
HOUSE BILL 1055

State of Washington

66th Legislature

2019 Regular Session

By Representatives Entenman, Orwall, Mosbrucker, Valdez, Goodman, Slatter, Riccelli, Ryu, Blake, and Wylie

Prefiled 12/14/18.

1 AN ACT Relating to authorizing law enforcement to arrest persons
2 in violation of certain no-contact orders involving victims of
3 trafficking and promoting prostitution offenses; and reenacting and
4 amending RCW 10.31.100.

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

6 **Sec. 1.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are
7 each reenacted and amended to 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

1 9A.52.070 or 9A.52.080, shall have the authority to arrest the
2 person.

3 (2) A police officer shall arrest and take into custody, pending
4 release on bail, personal recognizance, or court order, a person
5 without a warrant when the officer has probable cause to believe
6 that:

7 (a) An order has been issued of which the person has knowledge
8 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88,
9 10.99, 26.09, 26.10, (~~26.26~~) 26.26B, 26.50, or 74.34 RCW
10 restraining the person and the person has violated the terms of the
11 order restraining the person from acts or threats of violence, or
12 restraining the person from going onto the grounds of or entering a
13 residence, workplace, school, or day care, or prohibiting the person
14 from knowingly coming within, or knowingly remaining within, a
15 specified distance of a location or, in the case of an order issued
16 under RCW 26.44.063, imposing any other restrictions or conditions
17 upon the person; or

18 (b) A foreign protection order, as defined in RCW 26.52.010, has
19 been issued of which the person under restraint has knowledge and the
20 person under restraint has violated a provision of the foreign
21 protection order prohibiting the person under restraint from
22 contacting or communicating with another person, or excluding the
23 person under restraint from a residence, workplace, school, or day
24 care, or prohibiting the person from knowingly coming within, or
25 knowingly remaining within, a specified distance of a location, or a
26 violation of any provision for which the foreign protection order
27 specifically indicates that a violation will be a crime; or

28 (c) The person is eighteen years or older and within the
29 preceding four hours has assaulted a family or household member as
30 defined in RCW 10.99.020 and the officer believes: (i) A felonious
31 assault has occurred; (ii) an assault has occurred which has resulted
32 in bodily injury to the victim, whether the injury is observable by
33 the responding officer or not; or (iii) that any physical action has
34 occurred which was intended to cause another person reasonably to
35 fear imminent serious bodily injury or death. Bodily injury means
36 physical pain, illness, or an impairment of physical condition. When
37 the officer has probable cause to believe that family or household
38 members have assaulted each other, the officer is not required to
39 arrest both persons. The officer shall arrest the person whom the
40 officer believes to be the primary physical aggressor. In making this

1 determination, the officer shall make every reasonable effort to
2 consider: (A) The intent to protect victims of domestic violence
3 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
4 or serious threats creating fear of physical injury; and (C) the
5 history of domestic violence of each person involved, including
6 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

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

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

34 (b) A law enforcement officer investigating at the scene of a
35 motor vessel accident may issue a citation for an infraction to the
36 operator of a motor vessel involved in the accident if the officer
37 has probable cause to believe that the operator has committed, in
38 connection with the accident, a violation of any boating safety law
39 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 order has been issued of which the person has knowledge under
17 chapter 10.14 RCW and the person has violated the terms of that
18 order.

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

22 (11) A police officer having probable cause to believe that a
23 person illegally possesses or illegally has possessed a firearm or
24 other dangerous weapon on private or public elementary or secondary
25 school premises shall have the authority to arrest the person.

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

29 (12) A law enforcement officer having probable cause to believe
30 that a person has committed a violation under RCW 77.15.160(~~(+4)~~)
31 (5) may issue a citation for an infraction to the person in
32 connection with the violation.

33 (13) A law enforcement officer having probable cause to believe
34 that a person has committed a criminal violation under RCW 77.15.809
35 or 77.15.811 may arrest the person in connection with the violation.

36 (14) Except as specifically provided in subsections (2), (3),
37 (4), and (7) of this section, nothing in this section extends or
38 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.

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