individual capacity or
39 as an employee or agent of any public or private organization or
40 institution.

1 (22) "Vulnerable adult" includes a person:

2 (a) Sixty years of age or older who has the functional, mental,
3 or physical inability to care for himself or herself; or

4 (b) Found incapacitated under chapter 11.88 RCW; or

5 (c) Who has a developmental disability as defined under RCW
6 71A.10.020; or

7 (d) Admitted to any facility; or

8 (e) Receiving services from home health, hospice, or home care
9 agencies licensed or required to be licensed under chapter 70.127
10 RCW; or

11 (f) Receiving services from an individual provider; or

12 (g) Who self-directs his or her own care and receives services
13 from a personal aide under chapter 74.39 RCW.

14 (23) "Vulnerable adult advocacy team" means a team of three or
15 more persons who coordinate a multidisciplinary process, in
16 compliance with chapter 266, Laws of 2017 and the protocol governed
17 by RCW 74.34.320, for preventing, identifying, investigating,
18 prosecuting, and providing services related to abuse, neglect, or
19 financial exploitation of vulnerable adults.

20 **Sec. 173.** RCW 74.34.020 and 2020 c 312 s 735 are each amended to
21 read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Abandonment" means action or inaction by a person or entity
25 with a duty of care for a vulnerable adult that leaves the vulnerable
26 person without the means or ability to obtain necessary food,
27 clothing, shelter, or health care.

28 (2) "Abuse" means the intentional, willful, or reckless action or
29 inaction that inflicts injury, unreasonable confinement,
30 intimidation, or punishment on a vulnerable adult. In instances of
31 abuse of a vulnerable adult who is unable to express or demonstrate
32 physical harm, pain, or mental anguish, the abuse is presumed to
33 cause physical harm, pain, or mental anguish. Abuse includes sexual
34 abuse, mental abuse, physical abuse, and personal exploitation of a
35 vulnerable adult, and improper use of restraint against a vulnerable
36 adult which have the following meanings:

37 (a) "Sexual abuse" means any form of nonconsensual sexual
38 conduct, including but not limited to unwanted or inappropriate
39 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual

1 coercion, sexually explicit photographing or recording, voyeurism,
2 indecent exposure, and sexual harassment. Sexual abuse also includes
3 any sexual conduct between a staff person, who is not also a resident
4 or client, of a facility or a staff person of a program authorized
5 under chapter 71A.12 RCW, and a vulnerable adult living in that
6 facility or receiving service from a program authorized under chapter
7 71A.12 RCW, whether or not it is consensual.

8 (b) "Physical abuse" means the intentional, willful, or reckless
9 action of inflicting bodily injury or physical mistreatment. Physical
10 abuse includes, but is not limited to, striking with or without an
11 object, slapping, pinching, choking, kicking, shoving, or prodding.

12 (c) "Mental abuse" means ((a)) an intentional, willful, or
13 reckless verbal or nonverbal action that threatens, humiliates,
14 harasses, coerces, intimidates, isolates, unreasonably confines, or
15 punishes a vulnerable adult. Mental abuse may include ridiculing,
16 yelling, or swearing.

17 (d) "Personal exploitation" means an act of forcing, compelling,
18 or exerting undue influence over a vulnerable adult causing the
19 vulnerable adult to act in a way that is inconsistent with relevant
20 past behavior, or causing the vulnerable adult to perform services
21 for the benefit of another.

22 (e) "Improper use of restraint" means the inappropriate use of
23 chemical, physical, or mechanical restraints for convenience or
24 discipline or in a manner that: (i) Is inconsistent with federal or
25 state licensing or certification requirements for facilities,
26 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
27 not medically authorized; or (iii) otherwise constitutes abuse under
28 this section.

29 (3) "Chemical restraint" means the administration of any drug to
30 manage a vulnerable adult's behavior in a way that reduces the safety
31 risk to the vulnerable adult or others, has the temporary effect of
32 restricting the vulnerable adult's freedom of movement, and is not
33 standard treatment for the vulnerable adult's medical or psychiatric
34 condition.

35 (4) "Consent" means express written consent granted after the
36 vulnerable adult or his or her legal representative has been fully
37 informed of the nature of the services to be offered and that the
38 receipt of services is voluntary.

39 (5) "Department" means the department of social and health
40 services.

1 (6) "Facility" means a residence licensed or required to be
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
5 habilitation centers; or any other facility licensed or certified by
6 the department.

7 (7) "Financial exploitation" means the illegal or improper use,
8 control over, or withholding of the property, income, resources, or
9 trust funds of the vulnerable adult by any person or entity for any
10 person's or entity's profit or advantage other than for the
11 vulnerable adult's profit or advantage. "Financial exploitation"
12 includes, but is not limited to:

13 (a) The use of deception, intimidation, or undue influence by a
14 person or entity in a position of trust and confidence with a
15 vulnerable adult to obtain or use the property, income, resources, or
16 trust funds of the vulnerable adult for the benefit of a person or
17 entity other than the vulnerable adult;

18 (b) The breach of a fiduciary duty, including, but not limited
19 to, the misuse of a power of attorney, trust, or a guardianship
20 appointment, that results in the unauthorized appropriation, sale, or
21 transfer of the property, income, resources, or trust funds of the
22 vulnerable adult for the benefit of a person or entity other than the
23 vulnerable adult; or

24 (c) Obtaining or using a vulnerable adult's property, income,
25 resources, or trust funds without lawful authority, by a person or
26 entity who knows or clearly should know that the vulnerable adult
27 lacks the capacity to consent to the release or use of his or her
28 property, income, resources, or trust funds.

29 (8) "Financial institution" has the same meaning as in RCW
30 30A.22.040 and 30A.22.041. For purposes of this chapter only,
31 "financial institution" also means a "broker-dealer" or "investment
32 adviser" as defined in RCW 21.20.005.

33 (9) "Hospital" means a facility licensed under chapter 70.41 or
34 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
35 employee, agent, officer, director, or independent contractor
36 thereof.

37 (10) "Individual provider" means a person under contract with the
38 department to provide services in the home under chapter 74.09 or
39 74.39A RCW.

1 (11) "Interested person" means a person who demonstrates to the
2 court's satisfaction that the person is interested in the welfare of
3 the vulnerable adult, that the person has a good faith belief that
4 the court's intervention is necessary, and that the vulnerable adult
5 is unable, due to incapacity, undue influence, or duress at the time
6 the petition is filed, to protect his or her own interests.

7 (12)(a) "Isolate" or "isolation" means to restrict a vulnerable
8 adult's ability to communicate, visit, interact, or otherwise
9 associate with persons of his or her choosing. Isolation may be
10 evidenced by acts including but not limited to:

11 (i) Acts that prevent a vulnerable adult from sending, making, or
12 receiving his or her personal mail, electronic communications, or
13 telephone calls; or

14 (ii) Acts that prevent or obstruct the vulnerable adult from
15 meeting with others, such as telling a prospective visitor or caller
16 that a vulnerable adult is not present, or does not wish contact,
17 where the statement is contrary to the express wishes of the
18 vulnerable adult.

19 (b) The term "isolate" or "isolation" may not be construed in a
20 manner that prevents a guardian or limited guardian from performing
21 his or her fiduciary obligations under chapter 11.130 RCW or prevents
22 a hospital or facility from providing treatment consistent with the
23 standard of care for delivery of health services.

24 (13) "Mandated reporter" is an employee of the department; law
25 enforcement officer; social worker; professional school personnel;
26 individual provider; an employee of a facility; an operator of a
27 facility; an employee of a social service, welfare, mental health,
28 adult day health, adult day care, home health, home care, or hospice
29 agency; county coroner or medical examiner; Christian Science
30 practitioner; or health care provider subject to chapter 18.130 RCW.

31 (14) "Mechanical restraint" means any device attached or adjacent
32 to the vulnerable adult's body that he or she cannot easily remove
33 that restricts freedom of movement or normal access to his or her
34 body. "Mechanical restraint" does not include the use of devices,
35 materials, or equipment that are (a) medically authorized, as
36 required, and (b) used in a manner that is consistent with federal or
37 state licensing or certification requirements for facilities,
38 hospitals, or programs authorized under chapter 71A.12 RCW.

39 (15) "Neglect" means (a) a pattern of conduct or inaction by a
40 person or entity with a duty of care that fails to provide the goods

1 and services that maintain physical or mental health of a vulnerable
2 adult, or that fails to avoid or prevent physical or mental harm or
3 pain to a vulnerable adult; or (b) an act or omission by a person or
4 entity with a duty of care that demonstrates a serious disregard of
5 consequences of such a magnitude as to constitute a clear and present
6 danger to the vulnerable adult's health, welfare, or safety,
7 including but not limited to conduct prohibited under RCW 9A.42.100.

8 (16) "Permissive reporter" means any person, including, but not
9 limited to, an employee of a financial institution, attorney, or
10 volunteer in a facility or program providing services for vulnerable
11 adults.

12 (17) "Physical restraint" means the application of physical force
13 without the use of any device, for the purpose of restraining the
14 free movement of a vulnerable adult's body. "Physical restraint" does
15 not include (a) briefly holding without undue force a vulnerable
16 adult in order to calm or comfort him or her, or (b) holding a
17 vulnerable adult's hand to safely escort him or her from one area to
18 another.

19 (18) "Protective services" means any services provided by the
20 department to a vulnerable adult with the consent of the vulnerable
21 adult, or the legal representative of the vulnerable adult, who has
22 been abandoned, abused, financially exploited, neglected, or in a
23 state of self-neglect. These services may include, but are not
24 limited to case management, social casework, home care, placement,
25 arranging for medical evaluations, psychological evaluations, day
26 care, or referral for legal assistance.

27 (19) "Self-neglect" means the failure of a vulnerable adult, not
28 living in a facility, to provide for himself or herself the goods and
29 services necessary for the vulnerable adult's physical or mental
30 health, and the absence of which impairs or threatens the vulnerable
31 adult's well-being. This definition may include a vulnerable adult
32 who is receiving services through home health, hospice, or a home
33 care agency, or an individual provider when the neglect is not a
34 result of inaction by that agency or individual provider.

35 (20) "Social worker" means:

36 (a) A social worker as defined in RCW 18.320.010(2); or

37 (b) Anyone engaged in a professional capacity during the regular
38 course of employment in encouraging or promoting the health, welfare,
39 support, or education of vulnerable adults, or providing social
40 services to vulnerable adults, whether in an individual capacity or

1 as an employee or agent of any public or private organization or
2 institution.

3 (21) "Vulnerable adult" includes a person:

4 (a) Sixty years of age or older who has the functional, mental,
5 or physical inability to care for himself or herself; or

6 (b) Subject to a guardianship under RCW 11.130.265 or adult
7 subject to conservatorship under RCW 11.130.360; or

8 (c) Who has a developmental disability as defined under RCW
9 71A.10.020; or

10 (d) Admitted to any facility; or

11 (e) Receiving services from home health, hospice, or home care
12 agencies licensed or required to be licensed under chapter 70.127
13 RCW; or

14 (f) Receiving services from an individual provider; or

15 (g) Who self-directs his or her own care and receives services
16 from a personal aide under chapter 74.39 RCW.

17 (22) "Vulnerable adult advocacy team" means a team of three or
18 more persons who coordinate a multidisciplinary process, in
19 compliance with chapter 266, Laws of 2017 and the protocol governed
20 by RCW 74.34.320, for preventing, identifying, investigating,
21 prosecuting, and providing services related to abuse, neglect, or
22 financial exploitation of vulnerable adults.

23 **Sec. 174.** RCW 74.34.110 and 2007 c 312 s 3 are each amended to
24 read as follows:

25 ~~((An action known as a petition for an order for protection of a
26 vulnerable adult in cases of abandonment, abuse, financial
27 exploitation, or neglect is created.~~

28 ~~(1))~~ A vulnerable adult, or interested person on behalf of the
29 vulnerable adult, may seek relief from abandonment, abuse, financial
30 exploitation, or neglect, or the threat thereof, by filing a petition
31 for ~~((an order for))~~ a vulnerable adult protection ((in superior
32 court)) order under chapter 7.--- RCW (the new chapter created in
33 section 81 of this act).

34 ~~((2) A petition shall allege that the petitioner, or person on
35 whose behalf the petition is brought, is a vulnerable adult and that
36 the petitioner, or person on whose behalf the petition is brought,
37 has been abandoned, abused, financially exploited, or neglected, or
38 is threatened with abandonment, abuse, financial exploitation, or
39 neglect by respondent.~~

1 **Sec. 177.** RCW 7.90.150 and 2006 c 138 s 16 are each amended to
2 read as follows:

3 (1) (a) When any person charged with or arrested for a sex offense
4 as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a
5 violation of RCW 9.68A.090, or a gross misdemeanor that is, under
6 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
7 criminal conspiracy to commit an offense that is classified as a sex
8 offense under RCW 9.94A.030, is released from custody before
9 arraignment or trial on bail or personal recognizance, the court
10 authorizing the release may prohibit that person from having any
11 contact with the victim. The jurisdiction authorizing the release
12 shall determine whether that person should be prohibited from having
13 any contact with the victim. If there is no outstanding restraining
14 or protective order prohibiting that person from having contact with
15 the victim, the court authorizing release may issue, by telephone, a
16 sexual assault (~~(protection)~~) no-contact order prohibiting the person
17 charged or arrested from having contact with the victim or from
18 knowingly coming within, or knowingly remaining within, a specified
19 distance of a location.

20 (b) In issuing the order, the court shall consider the provisions
21 of RCW 9.41.800.

22 (c) The sexual assault (~~(protection)~~) no-contact order shall also
23 be issued in writing as soon as possible.

24 (2) (a) At the time of arraignment or whenever a motion is brought
25 to modify the conditions of the defendant's release, the court shall
26 determine whether a sexual assault (~~(protection)~~) no-contact order
27 shall be issued or extended. If a sexual assault (~~(protection)~~) no-
28 contact order is issued or extended, the court may also include in
29 the conditions of release a requirement that the defendant submit to
30 electronic monitoring. If electronic monitoring is ordered, the court
31 shall specify who shall provide the monitoring services, and the
32 terms under which the monitoring shall be performed. Upon conviction,
33 the court may require as a condition of the sentence that the
34 defendant reimburse the providing agency for the costs of the
35 electronic monitoring.

36 (b) A sexual assault (~~(protection)~~) no-contact order issued by
37 the court in conjunction with criminal charges shall terminate if the
38 defendant is acquitted or the charges are dismissed, unless the
39 victim files an independent action for a sexual assault protection
40 order. If the victim files an independent action for a sexual assault

1 protection order, the order may be continued by the court until a
2 full hearing is conducted pursuant to (~~RCW 7.90.050~~) chapter 7.---
3 RCW (the new chapter created in section 81 of this act).

4 (3) (a) The written order releasing the person charged or arrested
5 shall contain the court's directives and shall bear the legend:
6 "Violation of this order is a criminal offense under chapter
7 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this
8 act) and will subject a violator to arrest. You can be arrested even
9 if any person protected by the order invites or allows you to violate
10 the order's prohibitions. You have the sole responsibility to avoid
11 or refrain from violating the order's provisions. Only the court can
12 change the order."

13 (b) A certified copy of the order shall be provided to the victim
14 at no charge.

15 (4) If a sexual assault (~~(protection)~~) no-contact order has been
16 issued prior to charging, that order shall expire at arraignment or
17 within seventy-two hours if charges are not filed. Such orders need
18 not be entered into the computer-based criminal intelligence
19 information system in this state which is used by law enforcement
20 agencies to list outstanding warrants.

21 (5) Whenever an order prohibiting contact is issued pursuant to
22 subsection (2) of this section, the clerk of the court shall forward
23 a copy of the order on or before the next judicial day to the
24 appropriate law enforcement agency specified in the order. Upon
25 receipt of the copy of the order, the law enforcement agency shall
26 enter the order for one year or until the expiration date specified
27 on the order into any computer-based criminal intelligence
28 information system available in this state used by law enforcement
29 agencies to list outstanding warrants. Entry into the computer-based
30 criminal intelligence information system constitutes notice to all
31 law enforcement agencies of the existence of the order. The order is
32 fully enforceable in any jurisdiction in the state.

33 (6) (a) When a defendant is found guilty of a sex offense as
34 defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any
35 violation of RCW 9.68A.090, or any gross misdemeanor that is, under
36 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
37 criminal conspiracy to commit an offense that is classified as a sex
38 offense under RCW 9.94A.030, and a condition of the sentence
39 restricts the defendant's ability to have contact with the victim,

1 the condition shall be recorded as a sexual assault (~~(protection)~~)
2 no-contact order.

3 (b) The written order entered as a condition of sentencing shall
4 contain the court's directives and shall bear the legend: "Violation
5 of this order is a criminal offense under chapter (~~(26.50)~~) 7.--- RCW
6 (the new chapter created in section 81 of this act) and will subject
7 a violator to arrest. You can be arrested even if any person
8 protected by the order invites or allows you to violate the order's
9 prohibitions. You have the sole responsibility to avoid or refrain
10 from violating the order's provisions. Only the court can change the
11 order."

12 (c) A final sexual assault (~~(protection)~~) no-contact order
13 entered in conjunction with a criminal prosecution shall remain in
14 effect for a period of two years following the expiration of any
15 sentence of imprisonment and subsequent period of community
16 supervision, conditional release, probation, or parole.

17 (d) A certified copy of the order shall be provided to the victim
18 at no charge.

19 (7) A knowing violation of a court order issued under subsection
20 (1), (2), or (6) of this section is punishable under (~~RCW~~
21 ~~26.50.110~~) section 56 of this act.

22 (8) Whenever a sexual assault (~~(protection)~~) no-contact order is
23 issued, modified, or terminated under subsection (1), (2), or (6) of
24 this section, the clerk of the court shall forward a copy of the
25 order on or before the next judicial day to the appropriate law
26 enforcement agency specified in the order. Upon receipt of the copy
27 of the order, the law enforcement agency shall enter the order for
28 one year or until the expiration date specified on the order into any
29 computer-based criminal intelligence information system available in
30 this state used by law enforcement agencies to list outstanding
31 warrants. Entry into the computer-based criminal intelligence
32 information system constitutes notice to all law enforcement agencies
33 of the existence of the order. The order is fully enforceable in any
34 jurisdiction in the state. Upon receipt of notice that an order has
35 been terminated under subsection (2) of this section, the law
36 enforcement agency shall remove the order from the computer-based
37 criminal intelligence information system.

38 **Sec. 178.** RCW 7.92.160 and 2013 c 84 s 16 are each amended to
39 read as follows:

1 (1) (a) When any person charged with or arrested for stalking as
2 defined in RCW 9A.46.110 or any other stalking-related offense under
3 RCW 9A.46.060 is released from custody before arraignment or trial on
4 bail or personal recognizance, the court authorizing the release may
5 prohibit that person from having any contact with the victim. The
6 jurisdiction authorizing the release shall determine whether that
7 person should be prohibited from having any contact with the victim.
8 If there is no outstanding restraining or protective order
9 prohibiting that person from having contact with the victim, and the
10 victim does not qualify for a domestic violence protection order
11 under chapter ~~((26.50))~~ 7.--- RCW (the new chapter created in section
12 81 of this act), the court authorizing release may issue, by
13 telephone, a stalking no-contact order prohibiting the person charged
14 or arrested from having contact with the victim or from knowingly
15 coming within, or knowingly remaining within, a specified distance of
16 a location.

17 (b) In issuing the order, the court shall consider the provisions
18 of RCW 9.41.800.

19 (c) The stalking no-contact order shall also be issued in writing
20 as soon as possible.

21 (2) (a) At the time of arraignment or whenever a motion is brought
22 to modify the conditions of the defendant's release, the court shall
23 determine whether a stalking no-contact order shall be issued or
24 extended. If a stalking no-contact order is issued or extended, the
25 court may also include in the conditions of release a requirement
26 that the defendant submit to electronic monitoring, including real-
27 time global ~~((position-satellite-[global-positioning-system]))~~
28 positioning system monitoring with victim notification. If electronic
29 monitoring is ordered, the court shall specify who shall provide the
30 monitoring services, and the terms under which the monitoring shall
31 be performed. Upon conviction, the court may require as a condition
32 of the sentence that the defendant reimburse the providing agency for
33 the costs of the electronic monitoring, including costs relating to
34 real-time global ~~((position-satellite-[global-positioning-system]))~~
35 positioning system monitoring with victim notification.

36 (b) A stalking no-contact order issued by the court in
37 conjunction with criminal charges shall terminate if the defendant is
38 acquitted or the charges are dismissed, unless the victim files an
39 independent action for a stalking protection order. If the victim
40 files an independent action for a civil stalking protection order,

1 the order may be continued by the court until a full hearing is
2 conducted pursuant to (~~RCW 7.92.060~~) chapter 7.--- RCW (the new
3 chapter created in section 81 of this act).

4 (3) (a) The written order releasing the person charged or arrested
5 shall contain the court's directives and shall bear the legend:
6 "Violation of this order is a criminal offense under chapter
7 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this
8 act) and will subject a violator to arrest. You can be arrested even
9 if any person protected by the order invites or allows you to violate
10 the order's prohibitions. You have the sole responsibility to avoid
11 or refrain from violating the order's provisions. Only the court can
12 change the order."

13 (b) A certified copy of the order shall be provided to the victim
14 at no charge.

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

18 (5) Whenever an order prohibiting contact is issued pursuant to
19 subsection (2) of this section, the clerk of the court shall forward
20 a copy of the order on or before the next judicial day to the
21 appropriate law enforcement agency specified in the order. Upon
22 receipt of the copy of the order, the law enforcement agency shall
23 enter the order for one year unless a different expiration date is
24 specified on the order into any computer-based criminal intelligence
25 information system available in this state used by law enforcement
26 agencies to list outstanding warrants. Entry into the computer-based
27 criminal intelligence information system constitutes notice to all
28 law enforcement agencies of the existence of the order. The order is
29 fully enforceable in any jurisdiction in the state.

30 (6) (a) When a defendant is found guilty of stalking as defined in
31 RCW 9A.46.110 or any other stalking-related offense under RCW
32 9A.46.060 and a condition of the sentence restricts the defendant's
33 ability to have contact with the victim, and the victim does not
34 qualify for a domestic violence protection order under chapter
35 (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this
36 act), the condition shall be recorded as a stalking no-contact order.

37 (b) The written order entered as a condition of sentencing shall
38 contain the court's directives and shall bear the legend: "Violation
39 of this order is a criminal offense under chapter (~~26.50~~) 7.--- RCW
40 (the new chapter created in section 81 of this act) and will subject

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

6 (c) A final stalking no-contact order entered in conjunction with
7 a criminal prosecution shall remain in effect for a period of five
8 years from the date of entry.

9 (d) A certified copy of the order shall be provided to the victim
10 at no charge.

11 (7) A knowing violation of a court order issued under subsection
12 (1), (2), or (6) of this section is punishable under ((RCW
13 ~~26.50.110~~) section 56 of this act.

14 (8) Whenever a stalking no-contact order is issued, modified, or
15 terminated under subsection (1), (2), or (6) of this section, the
16 clerk of the court shall forward a copy of the order on or before the
17 next judicial day to the appropriate law enforcement agency specified
18 in the order. Upon receipt of the copy of the order, the law
19 enforcement agency shall enter the order for one year unless a
20 different expiration date is specified on the order into any
21 computer-based criminal intelligence information system available in
22 this state used by law enforcement agencies to list outstanding
23 warrants. Entry into the computer-based criminal intelligence
24 information system constitutes notice to all law enforcement agencies
25 of the existence of the order. The order is fully enforceable in any
26 jurisdiction in the state. Upon receipt of notice that an order has
27 been terminated under subsection (2) of this section, the law
28 enforcement agency shall remove the order from the computer-based
29 criminal intelligence information system.

30 **PART XV**

31 **RECODIFICATIONS AND REPEALERS**

32 NEW SECTION. **Sec. 179.** RECODIFICATION. RCW 26.50.150 is
33 recodified as a section in chapter 43.20A RCW.

34 NEW SECTION. **Sec. 180.** RECODIFICATION. RCW 26.50.250 is
35 recodified as a section in chapter 70.123 RCW.

1 NEW SECTION. **Sec. 181.** RECODIFICATION. RCW 7.90.150 is
2 recodified as a section in chapter 9A.44 RCW.

3 NEW SECTION. **Sec. 182.** RECODIFICATION. RCW 7.92.160 is
4 recodified as a section in chapter 9A.46 RCW.

5 NEW SECTION. **Sec. 183.** REPEALERS. The following acts or parts
6 of acts are each repealed:

7 (1) RCW 7.90.005 (Legislative declaration) and 2007 c 212 s 1 &
8 2006 c 138 s 1;

9 (2) RCW 7.90.010 (Definitions) and 2020 c 296 s 3 & 2006 c 138 s
10 2;

11 (3) RCW 7.90.020 (Petition for a sexual assault protection order—
12 Creation—Contents—Administration) and 2019 c 258 s 2, 2007 c 55 s 1,
13 & 2006 c 138 s 5;

14 (4) RCW 7.90.030 (Petition—Who may file) and 2007 c 212 s 2 &
15 2006 c 138 s 3;

16 (5) RCW 7.90.040 (Petition—Additional requirements) and 2013 c 74
17 s 1 & 2006 c 138 s 4;

18 (6) RCW 7.90.050 (Petition—Hearings prior to issuance of
19 protection order) and 2013 c 74 s 2 & 2006 c 138 s 6;

20 (7) RCW 7.90.052 (Service by publication—When authorized) and
21 2013 c 74 s 6;

22 (8) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74
23 s 7;

24 (9) RCW 7.90.054 (Issuance of order following service by
25 publication or mail) and 2013 c 74 s 8;

26 (10) RCW 7.90.055 (Fees not permitted—Filing, service of process,
27 certified copies) and 2007 c 55 s 2;

28 (11) RCW 7.90.060 (Sexual assault advocates) and 2006 c 138 s 7;

29 (12) RCW 7.90.070 (Appointment of counsel) and 2006 c 138 s 8;

30 (13) RCW 7.90.080 (Evidence) and 2006 c 138 s 9;

31 (14) RCW 7.90.090 (Burden of proof—Issuance of protection order—
32 Remedies—Violations) and 2019 c 245 s 4 & 2006 c 138 s 10;

33 (15) RCW 7.90.100 (Accountability for conduct of others) and 2006
34 c 138 s 11;

35 (16) RCW 7.90.110 (Ex parte temporary sexual assault protection
36 orders—Issuance) and 2019 c 245 s 5, 2007 c 212 s 3, & 2006 c 138 s
37 12;

1 (17) RCW 7.90.120 (Ex parte orders—Duration) and 2017 c 233 s 1,
2 2013 c 74 s 3, & 2006 c 138 s 13;
3 (18) RCW 7.90.121 (Renewal of ex parte order) and 2017 c 233 s 2
4 & 2013 c 74 s 4;
5 (19) RCW 7.90.130 (Sexual assault protection orders—Contents) and
6 2006 c 138 s 14;
7 (20) RCW 7.90.140 (Sexual assault protection orders—Service to
8 respondent) and 2019 c 245 s 6, 2013 c 74 s 5, & 2006 c 138 s 15;
9 (21) RCW 7.90.155 (Sexual assault protection orders—Personal
10 jurisdiction—Nonresident individuals) and 2010 c 274 s 307;
11 (22) RCW 7.90.160 (Law enforcement agencies—Entry of protection
12 order data) and 2006 c 138 s 17;
13 (23) RCW 7.90.170 (Modification or termination of protection
14 orders) and 2017 c 233 s 3, 2013 c 74 s 9, & 2006 c 138 s 18;
15 (24) RCW 7.90.180 (Administrative office of the courts—Court
16 clerks—Instructional and informational material) and 2006 c 138 s 19;
17 (25) RCW 7.90.190 (Admissibility of ex parte temporary orders in
18 civil actions) and 2006 c 138 s 20;
19 (26) RCW 7.90.900 (Short title—2006 c 138) and 2006 c 138 s 28;
20 (27) RCW 7.92.010 (Intent—Finding) and 2013 c 84 s 1;
21 (28) RCW 7.92.020 (Definitions) and 2020 c 296 s 4 & 2013 c 84 s
22 2;
23 (29) RCW 7.92.030 (Petition for stalking protection order—
24 Creation—Contents) and 2013 c 84 s 3;
25 (30) RCW 7.92.040 (Petition—Who may file) and 2013 c 84 s 4;
26 (31) RCW 7.92.050 (Petition—Additional requirements) and 2013 c
27 84 s 5;
28 (32) RCW 7.92.060 (Petition—Hearings prior to issuance of
29 protection order) and 2013 c 84 s 6;
30 (33) RCW 7.92.070 (Consultation with judicial information system)
31 and 2013 c 84 s 7;
32 (34) RCW 7.92.080 (Fees not permitted) and 2013 c 84 s 8;
33 (35) RCW 7.92.090 (Victim's advocates) and 2013 c 84 s 9;
34 (36) RCW 7.92.100 (Burden of proof—Issuance of protection order—
35 Remedies) and 2019 c 245 s 7 & 2013 c 84 s 10;
36 (37) RCW 7.92.110 (Accountability for conduct of others) and 2013
37 c 84 s 11;
38 (38) RCW 7.92.120 (Ex parte temporary order for protection—
39 Issuance) and 2019 c 245 s 8 & 2013 c 84 s 12;

1 (39) RCW 7.92.125 (Ex parte temporary order—Admissibility in
2 subsequent civil actions) and 2013 c 84 s 22;

3 (40) RCW 7.92.130 (Protection orders—Duration) and 2013 c 84 s
4 13;

5 (41) RCW 7.92.140 (Protection order—Contents) and 2013 c 84 s 14;

6 (42) RCW 7.92.150 (Protection orders—Service to respondent—
7 Service by publication) and 2019 c 245 s 9 & 2013 c 84 s 15;

8 (43) RCW 7.92.170 (Personal jurisdiction by court over
9 nonresident individuals) and 2013 c 84 s 17;

10 (44) RCW 7.92.180 (Copy of order to be forwarded to law
11 enforcement agency—Entry of information into computer-based
12 information systems) and 2013 c 84 s 18;

13 (45) RCW 7.92.190 (Modification or termination of protection
14 orders) and 2019 c 245 s 10 & 2013 c 84 s 19;

15 (46) RCW 7.92.900 (Construction—Filing of criminal charges not
16 required) and 2013 c 84 s 23;

17 (47) RCW 7.92.901 (Short title) and 2013 c 84 s 24;

18 (48) RCW 7.94.010 (Purpose—Intent) and 2019 c 246 s 1 & 2017 c 3
19 s 1 (Initiative Measure No. 1491, approved November 8, 2016);

20 (49) RCW 7.94.020 (Definitions) and 2017 c 3 s 3 (Initiative
21 Measure No. 1491, approved November 8, 2016);

22 (50) RCW 7.94.030 (Petition for order) and 2019 c 246 s 2 & 2017
23 c 3 s 4 (Initiative Measure No. 1491, approved November 8, 2016);

24 (51) RCW 7.94.040 (Hearings on petition—Grounds for order
25 issuance) and 2019 c 246 s 3 & 2017 c 3 s 5 (Initiative Measure No.
26 1491, approved November 8, 2016);

27 (52) RCW 7.94.050 (Ex parte orders) and 2017 c 3 s 6 (Initiative
28 Measure No. 1491, approved November 8, 2016);

29 (53) RCW 7.94.060 (Service of orders) and 2019 c 246 s 4 & 2017 c
30 3 s 7 (Initiative Measure No. 1491, approved November 8, 2016);

31 (54) RCW 7.94.070 (Service by publication or mail) and 2017 c 3 s
32 8 (Initiative Measure No. 1491, approved November 8, 2016);

33 (55) RCW 7.94.080 (Termination and renewal of orders) and 2017 c
34 3 s 9 (Initiative Measure No. 1491, approved November 8, 2016);

35 (56) RCW 7.94.090 (Firearms—Surrender) and 2020 c 126 s 2 & 2017
36 c 3 s 10 (Initiative Measure No. 1491, approved November 8, 2016);

37 (57) RCW 7.94.100 (Firearms—Return—Disposal) and 2017 c 3 s 11
38 (Initiative Measure No. 1491, approved November 8, 2016);

1 (58) RCW 7.94.110 (Reporting of orders) and 2017 c 3 s 12
2 (Initiative Measure No. 1491, approved November 8, 2016);
3 (59) RCW 7.94.120 (Penalties) and 2017 c 3 s 13 (Initiative
4 Measure No. 1491, approved November 8, 2016);
5 (60) RCW 7.94.130 (Other authority retained) and 2017 c 3 s 14
6 (Initiative Measure No. 1491, approved November 8, 2016);
7 (61) RCW 7.94.140 (Liability) and 2017 c 3 s 15 (Initiative
8 Measure No. 1491, approved November 8, 2016);
9 (62) RCW 7.94.150 (Instructional and informational material) and
10 2019 c 246 s 5 & 2017 c 3 s 16 (Initiative Measure No. 1491, approved
11 November 8, 2016);
12 (63) RCW 7.94.900 (Short title—2017 c 3 (Initiative Measure No.
13 1491)) and 2017 c 3 s 2 (Initiative Measure No. 1491, approved
14 November 8, 2016);
15 (64) RCW 10.14.010 (Legislative finding, intent) and 1987 c 280 s
16 1;
17 (65) RCW 10.14.020 (Definitions) and 2011 c 307 s 2, 2001 c 260 s
18 2, 1999 c 27 s 4, 1995 c 127 s 1, & 1987 c 280 s 2;
19 (66) RCW 10.14.030 (Course of conduct—Determination of purpose)
20 and 1987 c 280 s 3;
21 (67) RCW 10.14.040 (Protection order—Petition) and 2002 c 117 s 1
22 & 2001 c 260 s 3;
23 (68) RCW 10.14.045 (Protection order commissioners—Appointment
24 authorized) and 2013 c 84 s 20;
25 (69) RCW 10.14.050 (Administrator for courts—Forms, information)
26 and 1987 c 280 s 5;
27 (70) RCW 10.14.055 (Fees excused, when) and 2020 c 29 s 8 & 2002
28 c 117 s 2;
29 (71) RCW 10.14.060 (Proceeding in forma pauperis) and 1987 c 280
30 s 6;
31 (72) RCW 10.14.065 (Orders—Judicial information system to be
32 consulted) and 2011 c 307 s 6;
33 (73) RCW 10.14.070 (Hearing—Service) and 2013 c 84 s 30, 2005 c
34 144 s 1, 1992 c 143 s 10, & 1987 c 280 s 7;
35 (74) RCW 10.14.080 (Antiharassment protection orders—Ex parte
36 temporary—Hearing—Longer term, renewal—Acts not prohibited) and
37 2019 c 245 s 11, 2019 c 46 s 5011, 2011 c 307 s 3, 2001 c 311 s 1,
38 1995 c 246 s 36, 1994 sp.s. c 7 s 448, 1992 c 143 s 11, & 1987 c 280
39 s 8;

1 (75) RCW 10.14.085 (Hearing reset after ex parte order—Service by
2 publication—Circumstances) and 2016 c 202 s 4 & 1992 c 143 s 12;
3 (76) RCW 10.14.090 (Representation or appearance) and 1992 c 143
4 s 14 & 1987 c 280 s 9;
5 (77) RCW 10.14.100 (Service of order) and 2019 c 245 s 12, 2002 c
6 117 s 3, 2001 c 311 s 2, 1992 c 143 s 15, & 1987 c 280 s 10;
7 (78) RCW 10.14.105 (Order following service by publication) and
8 1992 c 143 s 13;
9 (79) RCW 10.14.110 (Notice to law enforcement agencies—
10 Enforceability) and 1992 c 143 s 16 & 1987 c 280 s 11;
11 (80) RCW 10.14.115 (Enforcement of order—Knowledge prerequisite
12 to penalties—Reasonable efforts to serve copy of order) and 1992 c
13 143 s 17;
14 (81) RCW 10.14.120 (Disobedience of order—Penalties) and 2001 c
15 260 s 4, 1989 c 373 s 14, & 1987 c 280 s 12;
16 (82) RCW 10.14.125 (Service by publication—Costs) and 2002 c 117
17 s 4 & 1992 c 143 s 18;
18 (83) RCW 10.14.130 (Exclusion of certain actions) and 2006 c 138
19 s 22 & 1987 c 280 s 13;
20 (84) RCW 10.14.140 (Other remedies) and 1987 c 280 s 14;
21 (85) RCW 10.14.150 (Jurisdiction) and 2019 c 216 s 1, 2011 c 307
22 s 1, 2005 c 196 s 1, 1999 c 170 s 1, 1991 c 33 s 2, & 1987 c 280 s
23 15;
24 (86) RCW 10.14.155 (Personal jurisdiction—Nonresident individual)
25 and 2010 c 274 s 308;
26 (87) RCW 10.14.160 (Where action may be brought) and 2005 c 196 s
27 2, 1992 c 127 s 1, & 1987 c 280 s 16;
28 (88) RCW 10.14.170 (Criminal penalty) and 2001 c 260 s 5 & 1987 c
29 280 s 17;
30 (89) RCW 10.14.180 (Modification of order) and 2019 c 245 s 13 &
31 1987 c 280 s 18;
32 (90) RCW 10.14.190 (Constitutional rights) and 1987 c 280 s 19;
33 (91) RCW 10.14.200 (Availability of orders in family law
34 proceedings) and 2019 c 46 s 5012, 1999 c 397 s 4, & 1995 c 246 s 35;
35 (92) RCW 10.14.210 (Court appearance after violation) and 2012 c
36 223 s 4;
37 (93) RCW 10.14.800 (Master petition pattern form to be developed—
38 Recommendations to legislature) and 2013 c 84 s 21;
39 (94) RCW 26.50.010 (Definitions) and 2019 c 263 s 204;

1 (95) RCW 26.50.020 (Commencement of action—Jurisdiction—Venue)
2 and 2019 c 263 s 205, 2010 c 274 s 302, 1992 c 111 s 8, 1989 c 375 s
3 28, 1987 c 71 s 1, 1985 c 303 s 1, & 1984 c 263 s 3;

4 (96) RCW 26.50.021 (Actions on behalf of vulnerable adults—
5 Authority of department of social and health services—Immunity from
6 liability) and 2000 c 119 s 1;

7 (97) RCW 26.50.025 (Orders under this chapter and chapter 26.09,
8 26.10, 26.26A, or 26.26B RCW—Enforcement—Consolidation) and 2019 c
9 46 s 5036 & 1995 c 246 s 2;

10 (98) RCW 26.50.030 (Petition for an order for protection—
11 Availability of forms and informational brochures—Bond not required)
12 and 2005 c 282 s 39, 1996 c 248 s 12, 1995 c 246 s 3, 1992 c 111 s 2,
13 1985 c 303 s 2, & 1984 c 263 s 4;

14 (99) RCW 26.50.035 (Development of instructions, informational
15 brochures, forms, and handbook by the administrative office of the
16 courts—Community resource list—Distribution of master copy) and 2019
17 c 263 s 912, 2019 c 46 s 5037, 2005 c 282 s 40, 2000 c 119 s 14, 1995
18 c 246 s 4, 1993 c 350 s 2, 1985 c 303 s 3, & 1984 c 263 s 31;

19 (100) RCW 26.50.040 (Fees not permitted—Filing, service of
20 process, certified copies) and 1995 c 246 s 5, 1985 c 303 s 4, & 1984
21 c 263 s 5;

22 (101) RCW 26.50.050 (Hearing—Service—Time) and 2008 c 287 s 2,
23 1995 c 246 s 6, 1992 c 143 s 1, & 1984 c 263 s 6;

24 (102) RCW 26.50.055 (Appointment of interpreter) and 1995 c 246 s
25 11;

26 (103) RCW 26.50.060 (Relief—Duration—Realignment of designation
27 of parties—Award of costs, service fees, attorneys' fees, and limited
28 license legal technician fees) and 2020 c 311 s 9, 2019 c 46 s 5038,
29 2018 c 84 s 1, 2010 c 274 s 304, 2009 c 439 s 2, 2000 c 119 s 15,
30 1999 c 147 s 2, 1996 c 248 s 13, 1995 c 246 s 7, & 1994 sp.s. c 7 s
31 457;

32 (104) RCW 26.50.070 (Ex parte temporary order for protection) and
33 2019 c 245 s 14, 2018 c 22 s 9, 2010 c 274 s 305, 2000 c 119 s 16,
34 1996 c 248 s 14, 1995 c 246 s 8, 1994 sp.s. c 7 s 458, 1992 c 143 s
35 3, 1989 c 411 s 2, & 1984 c 263 s 8;

36 (105) RCW 26.50.080 (Issuance of order—Assistance of peace
37 officer—Designation of appropriate law enforcement agency) and 1995 c
38 246 s 9 & 1984 c 263 s 9;

1 (106) RCW 26.50.085 (Hearing reset after ex parte order—Service
2 by publication—Circumstances) and 2016 c 202 s 25 & 1992 c 143 s 4;
3 (107) RCW 26.50.090 (Order—Service—Fees) and 2019 c 245 s 15,
4 1995 c 246 s 10, 1992 c 143 s 6, 1985 c 303 s 6, & 1984 c 263 s 10;
5 (108) RCW 26.50.095 (Order following service by publication) and
6 1995 c 246 s 12 & 1992 c 143 s 5;
7 (109) RCW 26.50.100 (Order—Transmittal to law enforcement agency
8 —Record in law enforcement information system—Enforceability) and
9 1996 c 248 s 15, 1995 c 246 s 13, 1992 c 143 s 7, & 1984 c 263 s 11;
10 (110) RCW 26.50.110 (Violation of order—Penalties) and 2019 c 263
11 s 913, 2019 c 46 s 5039, & 2017 c 230 s 9;
12 (111) RCW 26.50.115 (Enforcement of ex parte order—Knowledge of
13 order prerequisite to penalties—Reasonable efforts to serve copy of
14 order) and 1996 c 248 s 17, 1995 c 246 s 15, & 1992 c 143 s 8;
15 (112) RCW 26.50.120 (Violation of order—Prosecuting attorney or
16 attorney for municipality may be requested to assist—Costs and
17 attorney's fee) and 1984 c 263 s 13;
18 (113) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;
19 (114) RCW 26.50.125 (Service by publication or mailing—Costs) and
20 2002 c 117 s 5, 1995 c 246 s 17, & 1992 c 143 s 9;
21 (115) RCW 26.50.130 (Order for protection—Modification or
22 termination—Service—Transmittal) and 2019 c 245 s 16, 2011 c 137 s
23 2, 2008 c 287 s 3, & 1984 c 263 s 14;
24 (116) RCW 26.50.135 (Residential placement or custody of a child—
25 Prerequisite) and 1995 c 246 s 19;
26 (117) RCW 26.50.140 (Peace officers—Immunity) and 1984 c 263 s
27 17;
28 (118) RCW 26.50.160 (Judicial information system—Database) and
29 2019 c 263 s 914, 2019 c 46 s 5040, 2017 3rd sp.s. c 6 s 335, & 2006
30 c 138 s 26;
31 (119) RCW 26.50.165 (Judicial information system—Names of adult
32 cohabitants in third-party custody actions) and 2003 c 105 s 4;
33 (120) RCW 26.50.200 (Title to real estate—Effect) and 1985 c 303
34 s 7 & 1984 c 263 s 15;
35 (121) RCW 26.50.210 (Proceedings additional) and 1984 c 263 s 16;
36 (122) RCW 26.50.220 (Parenting plan—Designation of parent for
37 other state and federal purposes) and 1989 c 375 s 26;
38 (123) RCW 26.50.230 (Protection order against person with a
39 disability, brain injury, or impairment) and 2010 c 274 s 303;

1 (124) RCW 26.50.240 (Personal jurisdiction—Nonresident
2 individuals) and 2010 c 274 s 306;
3 (125) RCW 26.50.900 (Short title) and 1984 c 263 s 1;
4 (126) RCW 26.50.901 (Effective date—1984 c 263) and 1984 c 263 s
5 32;
6 (127) RCW 74.34.115 (Protection of vulnerable adults—
7 Administrative office of the courts—Standard petition—Order for
8 protection—Standard notice—Court staff handbook) and 2007 c 312 s 4;
9 (128) RCW 74.34.120 (Protection of vulnerable adults—Hearing) and
10 2007 c 312 s 5 & 1986 c 187 s 6;
11 (129) RCW 74.34.130 (Protection of vulnerable adults—Judicial
12 relief) and 2007 c 312 s 6;
13 (130) RCW 74.34.135 (Protection of vulnerable adults—Filings by
14 others—Dismissal of petition or order—Testimony or evidence—
15 Additional evidentiary hearings—Temporary order) and 2020 c 312 s 737
16 & 2007 c 312 s 9;
17 (131) RCW 74.34.140 (Protection of vulnerable adults—Execution of
18 protective order) and 2012 c 156 s 2 & 1986 c 187 s 8;
19 (132) RCW 74.34.145 (Protection of vulnerable adults—Notice of
20 criminal penalties for violation—Enforcement under RCW 26.50.110) and
21 2020 c 29 s 17, 2007 c 312 s 7, & 2000 c 119 s 2;
22 (133) RCW 74.34.150 (Protection of vulnerable adults—Department
23 may seek relief) and 2007 c 312 s 8 & 1986 c 187 s 9;
24 (134) RCW 74.34.160 (Protection of vulnerable adults—Proceedings
25 are supplemental) and 1986 c 187 s 11;
26 (135) RCW 74.34.163 (Application to modify or vacate order) and
27 2020 c 312 s 738 & 2007 c 312 s 10;
28 (136) RCW 74.34.210 (Order for protection or action for damages—
29 Standing—Jurisdiction) and 2007 c 312 s 11 & 1995 1st sp.s. c 18 s
30 86; and
31 (137) RCW 26.10.115 (Temporary orders—Support—Restraining orders
32 —Domestic violence or antiharassment protection orders—Notice of
33 modification or termination of restraining order—Preservation of
34 support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29,
35 1994 sp.s. c 7 s 454, & 1989 c 375 s 32.

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