

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

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

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

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

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

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

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

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

10 (5) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (5) For the purposes of this section:

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

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

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

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

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

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

32 **Part III. Access to Counsel**

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

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

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

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

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

13 (d) A proposed implementation schedule and priorities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (o) Order use of a vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 The following actions shall be commenced within six years:

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

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

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

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

1 **Part V. Domestic Violence Protections**

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

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

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

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

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

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

- 16 (i) Assault in the first degree (RCW 9A.36.011);
- 17 (ii) Assault in the second degree (RCW 9A.36.021);
- 18 (iii) Assault in the third degree (RCW 9A.36.031);
- 19 (iv) Assault in the fourth degree (RCW 9A.36.041);
- 20 (v) Drive-by shooting (RCW 9A.36.045);
- 21 (vi) Reckless endangerment (RCW 9A.36.050);
- 22 (vii) Coercion (RCW 9A.36.070);
- 23 (viii) Burglary in the first degree (RCW 9A.52.020);
- 24 (ix) Burglary in the second degree (RCW 9A.52.030);
- 25 (x) Criminal trespass in the first degree (RCW 9A.52.070);
- 26 (xi) Criminal trespass in the second degree (RCW 9A.52.080);
- 27 (xii) Malicious mischief in the first degree (RCW 9A.48.070);
- 28 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
- 29 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
- 30 (xv) Kidnapping in the first degree (RCW 9A.40.020);
- 31 (xvi) Kidnapping in the second degree (RCW 9A.40.030);
- 32 (xvii) Unlawful imprisonment (RCW 9A.40.040);
- 33 (xviii) Violation of the provisions of a restraining order, no-

34 contact order, or protection order restraining or enjoining the
35 person or restraining the person from going onto the grounds of or
36 entering a residence, workplace, school, or day care, or prohibiting
37 the person from knowingly coming within, or knowingly remaining
38 within, a specified distance of a location, a protected party's
39 person, or a protected party's vehicle (chapter 7.105 RCW, or RCW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (9) (a) An order to surrender and prohibit weapons issued pursuant
22 to RCW 9.41.800 must state that the act of voluntarily surrendering
23 firearms or weapons, or providing testimony relating to the surrender
24 of firearms or weapons, pursuant to such an order, may not be used
25 against the respondent in any criminal prosecution under this
26 chapter, chapter 7.105 RCW, or RCW 9A.56.310.

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

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

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

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

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

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

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

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

28 (a) The court shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **Part VII. Residential Protections**

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) Applicant's full legal name;

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

12 (iii) Applicant's date of birth;

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

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

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

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

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

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

29 (a) the applicant's safety or the safety of the applicant's children
30 or the minor or incapacitated person on whose behalf the application
31 is made, (b) the safety of any election official as described in RCW
32 9A.90.120 who is a target for threats or harassment prohibited under
33 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal
34 justice participant as defined in RCW 9A.46.020 who is a target for
35 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
36 (iv) or of any criminal justice participant as defined in RCW
37 9A.90.120 who is a target for threats or harassment prohibited under
38 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing
39 with (~~him or her~~) them, shall be punished under RCW 40.16.030 or
40 other applicable statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (i) The city or town;

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

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

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

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

12 (b)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

.....
Signature of Tenant or
Household Member

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **Part VIII. Statewide Resources**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (c) Increased perpetrator monitoring and accountability; and

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

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

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

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

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

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

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

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

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

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

33 (i) Data on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) The center must:

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

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

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

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

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

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

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

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

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

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

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

1 **Part IX. Law Enforcement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 ~~((10))~~ (11) Any police officer having probable cause to believe
22 that a person has, within twenty-four hours of the alleged violation,
23 committed a violation of RCW 9A.50.020 may arrest such person.

24 ~~((11))~~ (12) A police officer having probable cause to believe
25 that a person illegally possesses or illegally has possessed a
26 firearm or other dangerous weapon on private or public elementary or
27 secondary school premises shall have the authority to arrest the
28 person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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