
SUBSTITUTE HOUSE BILL 1901

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Davis, Taylor, and Kloba)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to updating laws concerning civil protection
2 orders to further enhance and improve their efficacy and
3 accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070,
4 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150,
5 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.250, 7.105.255,
6 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450,
7 7.105.460, 7.105.500, 7.105.510, 7.105.555, 7.105.902, 9.41.040,
8 9.41.800, 9.41.801, 42.56.240, 4.08.050, 9.41.042, 12.04.140,
9 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193, 13.40.265,
10 and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting and
11 amending RCW 70.02.240; reenacting RCW 50.20.050 and 70.02.230;
12 creating a new section; repealing RCW 7.105.055, 7.105.060,
13 7.105.170, and 7.105.901; providing effective dates; providing
14 expiration dates; and declaring an emergency.

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

16 **Sec. 1.** RCW 7.105.010 and 2021 c 215 s 2 are each amended to
17 read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Abandonment" means action or inaction by a person or entity
21 with a duty of care for a vulnerable adult that leaves the vulnerable

1 adult without the means or ability to obtain necessary food,
2 clothing, shelter, or health care.

3 (2) "Abuse," for the purposes of a vulnerable adult protection
4 order, means intentional, willful, or reckless action or inaction
5 that inflicts injury, unreasonable confinement, intimidation, or
6 punishment on a vulnerable adult. In instances of abuse of a
7 vulnerable adult who is unable to express or demonstrate physical
8 harm, pain, or mental anguish, the abuse is presumed to cause
9 physical harm, pain, or mental anguish. "Abuse" includes sexual
10 abuse, mental abuse, physical abuse, personal exploitation, and
11 improper use of restraint against a vulnerable adult, which have the
12 following meanings:

13 (a) "Improper use of restraint" means the inappropriate use of
14 chemical, physical, or mechanical restraints for convenience or
15 discipline, or in a manner that: (i) Is inconsistent with federal or
16 state licensing or certification requirements for facilities,
17 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
18 not medically authorized; or (iii) otherwise constitutes abuse under
19 this section.

20 (b) "Mental abuse" means an intentional, willful, or reckless
21 verbal or nonverbal action that threatens, humiliates, harasses,
22 coerces, intimidates, isolates, unreasonably confines, or punishes a
23 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
24 swearing, or withholding or tampering with prescribed medications or
25 their dosage.

26 (c) "Personal exploitation" means an act of forcing, compelling,
27 or exerting undue influence over a vulnerable adult causing the
28 vulnerable adult to act in a way that is inconsistent with relevant
29 past behavior, or causing the vulnerable adult to perform services
30 for the benefit of another.

31 (d) "Physical abuse" means the intentional, willful, or reckless
32 action of inflicting bodily injury or physical mistreatment.
33 "Physical abuse" includes, but is not limited to, striking with or
34 without an object, slapping, pinching, strangulation, suffocation,
35 kicking, shoving, or prodding.

36 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
37 including, but not limited to, unwanted or inappropriate touching,
38 rape, molestation, indecent liberties, sexual coercion, sexually
39 explicit photographing or recording, voyeurism, indecent exposure,
40 and sexual harassment. "Sexual abuse" also includes any sexual

1 conduct between a staff person, who is not also a resident or client,
2 of a facility or a staff person of a program authorized under chapter
3 71A.12 RCW, and a vulnerable adult living in that facility or
4 receiving service from a program authorized under chapter 71A.12 RCW,
5 whether or not the sexual conduct is consensual.

6 (3) "Chemical restraint" means the administration of any drug to
7 manage a vulnerable adult's behavior in a way that reduces the safety
8 risk to the vulnerable adult or others, has the temporary effect of
9 restricting the vulnerable adult's freedom of movement, and is not
10 standard treatment for the vulnerable adult's medical or psychiatric
11 condition.

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

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

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

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

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

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

36 (iv) The respondent is acting pursuant to any statutory authority
37 including, but not limited to, acts which are reasonably necessary
38 to:

39 (A) Protect property or liberty interests;

40 (B) Enforce the law; or

1 (C) Meet specific statutory duties or requirements;

2 (v) The respondent's course of conduct has the purpose or effect
3 of unreasonably interfering with the petitioner's privacy or the
4 purpose or effect of creating an intimidating, hostile, or offensive
5 living environment for the petitioner; or

6 (vi) Contact by the respondent with the petitioner or the
7 petitioner's family has been limited in any manner by any previous
8 court order.

9 (6) "Court clerk" means court administrators in courts of limited
10 jurisdiction and elected court clerks.

11 (7) "Dating relationship" means a social relationship of a
12 romantic nature. Factors that the court may consider in making this
13 determination include: (a) The length of time the relationship has
14 existed; (b) the nature of the relationship; and (c) the frequency of
15 interaction between the parties.

16 (8) "Domestic violence" means:

17 (a) Physical harm, bodily injury, assault, or the infliction of
18 fear of physical harm, bodily injury, or assault; nonconsensual
19 sexual conduct or nonconsensual sexual penetration; coercive control;
20 unlawful harassment; or stalking of one intimate partner by another
21 intimate partner; or

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

27 (9) "Electronic monitoring" has the same meaning as in RCW
28 9.94A.030.

29 (10) "Essential personal effects" means those items necessary for
30 a person's immediate health, welfare, and livelihood. "Essential
31 personal effects" includes, but is not limited to, clothing, cribs,
32 bedding, medications, personal hygiene items, cellular phones and
33 other electronic devices, and documents, including immigration,
34 health care, financial, travel, and identity documents.

35 (11) "Facility" means a residence licensed or required to be
36 licensed under chapter 18.20 RCW, assisted living facilities; chapter
37 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
38 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
39 habilitation centers; or any other facility licensed or certified by
40 the department of social and health services.

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

8 (13) "Financial exploitation" means the illegal or improper use
9 of, control over, or withholding of, the property, income, resources,
10 or trust funds of the vulnerable adult by any person or entity for
11 any person's or entity's profit or advantage other than for the
12 vulnerable adult's profit or advantage. "Financial exploitation"
13 includes, but is not limited to:

14 (a) The use of deception, intimidation, or undue influence by a
15 person or entity in a position of trust and confidence with a
16 vulnerable adult to obtain or use the property, income, resources,
17 government benefits, health insurance benefits, or trust funds of the
18 vulnerable adult for the benefit of a person or entity other than the
19 vulnerable adult;

20 (b) The breach of a fiduciary duty, including, but not limited
21 to, the misuse of a power of attorney, trust, or a guardianship or
22 conservatorship appointment, that results in the unauthorized
23 appropriation, sale, or transfer of the property, income, resources,
24 or trust funds of the vulnerable adult for the benefit of a person or
25 entity other than the vulnerable adult; or

26 (c) Obtaining or using a vulnerable adult's property, income,
27 resources, or trust funds without lawful authority, by a person or
28 entity who knows or clearly should know that the vulnerable adult
29 lacks the capacity to consent to the release or use of the vulnerable
30 adult's property, income, resources, or trust funds.

31 (14) "Firearm" means a weapon or device from which a projectile
32 or projectiles may be fired by an explosive such as gunpowder.
33 "Firearm" does not include a flare gun or other pyrotechnic visual
34 distress signaling device, or a powder-actuated tool or other device
35 designed solely to be used for construction purposes. "Firearm" also
36 includes parts that can be assembled to make a firearm.

37 (15) "Full hearing" means a hearing where the court determines
38 whether to issue a full protection order.

39 (16) "Full protection order" means a protection order that is
40 issued by the court after notice to the respondent and where the

1 parties had the opportunity for a full hearing by the court. "Full
2 protection order" includes a protection order entered by the court by
3 agreement of the parties to resolve the petition for a protection
4 order without a full hearing.

5 (17) "Hospital" means a facility licensed under chapter 70.41 or
6 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
7 employee, agent, officer, director, or independent contractor
8 thereof.

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

15 (19) "Intimate partner" means: (a) Spouses or domestic partners;
16 (b) former spouses or former domestic partners; (c) persons who have
17 a child in common regardless of whether they have been married or
18 have lived together at any time, unless the child is conceived
19 through sexual assault; or (d) persons who have or have had a dating
20 relationship where both persons are at least 13 years of age or
21 older.

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

26 (i) Acts that prevent a person from sending, making, or receiving
27 his or her personal mail, electronic communications, or telephone
28 calls; or

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

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

38 (21) "Judicial day" means days of the week other than Saturdays,
39 Sundays, or legal holidays.

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

10 (23) "Minor" means a person who is under 18 years of age.

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

21 (25) "Nonconsensual" means a lack of freely given consent.

22 (26) "Nonphysical contact" includes, but is not limited to,
23 written notes, mail, telephone calls, email, text messages, contact
24 through social media applications, contact through other
25 technologies, (~~and~~) or contact through third parties.

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

28 (28) "Physical restraint" means the application of physical force
29 without the use of any device, for the purpose of restraining the
30 free movement of a vulnerable adult's body. "Physical restraint" does
31 not include (a) briefly holding, without undue force, a vulnerable
32 adult in order to calm or comfort him or her, or (b) holding a
33 vulnerable adult's hand to safely escort him or her from one area to
34 another.

35 (29) "Possession" means having an item in one's custody or
36 control. Possession may be either actual or constructive. Actual
37 possession occurs when the item is in the actual physical custody of
38 the person charged with possession. Constructive possession occurs
39 when there is no actual physical possession, but there is dominion
40 and control over the item.

1 (30) "Respondent" means the person who is identified as the
2 respondent in a petition filed under this chapter.

3 (31) "Sexual conduct" means any of the following:

4 (a) Any intentional or knowing touching or fondling of the
5 genitals, anus, or breasts, directly or indirectly, including through
6 clothing;

7 (b) Any intentional or knowing display of the genitals, anus, or
8 breasts for the purposes of arousal or sexual gratification of the
9 respondent;

10 (c) Any intentional or knowing touching or fondling of the
11 genitals, anus, or breasts, directly or indirectly, including through
12 clothing, that the petitioner is forced to perform by another person
13 or the respondent;

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

17 (e) Any intentional or knowing touching of the clothed or
18 unclothed body of a child under the age of 16, if done for the
19 purpose of sexual gratification or arousal of the respondent or
20 others; or

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

24 (32) "Sexual penetration" means any contact, however slight,
25 between the sex organ or anus of one person by an object, the sex
26 organ, mouth, or anus of another person, or any intrusion, however
27 slight, of any part of the body of one person or of any animal or
28 object into the sex organ or anus of another person including, but
29 not limited to, cunnilingus, fellatio, or anal penetration. Evidence
30 of emission of semen is not required to prove sexual penetration.

31 (33) "Stalking" means any of the following:

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

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

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

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

1 (ii) Serves no lawful purpose; and

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

5 (34) "Temporary protection order" means a protection order that
6 is issued before the court has decided whether to issue a full
7 protection order. "Temporary protection order" includes ex parte
8 temporary protection orders, as well as temporary protection orders
9 that are reissued by the court pending the completion of a full
10 hearing to decide whether to issue a full protection order. An "ex
11 parte temporary protection order" means a temporary protection order
12 that is issued without prior notice to the respondent.

13 (35) "Unlawful harassment" means:

14 (a) A knowing and willful course of conduct directed at a
15 specific person that seriously alarms, annoys, harasses, or is
16 detrimental to such person, and that serves no legitimate or lawful
17 purpose. The course of conduct must be such as would cause a
18 reasonable person to suffer substantial emotional distress, and must
19 actually cause substantial emotional distress to the petitioner; or

20 (b) A single act of violence or threat of violence directed at a
21 specific person that seriously alarms, annoys, harasses, or is
22 detrimental to such person, and that serves no legitimate or lawful
23 purpose, which would cause a reasonable person to suffer substantial
24 emotional distress, and must actually cause substantial emotional
25 distress to the petitioner. A single threat of violence must include:

26 (i) A malicious and intentional threat as described in RCW
27 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

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

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

31 (b) Subject to a guardianship under RCW 11.130.265 or adult
32 subject to conservatorship under RCW 11.130.360; or

33 (c) Who has a developmental disability as defined under RCW
34 71A.10.020; or

35 (d) Admitted to any facility; or

36 (e) Receiving services from home health, hospice, or home care
37 agencies licensed or required to be licensed under chapter 70.127
38 RCW; or

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

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

6 (37)(a) "Coercive control" means a pattern of behavior that is
7 used to cause another to suffer physical, emotional, or psychological
8 harm, and in purpose or effect unreasonably interferes with a
9 person's free will and personal liberty. In determining whether the
10 interference is unreasonable, the court shall consider the context
11 and impact of the pattern of behavior from the perspective of a
12 similarly situated person. Examples of coercive control include, but
13 are not limited to, engaging in any of the following:

14 (i) Intimidation or controlling or compelling conduct by:

15 (A) Damaging, destroying, or threatening to damage or destroy, or
16 forcing the other party to relinquish, goods, property, or items of
17 special value;

18 (B) Using technology to threaten, humiliate, harass, stalk,
19 intimidate, exert undue influence over, or abuse the other party,
20 including by engaging in cyberstalking, monitoring, surveillance,
21 impersonation, manipulation of electronic media, or distribution of
22 or threats to distribute actual or fabricated intimate images;

23 (C) Carrying, exhibiting, displaying, drawing, or threatening to
24 use, any firearm or any other weapon apparently capable of producing
25 bodily harm, in a manner, under circumstances, and at a time and
26 place that either manifests an intent to intimidate the other party
27 or that warrants alarm by the other party for their safety or the
28 safety of other persons;

29 (D) Driving recklessly with the other party or minor children in
30 the vehicle;

31 (E) Communicating, directly or indirectly, the intent to:

32 (I) Harm the other party's children, family members, friends, or
33 pets, including by use of physical forms of violence;

34 (II) Harm the other party's career;

35 (III) Attempt suicide or other acts of self-harm; or

36 (IV) Contact local or federal agencies based on actual or
37 suspected immigration status;

38 (F) Exerting control over the other party's identity documents;

39 (G) Making, or threatening to make, private information public,
40 including the other party's sexual orientation or gender identity,

1 medical or behavioral health information, or other confidential
2 information that jeopardizes safety; or

3 (H) Engaging in sexual or reproductive coercion;

4 (ii) Causing dependence, confinement, or isolation of the other
5 party from friends, relatives, or other sources of support, including
6 schooling and employment, or subjecting the other party to physical
7 confinement or restraint;

8 (iii) Depriving the other party of basic necessities or
9 committing other forms of financial exploitation;

10 (iv) Controlling, exerting undue influence over, interfering
11 with, regulating, or monitoring the other party's movements,
12 communications, daily behavior, finances, economic resources, or
13 employment, including but not limited to interference with or
14 attempting to limit access to services for children of the other
15 party, such as health care, medication, child care, or school-based
16 extracurricular activities;

17 (v) Engaging in vexatious litigation or abusive litigation as
18 defined in RCW 26.51.020 against the other party to harass, coerce,
19 or control the other party, to diminish or exhaust the other party's
20 financial resources, or to compromise the other party's employment or
21 housing; or

22 (vi) Engaging in psychological aggression, including inflicting
23 fear, humiliating, degrading, or punishing the other party.

24 (b) "Coercive control" does not include protective actions taken
25 by a party in good faith for the legitimate and lawful purpose of
26 protecting themselves or children from the risk of harm posed by the
27 other party.

28 **Sec. 2.** RCW 7.105.050 and 2021 c 215 s 4 are each amended to
29 read as follows:

30 (1) The superior((~~7~~)) and district((~~7~~ and ~~municipal~~)) courts have
31 jurisdiction over domestic violence protection order proceedings
32 ((~~and~~)), sexual assault protection order proceedings, stalking
33 protection order proceedings, and antiharassment protection order
34 proceedings under this chapter((~~. The jurisdiction of district and~~
35 municipal courts is limited to enforcement of RCW 7.105.450(1), or
36 the equivalent municipal ordinance, and the issuance and enforcement
37 of temporary orders for protection provided for in RCW 7.105.305
38 if)), except that such proceedings must be transferred from district
39 court to superior court when:

1 (a) A superior court has exercised or is exercising jurisdiction
2 over a proceeding involving the parties;

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

6 ~~(c) The petition for relief under this chapter requests the court
7 to exclude a party from the dwelling which the parties share)) The
8 action would have the effect of interfering with a respondent's care,
9 control, or custody of the respondent's minor child;~~

10 (c) The action would affect the use or enjoyment of real property
11 for which the respondent has a cognizable claim or would exclude a
12 party from a shared dwelling;

13 (d) The petitioner, victim, or respondent to the petition is
14 under 18 years of age; or

15 (e) The district court is unable to verify whether there are
16 potentially conflicting or related orders involving the parties as
17 required by RCW 7.105.105 or 7.105.555.

18 (2) (a) When the jurisdiction of a district ((~~or municipal~~)) court
19 is limited to the issuance and enforcement of a temporary protection
20 order, the district ((~~or municipal~~)) court shall set the full hearing
21 in superior court and transfer the case, indicating in the transfer
22 order the circumstances and findings supporting transfer to the
23 superior court.

24 (b) If the notice and order are not served on the respondent in
25 time for the full hearing, the issuing court shall have concurrent
26 jurisdiction with the superior court to extend the temporary
27 protection order. The superior court to which the case is being
28 transferred shall determine whether to grant any request for a
29 continuance.

30 (3) Transfer procedures, court calendars, and judicial officer
31 assignment must further the goals of this chapter to: Minimize delay;
32 make the system less complex; provide sufficient victim support,
33 consistency, safety, timeliness, and procedural fairness; enable
34 comprehensive use of electronic filing, case tracking, and records
35 management systems; provide for judicial officers with expertise and
36 training in protection orders and trauma-informed practices and
37 continuity of judicial officers at each hearing so the judicial
38 officer will have greater familiarity with the parties, history, and
39 allegations; and help ensure that there is compliance with timely and
40 comprehensive firearms relinquishment to reduce risk of harm. Courts

1 shall make publicly available in print and online information about
2 their transfer procedures, court calendars, and judicial officer
3 assignment.

4 **Sec. 3.** RCW 7.105.070 and 2021 c 215 s 8 are each amended to
5 read as follows:

6 The superior courts have jurisdiction over extreme risk
7 protection order proceedings under this chapter. The juvenile court
8 may hear an extreme risk protection order proceeding under this
9 chapter if the respondent is under the age of 18 years. Additionally,
10 district (~~and municipal~~) courts have limited jurisdiction over the
11 issuance and enforcement of temporary extreme risk protection orders
12 issued under RCW 7.105.330. The district (~~or municipal~~) court shall
13 set the full hearing in superior court and transfer the case. If the
14 notice and order are not served on the respondent in time for the
15 full hearing, the issuing court has concurrent jurisdiction with the
16 superior court to extend the temporary extreme risk protection order.
17 The superior court to which the case is being transferred shall
18 determine whether to grant any request for a continuance.

19 **Sec. 4.** RCW 7.105.075 and 2021 c 215 s 9 are each amended to
20 read as follows:

21 An action for a protection order should be filed in the county
22 (~~or municipality~~) where the petitioner resides. The petitioner may
23 also file in:

24 (1) The county (~~or municipality~~) where an act giving rise to
25 the petition for a protection order occurred;

26 (2) The county (~~or municipality~~) where a child to be protected
27 by the order primarily resides;

28 (3) The county (~~or municipality~~) where the petitioner resided
29 prior to relocating if relocation was due to the respondent's
30 conduct; or

31 (4) The court nearest to the petitioner's residence or former
32 residence under subsection (3) of this section.

33 **Sec. 5.** RCW 7.105.100 and 2021 c 215 s 13 are each amended to
34 read as follows:

35 (1) There exists an action known as a petition for a protection
36 order. The following types of petitions for a protection order may be
37 filed:

1 (a) A petition for a domestic violence protection order, which
2 must allege the existence of domestic violence committed against the
3 petitioner or petitioners by an intimate partner or a family or
4 household member. The petitioner may petition for relief on behalf of
5 himself or herself and on behalf of family or household members who
6 are minors or vulnerable adults. A petition for a domestic violence
7 protection order must specify whether the petitioner and the
8 respondent are intimate partners or family or household members. A
9 petitioner who has been sexually assaulted or stalked by an intimate
10 partner or a family or household member should, but is not required
11 to, seek a domestic violence protection order, rather than a sexual
12 assault protection order or a stalking protection order.

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

24 (i) Himself or herself;

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

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

29 (iv) Any other adult for whom the petitioner demonstrates to the
30 court's satisfaction that the petitioner is interested in the adult's
31 well-being, the court's intervention is necessary, and the adult
32 cannot file the petition because of age, disability, health, or
33 inaccessibility.

34 (c) A petition for a stalking protection order, which must allege
35 the existence of stalking committed against the petitioner or
36 petitioners by the respondent. A petitioner who has been stalked by
37 an intimate partner or a family or household member should, but is
38 not required to, seek a domestic violence protection order, rather
39 than a stalking protection order. The petitioner may petition for a
40 stalking protection order on behalf of:

1 (i) Himself or herself;

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

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

6 (iv) Any other adult for whom the petitioner demonstrates to the
7 court's satisfaction that the petitioner is interested in the adult's
8 well-being, the court's intervention is necessary, and the adult
9 cannot file the petition because of age, disability, health, or
10 inaccessibility.

11 (d) A petition for a vulnerable adult protection order, which
12 must allege that the petitioner, or person on whose behalf the
13 petition is brought, is a vulnerable adult and that the petitioner,
14 or person on whose behalf the petition is brought, has been
15 abandoned, abused, financially exploited, or neglected, or is
16 threatened with abandonment, abuse, financial exploitation, or
17 neglect, by the respondent. ~~((If the petition is filed by an
18 interested person, the affidavit or declaration must also include a
19 statement of why the petitioner qualifies as an interested person.))~~

20 (e) A petition for an extreme risk protection order, which must
21 allege that the respondent poses a significant danger of causing
22 personal injury to self or others by having in the respondent's
23 custody or control, purchasing, possessing, accessing, receiving, or
24 attempting to purchase or receive, a firearm. The petition must also
25 identify information the petitioner is able to provide about the
26 firearms, such as the number, types, and locations of any firearms
27 the petitioner believes to be in the respondent's current ownership,
28 possession, custody, access, or control. A petition for an extreme
29 risk protection order may be filed by (i) an intimate partner or a
30 family or household member of the respondent; or (ii) a law
31 enforcement agency.

32 (f) A petition for an antiharassment protection order, which must
33 allege the existence of unlawful harassment committed against the
34 petitioner or petitioners by the respondent. If a petitioner is
35 seeking relief based on domestic violence, nonconsensual sexual
36 conduct, nonconsensual sexual penetration, or stalking, the
37 petitioner may, but is not required to, seek a domestic violence,
38 sexual assault, or stalking protection order, rather than an
39 antiharassment order. The petitioner may petition for an
40 antiharassment protection order on behalf of:

1 (i) Himself or herself;
2 (ii) A minor child, where the petitioner is the parent, legal
3 guardian, or custodian;
4 (iii) A vulnerable adult, where the petitioner is an interested
5 person; or
6 (iv) Any other adult for whom the petitioner demonstrates to the
7 court's satisfaction that the petitioner is interested in the adult's
8 well-being, the court's intervention is necessary, and the adult
9 cannot file the petition because of age, disability, health, or
10 inaccessibility.

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

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

21 (4) If a petition for a protection order is filed by an
22 interested person, the affidavit or declaration must also include a
23 statement of why the petitioner qualifies as an interested person.

24 (5) A petition for any type of protection order must not be
25 dismissed or denied on the basis that the conduct alleged by the
26 petitioner would meet the criteria for the issuance of another type
27 of protection order. If a petition meets the criteria for a different
28 type of protection order other than the one sought by the petitioner,
29 the court shall consider the petitioner's preference, and enter a
30 temporary protection order or set the matter for a hearing as
31 appropriate under the law. The court's decision on the appropriate
32 type of order shall not be premised on alleviating any potential
33 stigma on the respondent.

34 ((+5)) (6) The protection order petition must contain a section
35 where the petitioner, regardless of petition type, may request
36 specific relief provided for in RCW 7.105.310 that the petitioner
37 seeks for himself or herself or for family or household members who
38 are minors. The totality of selected relief, and any other relief the
39 court deems appropriate for the petitioner, or family or household
40 members who are minors, must be considered at the time of entry of

1 temporary protection orders and at the time of entry of full
2 protection orders.

3 ~~((6))~~ (7) If a court reviewing the petition for a protection
4 order or a request for a temporary protection order determines that
5 the petition was not filed in the correct court, the court shall
6 enter findings establishing the correct court, and direct the clerk
7 to transfer the petition to the correct court and to provide notice
8 of the transfer to all parties who have appeared.

9 ~~((7))~~ (8) Upon filing a petition for a protection order, the
10 petitioner may request that the court enter an ex parte temporary
11 protection order and an order to surrender and prohibit weapons
12 without notice until a hearing on a full protection order may be
13 held. When requested, there shall be a rebuttable presumption to
14 include the petitioner's minor children as protected parties in the
15 ex parte temporary domestic violence protection order until the full
16 hearing to reduce the risk of harm to children during periods of
17 heightened risk, unless there is good cause not to include the minor
18 children. If the court denies the petitioner's request to include the
19 minor children, the court shall make written findings why the
20 children should not be included, pending the full hearing. An ex
21 parte temporary protection order shall be effective for a fixed
22 period of time and shall be issued initially for a period not to
23 exceed 14 days, which may be extended for good cause.

24 ~~((8) The court may, at its discretion, issue a temporary order~~
25 ~~on the petition with or without a hearing. If an order is not signed~~
26 ~~upon presentation, the court shall set a hearing for a full~~
27 ~~protection order not later than 14 days from the date of the filing~~
28 ~~of the petition for a protection order, if the petition for a~~
29 ~~protection order is filed before close of business on a judicial day.~~
30 ~~If a petition for a protection order is filed after close of business~~
31 ~~on a judicial day or is filed on a nonjudicial day, the court shall~~
32 ~~set a hearing for a full protection order not later than 14 days from~~
33 ~~the first judicial day after the petition is filed.))~~

34 **Sec. 6.** RCW 7.105.105 and 2021 c 215 s 14 are each amended to
35 read as follows:

36 The following apply to all petitions for protection orders under
37 this chapter.

38 (1)(a) By January 1, 2023, county clerks on behalf of all
39 superior courts and, by January 1, 2026, all courts of limited

1 jurisdiction, must permit petitions for protection orders and all
2 other filings in connection with the petition to be submitted as
3 preferred by the petitioner either: (i) In person; (ii) remotely
4 through an electronic submission process; or (iii) by mail for
5 persons who are incarcerated or who are otherwise unable to file in
6 person or remotely through an electronic system. The court or clerk
7 must make ~~((all electronically filed court documents available for
8 electronic access by))~~ available electronically to judicial officers
9 ~~((statewide))~~ any protection orders filed within the state. Judicial
10 officers may not be charged for access to such documents. The
11 electronic ~~((filing))~~ submission system must allow for petitions for
12 protection orders and supportive documents to be ~~((filed))~~ submitted
13 at any time of the day. When a petition and supporting documents for
14 a protection order are submitted to the clerk after business hours,
15 they must be processed as soon as possible on the next judicial day.
16 Petitioners and respondents should not ~~((be charged))~~ incur
17 additional charges for electronic ~~((filing))~~ submission for petitions
18 and documents filed pursuant to this section.

19 (b) By January 1, 2023, all superior courts' systems and, by
20 January 1, 2026, all limited jurisdiction courts' systems, should
21 allow for the petitioner to electronically track the progress of the
22 petition for a protection order. Notification may be provided by text
23 messaging or email, and should provide reminders of court appearances
24 and alert the petitioner when the following occur: (i) The petition
25 has been processed and is under review by a judicial officer; (ii)
26 the order has been signed; (iii) the order has been transmitted to
27 law enforcement for entry into the Washington crime information
28 center system; (iv) ~~((return))~~ proof of service upon the respondent
29 has been filed with the court or clerk; ~~((and))~~ (v) a receipt for the
30 surrender of firearms has been filed with the court or clerk; and
31 (vi) the respondent has filed a motion for the release of surrendered
32 firearms. Respondents, once served, should be able to sign up for
33 similar electronic notification. Petitioners and respondents should
34 not be charged for electronic notification.

35 (2) The petition must be accompanied by a confidential document
36 to be used by the courts and law enforcement to fully identify the
37 parties and serve the respondent. This record will be exempt from
38 public disclosure at all times, and restricted access to this form is
39 governed by general rule 22 provisions governing access to the
40 confidential information form. The petitioner is required to fill out

1 the confidential party information form to the petitioner's fullest
2 ability. The respondent (~~(must)~~) should be (~~(served with)~~) provided a
3 blank confidential party information form at the time of service, and
4 when the respondent first appears, the respondent must confirm with
5 the court the respondent's identifying and current contact
6 information, including electronic means of contact, and file this
7 with the court.

8 (3) A petition must be accompanied by a declaration signed under
9 penalty of perjury stating the specific facts and circumstances for
10 which relief is sought. Parties, attorneys, and witnesses may
11 electronically sign sworn statements in all filings.

12 (4) The petitioner and the respondent must disclose the existence
13 of any other litigation or of any other restraining, protection, or
14 no-contact orders between the parties, to the extent that such
15 information is known by the petitioner and the respondent. To the
16 extent possible, the court shall take judicial notice of any existing
17 restraining, protection, or no-contact orders between the parties
18 before entering a protection order. The court shall not include
19 provisions in a protection order that would allow the respondent to
20 engage in conduct that is prohibited by another restraining,
21 protection, or no-contact order between the parties that was entered
22 in a different proceeding. The obligation to disclose the existence
23 of any other litigation includes, but is not limited to, the
24 existence of any other litigation concerning the custody or
25 residential placement of a child of the parties as set forth in RCW
26 26.27.281. The court administrator shall verify for the court the
27 terms of any existing protection order governing the parties.

28 (5) The petition may be made regardless of whether or not there
29 is a pending lawsuit, complaint, petition, or other action between
30 the parties, except in cases where the court has realigned the
31 parties in accordance with RCW 7.105.210.

32 (6) Relief under this chapter must not be denied or delayed on
33 the grounds that the relief is available in another action. The court
34 shall not defer acting on a petition for a protection order nor grant
35 a petitioner less than the full relief that the petitioner is
36 otherwise entitled to under this chapter because there is, or could
37 be, another proceeding involving the parties including, but not
38 limited to, any potential or pending family law matter or criminal
39 matter.

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

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

5 (9) (a) No fees for service of process may be charged by a court
6 or any public agency to petitioners seeking relief under this
7 chapter. Except as provided in (b) of this subsection, courts may not
8 charge petitioners any fees or surcharges the payment of which is a
9 condition precedent to the petitioner's ability to secure access to
10 relief under this chapter. Petitioners shall be provided the
11 necessary number of certified copies, forms, and instructional
12 brochures free of charge, including a copy of the service packet that
13 consists of all documents that are being served on the respondent. A
14 respondent who is served electronically with a protection order shall
15 be provided a certified copy of the order free of charge upon
16 request.

17 (b) A filing fee may be charged for a petition for an
18 antiharassment protection order except as follows:

19 (i) No filing fee may be charged to a petitioner seeking an
20 antiharassment protection order against a person who has engaged in
21 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW
22 9A.36.080(1)(c), or a single act of violence or threat of violence
23 under RCW 7.105.010(35)(b), or from a person who has engaged in
24 nonconsensual sexual conduct or penetration or conduct that would
25 constitute a sex offense as defined in RCW 9A.44.128, or from a
26 person who is a family or household member or intimate partner who
27 has engaged in conduct that would constitute domestic violence; and

28 (ii) The court shall waive the filing fee if the court determines
29 the petitioner is not able to pay the costs of filing.

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

37 (11) Subject to the availability of amounts appropriated for this
38 specific purpose, or as provided through alternative sources
39 including, but not limited to, grants, local funding, or pro bono
40 means, if the court deems it necessary, the court may appoint a

1 guardian ad litem for a petitioner or a respondent who is under 18
2 years of age and who is not represented by counsel. If a guardian ad
3 litem is appointed by the court for either or both parties, neither
4 the petitioner nor the respondent shall be required by the court to
5 pay any costs associated with the appointment.

6 ~~(12) ((Minor children must only be referred to in the petition
7 and in all other publicly available filed documents by their initials
8 and date of birth. Any orders issued by the court for entry into a
9 law enforcement database must show the minor's full name for purposes
10 of identification, but be redacted to only display initials and date
11 of birth for purposes of public access.~~

12 ~~(13))~~ If a petitioner has requested an ex parte temporary
13 protection order, because these are often emergent situations, the
14 court shall prioritize review, either entering an order without a
15 hearing or scheduling and holding an ex parte hearing in person, by
16 telephone, by video, or by other electronic means on the day the
17 petition is filed if possible. Otherwise, it must be heard no later
18 than the following judicial day. The clerk shall ensure that the
19 request for an ex parte temporary protection order is presented
20 timely to a judicial officer, and signed orders will be returned
21 promptly to the clerk for entry and to the petitioner as specified in
22 this section.

23 ~~((14))~~ (13) Courts shall not require a petitioner to file
24 duplicative forms.

25 ~~((15))~~ (14) The Indian child welfare act applies in the
26 following manner.

27 (a) In a proceeding under this chapter where the petitioner seeks
28 to protect a minor and the petitioner is not the minor's parent as
29 defined by RCW 13.38.040, the petition must contain a statement
30 alleging whether the minor is or may be an Indian child as defined in
31 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and
32 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,
33 shall apply. A party should allege in the petition if these laws have
34 been satisfied in a prior proceeding and identify the proceeding.

35 (b) Every order entered in any proceeding under this chapter
36 where the petitioner is not a parent of the minor or minors protected
37 by the order must contain a finding that the federal Indian child
38 welfare act or chapter 13.38 RCW does or does not apply, or if there
39 is insufficient information to make a determination, the court must
40 make a finding that a determination must be made before a full

1 protection order may be entered. If there is reason to know the child
2 is an Indian child, but the court does not have sufficient evidence
3 to determine that the child is or is not an Indian child, 25 C.F.R.
4 Sec. 23.107(b) applies. Where there is a finding that the federal
5 Indian child welfare act or chapter 13.38 RCW does apply, the order
6 must also contain a finding that all notice, evidentiary
7 requirements, and placement preferences under the federal Indian
8 child welfare act and chapter 13.38 RCW have been satisfied, or a
9 finding that removal or placement of the child is necessary to
10 prevent imminent physical damage or harm to the child pursuant to 25
11 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
12 federal Indian child welfare act or chapter 13.38 RCW does not apply,
13 the order must also contain a finding as to why there is no reason to
14 know the child may be an Indian child.

15 **Sec. 7.** RCW 7.105.115 and 2021 c 215 s 16 are each amended to
16 read as follows:

17 (1) By (~~June~~) December 30, 2022, the administrative office of
18 the courts shall:

19 (a) Develop and distribute standard forms for petitions and
20 orders issued under this chapter, and facilitate the use of online
21 forms for electronic filings.

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

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

35 (b) Develop and distribute instructions and informational
36 brochures regarding protection orders and a court staff handbook on
37 the protection order process, which shall be made available online to
38 view and download at no cost. Developing additional methods to inform
39 the public about protection orders in understandable terms and in

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

27 (c) Determine the significant non-English-speaking or limited
28 English-speaking populations in the state. The administrative office
29 of the courts shall then arrange for translation of the instructions
30 and informational brochures required by this section, which must
31 contain a sample of the standard petition and protection order forms,
32 into the languages spoken by at least the top five significant non-
33 English-speaking populations, and shall distribute a master copy of
34 the translated instructions and informational brochures to all court
35 clerks and to the Washington supreme court's interpreter commission,
36 minority and justice commission, and gender and justice commission
37 (~~by July 25, 2021~~). Such materials must be updated and distributed
38 if needed due to relevant changes in the law;

39 (d) (i) Distribute a master copy of the petition and order forms,
40 instructions, and informational brochures to all court clerks, and

1 distribute a master copy of the petition and order forms to all
2 superior, district, and municipal courts;

3 (ii) In collaboration with civil legal aid attorneys, domestic
4 violence advocates, sexual assault advocates, elder abuse advocates,
5 clerks, and judicial officers, develop and distribute a single
6 petition form that a petitioner may use to file for any type of
7 protection order authorized by this chapter, with the exception of
8 extreme risk protection orders;

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

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

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

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

20 (II) An order sealing the court records relating to that order;
21 and

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

25 (e) Create a new confidential party information form to satisfy
26 the purposes of the confidential information form and the law
27 enforcement information sheet that will serve both the court's and
28 law enforcement's data entry needs without requiring a redundant
29 effort for the petitioner, and ensure the petitioner's confidential
30 information is protected for the purpose of safety. The form should
31 be created with the presumption that it will also be used by the
32 respondent to provide all current contact information needed by the
33 court and law enforcement, and full identifying information for
34 improved data entry. The form should also prompt the petitioner to
35 disclose on the form whether the person who the petitioner is seeking
36 to restrain has a disability, brain injury, or impairment requiring
37 special assistance; and

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

1 (2) (~~The~~) By July 1, 2022, the administrative office of the
2 courts, through the gender and justice commission of the Washington
3 state supreme court, and with the support of the Washington state
4 women's commission, shall work with representatives of superior,
5 district, and municipal court judicial officers, court clerks, and
6 administrators, including those with experience in protection order
7 proceedings, as well as advocates and practitioners with expertise in
8 each type of protection order, and others with relevant expertise, to
9 develop for the courts:

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

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

18 **Sec. 8.** RCW 7.105.120 and 2021 c 215 s 17 are each amended to
19 read as follows:

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

31 (2) All court clerks shall (~~obtain~~) accept and provide
32 community resource lists as described in (a) and (b) of this
33 subsection, which the court shall make available as part of, or in
34 addition to, the informational brochures described in RCW 7.105.115.

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

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

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

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

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

24 **Sec. 9.** RCW 7.105.150 and 2021 c 215 s 18 are each amended to
25 read as follows:

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

35 (a) (~~Personal~~) (i) Except as provided in (a)(iii) and (b)(i) of
36 this subsection, personal service, consistent with court rules for
37 civil proceedings, (~~must be made by law enforcement to mitigate~~
38 ~~risks, increase safety, and ensure swift recovery of firearms in~~
39 ~~eases~~) is required in: (A) Cases requiring the surrender of

1 firearms, such as extreme risk protection orders and protection
2 orders with orders to surrender and prohibit weapons; (B) cases that
3 involve transferring the custody of a child or children from the
4 respondent to the petitioner; (~~(C)~~) (C) cases involving vacating the
5 respondent from the parties' shared residence(~~(. Personal service~~
6 should also be used in)); (D) cases involving a respondent who is
7 incarcerated; and (E) cases where a petition for a vulnerable adult
8 protection order is filed by someone other than the vulnerable adult.

9 (ii) Personal service in cases specified in (a)(i)(A) through (D)
10 of this subsection must be made by law enforcement including, at a
11 minimum, two timely attempts at personal service. To reduce risk of
12 harm for cases requiring personal service, law enforcement should
13 continue to attempt personal service up to the hearing date. Personal
14 service for cases specified in (a)(i)(E) of this subsection and when
15 used for other protection order cases must (~~(otherwise))~~ be made by
16 law enforcement unless the petitioner elects to have the respondent
17 served by a third party who is not a party to the action (~~(and)~~), is
18 (~~(over)~~) 18 years of age or older and competent to be a witness, and
19 can provide sworn proof of service to the court as required.

20 (iii) In cases where personal service is required under this
21 subsection, after two unsuccessful attempts at personal service,
22 service shall be permitted by electronic means in accordance with (b)
23 of this subsection.

24 (b)(i) Service by electronic means, including service by email,
25 text message, social media applications, or other technologies, must
26 be prioritized for all orders at the time of the issuance of
27 temporary protection orders, (~~(with the exception of the following~~
28 ~~cases, for which personal service must be prioritized: (A) Cases~~
29 ~~requiring the surrender of firearms, such as extreme risk protection~~
30 ~~orders and protection orders with orders to surrender weapons; (B)~~
31 ~~cases that involve transferring the custody of a child or children~~
32 ~~from the respondent to the petitioner; (C) cases involving vacating~~
33 ~~the respondent from the parties' shared residence; or (D) cases~~
34 ~~involving a respondent who is incarcerated)) except in cases where~~

35 personal service is required under (a) of this subsection. (~~(Once))~~
36 For cases specified in (a)(i)(A) through (D) of this subsection, once
37 firearms and concealed pistol licenses have been surrendered and
38 verified by the court, or there is evidence the respondent does not
39 possess firearms, the restrained party has been vacated from the
40 shared residence, or the custody of the child or children has been

1 transferred, per court order, or the respondent is no longer
2 incarcerated, then subsequent motions and orders may be served
3 electronically.

4 (ii) Service by electronic means must be ~~((effected))~~ made by a
5 law enforcement agency, unless the petitioner elects to have the
6 respondent served by any person who is not a party to the action, is
7 ~~((over))~~ 18 years of age or older and competent to be a witness, and
8 can provide sworn proof of service to the court as required. Court
9 authorization permitting electronic service is not required except in
10 cases specified in (a)(i)(A) through (D) of this subsection. In those
11 cases, either request of the petitioner, or good cause for granting
12 an order for electronic service, such as two failed attempts at
13 personal service, are required to authorize service by electronic
14 means. No formal motion is necessary.

15 (iii) The respondent's email address, number for text messaging,
16 and username or other identification on social media applications and
17 other technologies, if known or available, must be provided by the
18 petitioner to law enforcement in the confidential information form,
19 and attested to by the petitioner as being the legitimate, current,
20 or last known contact information for the respondent.

21 (iv) Electronic service must be effected by transmitting copies
22 of the petition and any supporting materials filed with the petition,
23 notice of hearing, and any orders, or relevant materials for motions,
24 to the respondent at the respondent's electronic address or the
25 respondent's electronic account associated with email, text
26 messaging, social media applications, or other technologies.
27 Verification of ~~((receipt))~~ notice is required and may be
28 accomplished through read-receipt mechanisms, a response, a sworn
29 statement from the person who effected service verifying transmission
30 and any follow-up communications such as email or telephone contact
31 used to further verify, or an appearance by the respondent at a
32 hearing. Sworn proof of service must be filed with the court by the
33 person who effected service. ~~((Service by electronic means is~~
34 ~~complete upon transmission when made prior to 5:00 p.m. on a judicial~~
35 ~~day. Service made on a Saturday, Sunday, legal holiday, or after 5:00~~
36 ~~p.m. on any other day shall be deemed complete at 9:00 a.m. on the~~
37 ~~first judicial day thereafter.))~~

38 (c) Service by mail is permitted when: (i) Personal service was
39 required, there have been two unsuccessful attempts at personal
40 service, and electronic service is not possible(~~((, and there have~~

1 ~~been two unsuccessful attempts at personal service or when the~~
2 ~~petitioner requests it in lieu of electronic service or personal~~
3 ~~service where personal service is not otherwise required); or (ii)~~
4 personal service is not required and there have been two unsuccessful
5 attempts at personal or electronic service. If electronic service and
6 personal service are not successful, the court shall affirmatively
7 order service by mail without requiring additional motions to be
8 filed by the petitioner. Service by mail must be made by any person
9 who is not a party to the action and is ~~((over))~~ 18 years of age or
10 older and competent to be a witness, by mailing copies of the
11 materials to be served to the party to be served at the party's last
12 known address or any other address determined by the court to be
13 appropriate. Two copies must be mailed, postage prepaid, one by
14 ordinary first-class mail and the other by a form of mail requiring a
15 tracking or certified information showing when and where it was
16 delivered. The envelopes must bear the return address ~~((of the~~
17 ~~sender))~~ where the petitioner may receive legal mail. Service is
18 complete ~~((upon))~~ 10 calendar days after the mailing of two copies as
19 prescribed in this section. Where service by mail is provided by a
20 third party, the clerk shall forward proof of service by mail to the
21 law enforcement agency in the county or municipality where the
22 respondent resides.

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

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

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

5, Petitioner

6 vs. No.

7, Respondent

8 The state of Washington to
9 (respondent):

10 You are hereby summoned to appear on the
11 day of, (year), at a.m./p.m., and
12 respond to the petition. If you fail to respond, a
13 protection order will be issued against you pursuant to
14 the provisions of chapter 7.105 RCW, for a minimum of
15 one year from the date you are required to appear. A
16 temporary protection order has been issued against you,
17 restraining you from the following: (Insert a brief
18 statement of the provisions of the temporary protection
19 order). A copy of the petition, notice of hearing, and
20 temporary protection order has been filed with the clerk
21 of this court.

22
23 Petitioner.....

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

30 (3) To promote judicial economy and reduce delays, for
31 respondents who are able to be served electronically, the respondent,
32 or the parent or guardian of the respondent for respondents under the
33 age of 18 or the guardian or conservator of an adult respondent,
34 shall be required to provide his or her electronic address or
35 electronic account associated with an email, text messaging, social
36 media application, or other technology by filing the confidential
37 party information form referred to in RCW 7.105.115(1). This must

1 occur at the earliest point at which the respondent, parent,
2 guardian, or conservator is in contact with the court so that
3 electronic service can be effected for all subsequent motions,
4 orders, and hearings.

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

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

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

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

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

37 (6) When a petition for a vulnerable adult protection order is
38 filed by someone other than the vulnerable adult, notice of the
39 petition and hearing must be personally served upon the vulnerable
40 adult. In addition to copies of all pleadings filed by the

1 petitioner, the petitioner shall provide a written notice to the
2 vulnerable adult using a standard notice form developed by the
3 administrative office of the courts. The standard notice form must be
4 designed to explain to the vulnerable adult in clear, plain language
5 the purpose and nature of the petition and that the vulnerable adult
6 has the right to participate in the hearing and to either support or
7 object to the petition.

8 (7) The court shall not dismiss, over the objection of a
9 petitioner, a petition for a protection order or a motion to renew a
10 protection order based on the inability of law enforcement or the
11 petitioner to serve the respondent, unless the court determines that
12 all available methods of service have been attempted unsuccessfully
13 or are not possible.

14 **Sec. 10.** RCW 7.105.155 and 2021 c 215 s 19 are each amended to
15 read as follows:

16 When service is to be completed under this chapter by a law
17 enforcement officer:

18 (1) The clerk of the court shall have a copy of any order issued
19 under this chapter, the confidential information form, as well as the
20 petition for a protection order and any supporting materials,
21 electronically forwarded on or before the next judicial day to the
22 law enforcement agency in the county or municipality where the
23 respondent resides, as specified in the order, for service upon the
24 respondent. If the respondent has moved from that county or
25 municipality and personal service is not required, the law
26 enforcement agency specified in the order may serve the order;

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

30 (3) Where personal service is required, the first attempt at
31 service must occur within 24 hours of receiving the order from the
32 court whenever practicable, but not more than five days after
33 receiving the order. If the first attempt is not successful, no fewer
34 than two additional attempts should be made to serve the order,
35 particularly for respondents who present heightened risk of lethality
36 or other risk of physical harm to the petitioner or petitioner's
37 family or household members. (~~Law enforcement shall document all~~)
38 All attempts at service must be documented on a (~~return~~) proof of

1 service form and (~~submit it~~) submitted to the court in a timely
2 manner;

3 (4) If service cannot be completed within 10 calendar days, the
4 law enforcement officer shall notify the petitioner. The petitioner
5 shall provide information sufficient to permit notification. Law
6 enforcement shall continue to attempt to complete service unless
7 otherwise directed by the court. In the event that the petitioner
8 does not provide a service address for the respondent or there is
9 evidence that the respondent is evading service, the law enforcement
10 officer shall use law enforcement databases to assist in locating the
11 respondent;

12 (5) If the respondent is in a protected person's presence at the
13 time of contact for service, the law enforcement officer should take
14 reasonable steps to separate the parties when possible prior to
15 completing the service or inquiring about or collecting firearms.
16 When the order requires the respondent to vacate the parties' shared
17 residence, law enforcement shall take reasonable steps to ensure that
18 the respondent has left the premises and is on notice that his or her
19 return is a violation of the terms of the order. The law enforcement
20 officer shall provide the respondent with copies of all forms with
21 the exception of the (~~law enforcement information sheet~~)
22 confidential information form completed by the protected party and
23 the (~~return~~) proof of service form;

24 (6) Any law enforcement officer who serves a protection order on
25 a respondent with the knowledge that the respondent requires special
26 assistance due to a disability, brain injury, or impairment shall
27 make a reasonable effort to accommodate the needs of the respondent
28 to the extent practicable without compromise to the safety of the
29 petitioner;

30 (7) Proof of service must be submitted to the court on the
31 (~~return~~) proof of service form. The form must include the date and
32 time of service and each document that was served in order for the
33 service to be complete, along with any details such as conduct at the
34 time of service, threats, or avoidance of service, as well as
35 statements regarding possession of firearms, including any denials of
36 ownership despite positive purchase history, active concealed pistol
37 license, or sworn statements in the petition that allege the
38 respondent's access to, or possession of, firearms; or

39 (8) If attempts at service were not successful, the (~~return~~)
40 proof of service form or the form letter showing that the order was

1 not served, and stating the reason it was not served, must be
2 returned to the court by the next judicial day following the last
3 unsuccessful attempt at service. Each attempt at service must be
4 noted and reflected in computer aided dispatch records, with the
5 date, time, address, and reason service was not completed.

6 **Sec. 11.** RCW 7.105.165 and 2021 c 215 s 21 are each amended to
7 read as follows:

8 ((Service)) (1) Unless waived by the nonmoving party, service
9 must be completed on the nonmoving party not less than five judicial
10 days before the hearing date(~~(, unless waived by the nonmoving~~
11 ~~party))~~). If service cannot be made, the court shall set a new hearing
12 date and shall either require an additional attempt at obtaining
13 service or permit service by other means authorized in this chapter.
14 The court shall not require more than two attempts at obtaining
15 service before permitting service by other means authorized in this
16 chapter unless the moving party requests additional time to attempt
17 service.

18 (2) Service is completed on the day the respondent is served
19 personally, on the date of transmission for electronic service, on
20 the 10th calendar day after mailing for service by mail, or on the
21 date of the third publication when publication has been made for
22 three consecutive weeks for service by publication.

23 (3) If the nonmoving party was served before the hearing, but
24 less than five judicial days before the hearing, it is not necessary
25 to re-serve materials that the nonmoving party already received, but
26 any new notice of hearing and reissued order must be served on the
27 nonmoving party. ((The court shall not require more than two attempts
28 at obtaining service before permitting service by other means
29 authorized in this chapter unless the moving party requests
30 additional time to attempt service. If the court permits service by
31 mail or by publication, the court shall set the hearing date not
32 later than 24 days from the date of the order authorizing such
33 service.)) This additional service may be made by mail as an
34 alternative to other authorized methods of service under this
35 chapter. If done by mail, this additional service is considered
36 completed on the third calendar day after mailing.

37 (4) Where electronic service was not complete because there was
38 no verification of notice, and service by mail or publication has

1 been authorized, copies must also be sent by electronic means to any
2 known electronic addresses.

3 **Sec. 12.** RCW 7.105.200 and 2021 c 215 s 24 are each amended to
4 read as follows:

5 In hearings under this chapter, the following apply:

6 (1) Hearings under this chapter are special proceedings. The
7 procedures established under this chapter for protection order
8 hearings supersede inconsistent civil court rules. Courts should
9 evaluate the needs and procedures best suited to individual hearings
10 based on consideration of the totality of the circumstances,
11 including disparities that may be apparent in the parties' resources
12 and representation by counsel.

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

15 (b) For extreme risk protection order hearings where a law
16 enforcement agency is the petitioner, the court shall prioritize
17 scheduling because of the importance of immediate temporary removal
18 of firearms in situations of extreme risk and the goal of minimizing
19 the time law enforcement must otherwise wait for a particular case to
20 be called, which can hinder their other patrol and supervisory
21 duties. Courts also may allow a law enforcement petitioner to
22 participate ~~((telephonically))~~ remotely, or allow another
23 representative from that law enforcement agency or the prosecutor's
24 office to present the information to the court if personal presence
25 of the petitioning officer is not required for testimonial purposes.

26 ~~(3) ((A hearing on a petition for a protection order must be set
27 by the court even if the court has denied a request for a temporary
28 protection order in the proceeding where the petition is not
29 dismissed or continued pursuant to subsection (11) of this section.~~

30 ~~(4))~~ If the respondent does not appear ~~((, or the petitioner
31 informs the court that the respondent has not been served at least
32 five judicial days before the hearing date and the petitioner desires
33 to pursue service, or the parties have informed the court of an
34 agreed date of continuance for the hearing,))~~ for the full hearing
35 and there is no proof of timely and proper service on the respondent,
36 the court shall reissue any temporary protection order previously
37 issued ~~((, cancel the scheduled hearing,))~~ and reset the hearing date.
38 If a temporary protection order is reissued, the court shall reset
39 the hearing date not later than 14 days from the reissue date. If a

1 temporary protection order is reissued and the court permits service
2 by mail or by publication, the court shall reset the hearing date not
3 later than 30 days from the date of the order authorizing such
4 service. These time frames may be extended for good cause.

5 ((+5)) (4) When considering any request to stay, continue, or
6 delay a hearing under this chapter because of the pendency of a
7 parallel criminal investigation or prosecution of the respondent,
8 courts shall apply a rebuttable presumption against such delay and
9 give due recognition to the purpose of this chapter to provide
10 victims quick and effective relief. Courts must consider on the
11 record the following factors:

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

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

17 (c) Status of the criminal case;

18 (d) The interests of the petitioners in proceeding expeditiously
19 with litigation and the potential prejudice and risk to petitioners
20 of a delay;

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

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

25 (g) The interests of persons not parties to the civil litigation;
26 and

27 (h) The interest of the public in the pending civil and criminal
28 litigation.

29 ((+6)) (5) Hearings ((must)) may be conducted upon ((live
30 ~~testimony of the parties and sworn declarations~~)) the information
31 provided in the sworn petition, live testimony of the parties should
32 they choose to testify, and any additional sworn declarations. Live
33 testimony of witnesses other than the parties may be requested by a
34 party, but shall not be permitted unless the court finds that live
35 testimony of witnesses other than the parties is necessary and
36 material. If either party requests a continuance to allow for proper
37 notice of witnesses or to afford a party time to seek counsel, the
38 court ((should)) may continue the hearing. In considering the
39 request, the court should consider the rebuttable presumption against

1 delay and the purpose of this chapter to provide victims quick and
2 effective relief.

3 (6) If the court continues ((the)) a hearing for any reason, the
4 court shall reissue any temporary orders, including orders to
5 surrender and prohibit weapons, issued with or without notice.

6 (7) Prehearing discovery under the civil court rules, including,
7 but not limited to, depositions, requests for production, or requests
8 for admission, is disfavored and only permitted if specifically
9 authorized by the court for good cause shown upon written motion of a
10 party filed six judicial days prior to the hearing and served prior
11 to the hearing.

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

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

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

21 (ii) When constitutionally required to be admitted.

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

37 (10) When a petitioner has alleged incapacity to consent to
38 sexual conduct or sexual penetration due to intoxicants, alcohol, or
39 other condition, the court must determine on the record whether the
40 petitioner had the capacity to consent.

1 (11) ~~((If, prior to a full hearing, the court finds that the~~
2 ~~petition for a protection order does not contain sufficient~~
3 ~~allegations as a matter of law to support the issuance of a~~
4 ~~protection order, the court shall permit the petitioner 14 days to~~
5 ~~prepare and file an amended petition, provided the petitioner states~~
6 ~~an intent to do so and the court does not find that amendment would~~
7 ~~be futile. If the amended petition is not filed within 14 days, the~~
8 ~~case must be administratively dismissed by the clerk's office.~~

9 ~~(12))~~ Courts shall not require parties to submit duplicate or
10 working copies of pleadings or other materials filed with the court,
11 unless the document or documents cannot be scanned or are illegible.

12 ~~((13))~~ (12) Courts shall, if possible, have petitioners and
13 respondents in protection order proceedings gather in separate
14 locations and enter and depart the court room at staggered times.
15 Where the option is available, for safety purposes, the court should
16 arrange for petitioners to leave the court premises first and to have
17 court security escort petitioners to their vehicles or
18 transportation.

19 **Sec. 13.** RCW 7.105.205 and 2021 c 215 s 25 are each amended to
20 read as follows:

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

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

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

1 (4) Courts shall not post or stream proceedings or recordings of
2 protection order hearings online unless (a) a waiver has been
3 received from all parties, or (b) the hearing is being conducted
4 online and members of the public do not have in-person access to
5 observe or listen to the hearing. Unless the court orders a hearing
6 to be closed to the public consistent with the requirements of
7 Washington law, courts should provide access to members of the public
8 who wish to observe or listen to a hearing conducted by telephone,
9 video, or other electronic means.

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

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

17 (b) Courts should endeavor to give a party or witness appearing
18 by telephone no more than a one-hour waiting time by the court for
19 the hearing to begin. For remote hearings, if the court anticipates
20 the parties or witnesses will need to wait longer than one hour to be
21 called or connected, the court should endeavor to inform them of the
22 estimated start time of the hearing;

23 (c) Courts should inform the parties before the hearing begins
24 that the hearing is being recorded by the court, in what manner the
25 public is able to view the hearing, how a party may obtain a copy of
26 the recording of the hearing, and that recording or broadcasting any
27 portion of the hearing by any means other than the court record is
28 strictly prohibited without prior court approval;

29 (d) To minimize trauma, while allowing remote hearings to be
30 observed by the public, courts should take appropriate measures to
31 prevent members of the public or the parties from harassing or
32 intimidating any party or witness to a case. Such practices may
33 include, but are not limited to, disallowing members of the public
34 from communicating with the parties or with the court during the
35 hearing, ensuring court controls over microphone and viewing
36 settings, and announcing limitations on allowing others to record the
37 hearing;

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

1 (f) To help ensure that remote access does not undermine personal
2 safety or privacy, or introduce other risks, courts should protect
3 the privacy of telephone numbers, emails, and other contact
4 information for parties (~~and~~), witnesses, and others authorized by
5 this chapter to participate in protection order proceedings, and
6 inform (~~(parties and witnesses)~~) them of these safety considerations.
7 Materials available to (~~(parties and witnesses)~~) persons appearing
8 remotely should include warnings not to state their addresses or
9 telephone numbers at the hearing, and that they (~~(may use virtual~~
10 ~~backgrounds to help ensure that their backgrounds do not reveal their~~
11 ~~location)~~) should ensure that background surroundings do not reveal
12 their location;

13 (g) Courts should provide the parties, in orders setting the
14 hearing, with a telephone number and an email address for the court,
15 which the parties may use to inform the court if they have been
16 unable to appear remotely for a hearing. Before dismissing or
17 granting a petition due to the petitioner or respondent not appearing
18 for a remote hearing, or the court not being able to reach the party
19 via telephone or video, the court shall check for any notifications
20 to the court regarding issues with remote access or other
21 technological difficulties. If any party has provided such
22 notification to the court, the court shall not dismiss or grant the
23 petition, but shall reset the hearing by continuing it and reissuing
24 any temporary order in place. If a party was unable to provide the
25 notification regarding issues with remote access or other
26 technological difficulties on the day of the hearing prior to the
27 court's ruling, that party may seek relief via a motion for
28 reconsideration; and

29 (h) A party attending a hearing remotely who is unable to
30 participate in the hearing outside the presence of others who reside
31 with the party, but who are not part of the proceeding including, but
32 not limited to, children, and who asserts that the presence of those
33 individuals may hinder the party's testimony or the party's ability
34 to fully and meaningfully participate in the hearing, may request(~~(7~~
35 ~~and shall be granted, one)) a continuance on that basis.
36 (~~(Subsequent)~~) Such requests may be granted in the court's
37 discretion. In considering the request, the court may consider the
38 rebuttable presumption against delay and the purpose of this chapter
39 to provide victims quick and effective relief.~~

1 **Sec. 14.** RCW 7.105.250 and 2021 c 215 s 34 are each amended to
2 read as follows:

3 (1) Whether or not the petitioner has retained an attorney, a
4 sexual assault or domestic violence advocate, as defined in RCW
5 5.60.060, shall be allowed to accompany the petitioner, or appear
6 remotely with the petitioner, and confer with the petitioner during
7 court proceedings. The sexual assault or domestic violence advocate
8 shall not provide legal representation nor interpretation services.
9 Court administrators shall allow sexual assault and domestic violence
10 advocates to assist petitioners with their protection orders. Sexual
11 assault and domestic violence advocates are not engaged in the
12 unauthorized practice of law when providing assistance of the types
13 specified in this section. Unless the sexual assault or domestic
14 violence advocate seeks to speak directly to the court, advocates
15 shall not be required to be identified on the record beyond stating
16 their role as a sexual assault or domestic violence advocate and
17 identifying the program for which they work or volunteer for.
18 Communications between the petitioner and a sexual assault and
19 domestic violence advocate are protected as provided by RCW 5.60.060.

20 (2) Whether or not the petitioner has retained an attorney, a
21 protection order advocate must be allowed to accompany the petitioner
22 to any legal proceeding including, but not limited to, sitting or
23 standing next to the petitioner, appearing remotely with the
24 petitioner, and conferring with the petitioner during court
25 proceedings, or addressing the court when invited to do so.

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

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

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

37 (d) A protection order advocate who is not employed by, or under
38 the direct supervision of, a law enforcement agency, a prosecutor's
39 office, the child protective services section of the department of
40 children, youth, and families as defined in RCW 26.44.020, or other

1 governmental entity, has the same privileges, rights, and
2 responsibilities as a sexual assault advocate and domestic violence
3 advocate under RCW 5.60.060.

4 (3) Whether or not the petitioner has retained an attorney(~~(, if~~
5 ~~a petitioner does not have)~~) or has an advocate, the petitioner shall
6 be allowed a support person to accompany the petitioner to any legal
7 proceeding including, but not limited to, sitting or standing next to
8 the petitioner, appearing remotely with the petitioner, and
9 conferring with the petitioner during court proceedings. The support
10 person may be any third party of the petitioner's choosing, provided
11 that:

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

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

21 **Sec. 15.** RCW 7.105.255 and 2021 c 215 s 35 are each amended to
22 read as follows:

23 To help ensure familiarity with the unique nature of protection
24 order proceedings, and an understanding of trauma-informed practices
25 and best practices in the use of new technologies for remote
26 hearings, judicial officers, including persons who serve as judicial
27 officers pro tempore, should receive evidence-based training on
28 procedural justice, trauma-informed practices, gender-based violence
29 dynamics, coercive control, elder abuse, juvenile sex offending, teen
30 dating violence, and requirements for the surrender of weapons before
31 presiding over protection order hearings. Trainings should be
32 provided on an ongoing basis as best practices, research on trauma,
33 and legislation continue to evolve. As a method of continuous
34 training, court commissioners, including pro tempore commissioners,
35 shall be notified by the presiding judge or court administrator upon
36 revision of any decision made under this chapter.

37 **Sec. 16.** RCW 7.105.305 and 2021 c 215 s 38 are each amended to
38 read as follows:

1 (1) Where it appears from the petition and any additional
2 evidence that the respondent has engaged in conduct against the
3 petitioner that serves as a basis for a protection order under this
4 chapter, and the petitioner alleges that serious immediate harm or
5 irreparable injury could result if an order is not issued immediately
6 without prior notice to the respondent, the court may grant an ex
7 parte temporary protection order, pending a full hearing. The court
8 has broad discretion to grant such relief as the court deems proper,
9 including the forms of relief listed in RCW 7.105.310, provided that
10 the court shall not order a form of relief listed in RCW 7.105.310 if
11 it would not be feasible or appropriate for the respondent to comply
12 with such a requirement before a full hearing may be held on the
13 petition for a protection order. If the court does not order all the
14 relief requested by the petitioner in an ex parte temporary
15 protection order, the court shall still consider ordering such relief
16 at the full hearing on the petition for a protection order. In
17 issuing the order, the court shall consider the provisions of RCW
18 9.41.800, and order the respondent to surrender, and prohibit the
19 respondent from accessing, having in his or her custody or control,
20 possessing, purchasing, attempting to purchase or receive, or
21 receiving, all firearms, dangerous weapons, and any concealed pistol
22 license, as required in RCW 9.41.800.

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

25 (3) The court may issue an ex parte temporary protection order on
26 the petition with or without a hearing. If an ex parte temporary
27 protection order is denied, the court shall still set a full hearing
28 unless the court determines the petition does not contain prima facie
29 allegations to support the issuance of any type of protection order.
30 If the court declines to issue an ex parte temporary protection order
31 as requested or declines to set a hearing, the court shall state the
32 ((particular)) reasons ((for the court's denial)) in writing. The
33 court's denial of a motion for an ex parte temporary protection order
34 shall be filed with the court. ((If an ex parte temporary protection
35 order is denied, the court shall still set a full hearing on the
36 petition for a protection order.))

37 (4) If a full hearing is set on a petition that is filed before
38 close of business on a judicial day, the hearing must be set not
39 later than 14 days from the date of the filing of the petition. If a
40 full hearing is set on a petition that is submitted after close of

1 business on a judicial day or is submitted on a nonjudicial day, the
2 hearing must be set not later than 14 days from the first judicial
3 day after the petition is filed, which may be extended for good
4 cause.

5 (5) If the court does not set a full hearing, the petitioner may
6 file an amended petition within 14 days of the court's denial. If the
7 court determines the amended petition does not contain prima facie
8 allegations to support the issuance of any type of protection order
9 or if the petitioner fails to file an amended petition within the
10 required time, the court may enter an order dismissing the petition.

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

17 **Sec. 17.** RCW 7.105.310 and 2021 c 215 s 39 are each amended to
18 read as follows:

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

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

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

37 (c) Exclude the respondent from the (~~dwelling~~) residence that
38 the parties share;

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

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

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

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

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

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

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

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

28 ~~((j))~~ (k) Restrain the respondent from harassing, following,
29 monitoring, keeping under physical or electronic surveillance,
30 cyberstalking as defined in RCW 9.61.260, and using telephonic,
31 audiovisual, or other electronic means to monitor the actions,
32 location, or communication of the petitioner or the petitioner's
33 family or household members who are minors or other members of the
34 petitioner's household. For the purposes of this subsection,
35 "communication" includes both "wire communication" and "electronic
36 communication" as defined in RCW 9.73.260;

37 ~~((k))~~ (l) Other than for respondents who are minors, require
38 the respondent to submit to electronic monitoring. The order must
39 specify who shall provide the electronic monitoring services and the
40 terms under which the monitoring must be performed. The order also

1 may include a requirement that the respondent pay the costs of the
2 monitoring. The court shall consider the ability of the respondent to
3 pay for electronic monitoring;

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

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

22 ~~((n))~~ (o) Order use of a vehicle;

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

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

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

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

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

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

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

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

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

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

37 ~~((3))~~ (4) The court shall not take any of the following actions
38 in issuing a protection order.

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

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

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

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

18 ~~((4))~~ (5) The order shall specify the date the order expires,
19 if any. For permanent orders, the court shall set the date to expire
20 99 years from the issuance date. The order shall also state whether
21 the court issued the protection order following personal service,
22 service by electronic means, service by mail, or service by
23 publication, and whether the court has approved service by mail or
24 publication of an order issued under this section.

25 **Sec. 18.** RCW 7.105.320 and 2021 c 215 s 41 are each amended to
26 read as follows:

27 (1) When an order is issued under this chapter upon request of
28 the petitioner, the court may order a law enforcement officer to
29 accompany the petitioner and assist in placing the petitioner in
30 possession of those items indicated in the order or to otherwise
31 assist in the execution of the order of protection. The order must
32 list all items that are to be included with sufficient specificity to
33 make it clear which property is included. Orders issued under this
34 chapter must include a designation of the appropriate law enforcement
35 agency to execute, serve, or enforce the order. Any appropriate law
36 enforcement agency should act where assistance is needed, even if the
37 agency is not specifically named in the order, including assisting
38 with the recovery of firearms as ordered.

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

5 (3) When the respondent is ordered to vacate the residence or
6 other shared property, the respondent may be permitted by the court
7 to remove personal clothing, personal items needed during the
8 duration of the order, and any other items specified by the court,
9 while a law enforcement officer is present.

10 (4) Where orders involve surrender of firearms, dangerous
11 weapons, and concealed pistol licenses, those items must be secured
12 and accounted for in a manner that prioritizes safety and compliance
13 with court orders.

14 **Sec. 19.** RCW 7.105.340 and 2021 c 215 s 45 are each amended to
15 read as follows:

16 (1) Upon the issuance of any extreme risk protection order under
17 this chapter, including a temporary extreme risk protection order,
18 the court shall:

19 (a) Order the respondent to surrender to the local law
20 enforcement agency all firearms in the respondent's custody, control,
21 or possession, and any concealed pistol license issued under RCW
22 9.41.070; and

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

26 (2) The law enforcement officer serving any extreme risk
27 protection order under this chapter, including a temporary extreme
28 risk protection order, shall request that the respondent immediately
29 surrender all firearms in his or her custody, control, or possession,
30 and any concealed pistol license issued under RCW 9.41.070, and
31 conduct any search permitted by law for such firearms. The law
32 enforcement officer shall take possession of all firearms belonging
33 to the respondent that are surrendered, in plain sight, or discovered
34 pursuant to a lawful search. (~~The order must be personally served~~
35 ~~upon the respondent or defendant if~~) If the order is entered in open
36 court (~~in the presence of~~) and the respondent (~~or defendant. The~~
37 ~~respondent or defendant shall acknowledge receipt and service~~)
38 appears in person, the respondent must be provided a copy and further
39 service is not required. If the respondent (~~or defendant~~) refuses

1 ((service)) to accept a copy, an agent of the court may indicate on
2 the record that the respondent ((~~or defendant~~)) refused ((service))
3 to accept a copy of the order. If the respondent appears remotely for
4 the hearing, or leaves the hearing before a final ruling is issued or
5 order signed, and the court believes the respondent has sufficient
6 notice such that additional service is not necessary, the order must
7 recite that the respondent appeared before the court, has actual
8 notice of the order, the necessity for further service is waived, and
9 proof of service of the order is not necessary. The court shall enter
10 the service and receipt into the record. A copy of the order and
11 service must be transmitted immediately to law enforcement. The
12 respondent must immediately surrender all firearms and any concealed
13 pistol license, not previously surrendered, in a safe manner to the
14 control of the local law enforcement agency on the day of the hearing
15 at which the respondent was present in person or remotely. If the
16 respondent is in custody, arrangements to recover the firearms must
17 be made prior to release. Alternatively, if personal service by a law
18 enforcement officer is not possible, and the respondent did not
19 appear in person or remotely at the hearing, the respondent shall
20 surrender the firearms in a safe manner to the control of the local
21 law enforcement agency within 24 hours of being served with the order
22 by alternate service.

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

30 (4) Upon the sworn statement or testimony of the petitioner or of
31 any law enforcement officer alleging that the respondent has failed
32 to comply with the surrender of firearms as required by an order
33 issued under this chapter, the court shall determine whether probable
34 cause exists to believe that the respondent has failed to surrender
35 all firearms in his or her possession, custody, or control. If
36 probable cause for a violation of the order exists, the court shall
37 issue a warrant describing the firearms and authorizing a search of
38 the locations where the firearms are reasonably believed to be and
39 the seizure of any firearms discovered pursuant to such search.

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

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

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

13 (c) The firearm is not otherwise unlawfully possessed by the
14 owner.

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

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

1 order requiring the respondent to appear, provide proof of compliance
2 with the order, and show cause why the respondent should not be held
3 in contempt of court.

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

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

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

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

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

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

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

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 pay for any losses incurred by a party in connection with
6 the contempt proceeding, including reasonable attorneys' fees,
7 service fees, and other costs. The costs of the proceeding must not
8 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 at any hearing that concerns compliance with an extreme
14 risk protection order.

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

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

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

29 (10) All law enforcement agencies must develop and implement
30 policies and procedures regarding the acceptance, storage, and return
31 of firearms required to be surrendered under this chapter. Any
32 surrendered firearms must be handled and stored properly to prevent
33 damage or degradation in appearance or function, and the condition of
34 the surrendered firearms documented, including by digital photograph.
35 A law enforcement agency holding any surrendered firearm or concealed
36 pistol license shall comply with the provisions of RCW 9.41.340 and
37 9.41.345 before the return of the firearm or concealed pistol license
38 to the owner or individual from whom it was obtained.

1 **Sec. 20.** RCW 7.105.400 and 2021 c 215 s 53 are each amended to
2 read as follows:

3 (1) A temporary protection order issued under this chapter may be
4 reissued for the following reasons:

5 (a) Agreement of the parties;

6 (b) To provide additional time to effect service of the temporary
7 protection order on the respondent; or

8 (c) If the court, in writing, finds good cause to reissue the
9 order.

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

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

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

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

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

30 (c) Status of the criminal case;

31 (d) The interests of the petitioners in proceeding expeditiously
32 with litigation and the potential prejudice and risk to petitioners
33 of a delay;

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

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

38 (g) The interests of persons not parties to the civil litigation;
39 and

1 (h) The interest of the public in the pending civil and criminal
2 litigation.

3 (5) Courts shall not require a petitioner to complete a new (~~law~~
4 ~~enforcement information sheet~~) confidential information form when a
5 temporary protection order is reissued or when a full order for a
6 fixed time period is entered, unless the petitioner indicates that
7 the information needs to be updated or amended. The clerk shall
8 transmit the order to the law enforcement agency identified in the
9 order for service, along with a copy of the confidential party
10 information form received from the respondent, if available, or the
11 petitioner's confidential party information form to assist law
12 enforcement in serving the order.

13 **Sec. 21.** RCW 7.105.450 and 2021 c 215 s 56 are each amended to
14 read as follows:

15 (1)(a) Whenever a domestic violence protection order, a sexual
16 assault protection order, a stalking protection order, or a
17 vulnerable adult protection order is granted under this chapter, or
18 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
19 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
20 protection order as defined in RCW 26.52.020, or there is a Canadian
21 domestic violence protection order as defined in RCW 26.55.010, and
22 the respondent or person to be restrained knows of the order, a
23 violation of any of the following provisions of the order is a gross
24 misdemeanor, except as provided in subsections (4) and (5) of this
25 section:

26 (i) The restraint provisions prohibiting acts or threats of
27 violence against, or stalking of, a protected party, or the restraint
28 provisions prohibiting contact with a protected party;

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

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

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

1 (v) A provision of a foreign protection order or a Canadian
2 domestic violence protection order specifically indicating that a
3 violation will be a crime.

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

6 (i) May require that the respondent submit to electronic
7 monitoring. The court shall specify who must provide the electronic
8 monitoring services and the terms under which the monitoring must be
9 performed. The order also may include a requirement that the
10 respondent pay the costs of the monitoring. The court shall consider
11 the ability of the convicted person to pay for electronic monitoring;
12 and

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

18 (2) A law enforcement officer shall arrest without a warrant and
19 take into custody a person whom the law enforcement officer has
20 probable cause to believe has violated a domestic violence protection
21 order, a sexual assault protection order, a stalking protection
22 order, or a vulnerable adult protection order, or an order issued
23 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, that restrains the person or excludes the
27 person from a residence, workplace, school, or day care, or prohibits
28 the person from knowingly coming within, or knowingly remaining
29 within, a specified distance of a location, a protected party's
30 person, or a protected party's vehicle, if the person restrained
31 knows of the order. Presence of the order in the law enforcement
32 computer-based criminal intelligence information system is not the
33 only means of establishing knowledge of the order.

34 (3) A violation of a domestic violence protection order, a sexual
35 assault protection order, a stalking protection order, or a
36 vulnerable adult protection order, or an order issued under chapter
37 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
38 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
39 or a Canadian domestic violence protection order as defined in RCW

1 26.55.010, shall also constitute contempt of court, and is subject to
2 the penalties prescribed by law.

3 (4) Any assault that is a violation of a domestic violence
4 protection order, a sexual assault protection order, a stalking
5 protection order, or a vulnerable adult protection order, or an order
6 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
7 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
8 in RCW 26.52.020, or a Canadian domestic violence protection order as
9 defined in RCW 26.55.010, and that does not amount to assault in the
10 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
11 felony, and any conduct in violation of such an order that is
12 reckless and creates a substantial risk of death or serious physical
13 injury to another person is a class C felony.

14 (5) A violation of a domestic violence protection order, a sexual
15 assault protection order, a stalking protection order, or a
16 vulnerable adult protection order, or a court order issued under
17 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or
18 26.26B RCW, or a valid foreign protection order as defined in RCW
19 26.52.020, or a Canadian domestic violence protection order as
20 defined in RCW 26.55.010, is a class C felony if the offender has at
21 least two previous convictions for violating the provisions of a
22 domestic violence protection order, a sexual assault protection
23 order, a stalking protection order, or a vulnerable adult protection
24 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
25 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
26 protection order as defined in RCW 26.52.020, or a Canadian domestic
27 violence protection order as defined in RCW 26.55.010. The previous
28 convictions may involve the same victim or other victims specifically
29 protected by the orders the offender violated.

30 (6)(a) A defendant arrested for violating a domestic violence
31 protection order, sexual assault protection order, stalking
32 protection order, or vulnerable adult protection order, or an order
33 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,
34 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
35 defined in RCW 26.52.020, or a Canadian domestic violence protection
36 order as defined in RCW 26.55.010, is required to appear in person
37 before a magistrate within one judicial day after the arrest. At the
38 time of the appearance, the court shall determine the necessity of
39 imposing a no-contact order or other conditions of pretrial release.

1 (b) A defendant who is charged by citation, complaint, or
2 information with violating any protection order identified in (a) of
3 this subsection and not arrested shall appear in court for
4 arraignment in person as soon as practicable, but in no event later
5 than 14 days after the next day on which court is in session
6 following the issuance of the citation or the filing of the complaint
7 or information.

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

22 (8) Appearances required under this section are mandatory and
23 cannot be waived.

24 **Sec. 22.** RCW 7.105.460 and 2021 c 215 s 58 are each amended to
25 read as follows:

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

30 (2) ~~((Any))~~ (a) Except as provided in (b) of this subsection, any
31 person who has in his or her custody or control, accesses, purchases,
32 possesses, or receives, or attempts to purchase or receive, a firearm
33 with knowledge that he or she is prohibited from doing so by an
34 extreme risk protection order is guilty of a gross misdemeanor, and
35 further is prohibited from having in his or her custody or control,
36 accessing, purchasing, possessing, or receiving, or attempting to
37 purchase or receive, a firearm for a period of five years from the
38 date the existing order expires. ~~((However, such))~~

1 (b) A person is guilty of a class C felony for a violation under
2 (a) of this subsection if the person has two or more previous
3 convictions for violating an order issued under this chapter.

4 **Sec. 23.** RCW 7.105.500 and 2021 c 215 s 61 are each amended to
5 read as follows:

6 This section applies to modification or termination of domestic
7 violence protection orders, sexual assault protection orders,
8 stalking protection orders, and antiharassment protection orders.

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

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

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

30 (a) Acts of domestic violence, in cases involving domestic
31 violence protection orders;

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

34 (c) Acts of stalking, in cases involving stalking protection
35 orders; or

36 (d) Acts of unlawful harassment, in cases involving
37 antiharassment protection orders.

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

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

5 (a) Whether the respondent has committed or threatened sexual
6 assault, domestic violence, stalking, or other harmful acts against
7 the petitioner or any other person since the protection order was
8 entered;

9 (b) Whether the respondent has violated the terms of the
10 protection order and the time that has passed since the entry of the
11 order;

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

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

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

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

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

25 (h) Other factors relating to a substantial change in
26 circumstances.

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

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

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

1 (8) If a person who is protected by a protection order has a
2 child or adopts a child after a protection order has been issued, but
3 before the protection order has expired, the petitioner may seek to
4 include the new child in the order of protection on an ex parte basis
5 if the child is already in the physical custody of the petitioner. If
6 the restrained person is the legal or biological parent of the child,
7 a hearing must be set and notice given to the restrained person prior
8 to final modification of the full protection order.

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

12 **Sec. 24.** RCW 7.105.510 and 2021 c 215 s 63 are each amended to
13 read as follows:

14 This section applies to the modification or termination of
15 vulnerable adult protection orders.

16 (1) Any vulnerable adult who is not subject to (~~a limited~~
17 ~~guardianship, limited conservatorship, or other protective~~
18 ~~arrangement)) an order under chapter 11.130 RCW may, at any time
19 subsequent to the entry of a permanent protection order under this
20 chapter, file a motion to modify or terminate the protection order.
21 Where a vulnerable adult is subject to an order under chapter 11.130
22 RCW, the vulnerable adult, or the vulnerable adult's guardian,
23 conservator, or person acting on behalf of the vulnerable adult under
24 a protective arrangement under chapter 11.130 RCW, may, (at any time
25 subsequent to the entry of a permanent protection order under this
26 chapter,) if within the person's authority under the guardianship,
27 conservatorship, or protective arrangement, file a motion to modify
28 or terminate the protection order at any time subsequent to the entry
29 of a permanent protection order under this chapter.~~

30 (2) In a hearing on a motion to modify or terminate the
31 protection order, the court shall grant such relief consistent with
32 RCW 7.105.310 as it deems necessary for the protection of the
33 vulnerable adult, including modification or termination of the
34 protection order.

35 **Sec. 25.** RCW 7.105.555 and 2021 c 215 s 66 are each amended to
36 read as follows:

37 (1) To prevent the issuance of competing protection orders in
38 different courts and to give courts needed information for the

1 issuance of orders, the judicial information system or alternative
2 databases must be available in each district, municipal, and superior
3 court, and must include a database containing the following
4 information:

5 ~~((1))~~ (a) The names of the parties and the cause number for
6 every order of protection issued under this chapter, protection
7 orders provided by military and tribal courts, every criminal no-
8 contact order issued under chapters 9A.46 and 10.99 RCW, every
9 dissolution action under chapter 26.09 RCW, every parentage action
10 under chapter 26.26A or 26.26B RCW, every restraining order issued on
11 behalf of an abused child or adult dependent person under chapter
12 26.44 RCW, every foreign protection order filed under chapter 26.52
13 RCW, and every Canadian domestic violence protection order filed
14 under chapter 26.55 RCW. When a guardian or the department of social
15 and health services or department of children, youth, and families
16 has petitioned for relief on behalf of an abused child, adult
17 dependent person, or vulnerable adult, the name of the person on
18 whose behalf relief was sought must be included in the database as a
19 party rather than the guardian or appropriate department;

20 ~~((2))~~ (b) A complete criminal history of the parties; and

21 ~~((3))~~ (c) Other relevant information necessary to assist courts
22 in issuing orders under this chapter as determined by the judicial
23 information system committee.

24 (2) Information within the database must be easily accessible and
25 accurately updated as soon as possible but no later than within one
26 judicial day.

27 (3) A document viewing system must be available as part of the
28 judicial information system or other databases used by the court, so
29 that in addition to having access to the summary information in
30 subsection (1) of this section, the court is able to view any
31 protection order filed within the state.

32 **Sec. 26.** RCW 7.105.902 and 2021 c 215 s 36 are each amended to
33 read as follows:

34 (1) The administrative office of the courts, through the gender
35 and justice commission of the Washington state supreme court, and
36 with the support of the Washington state women's commission, shall
37 work with representatives of superior, district, and municipal court
38 judicial officers, court clerks, and administrators, including those
39 with experience in protection order proceedings, as well as advocates

1 and practitioners with expertise in each type of protection order,
2 and others with relevant expertise, to consider and develop
3 recommendations regarding:

4 (a) Uses of technology to reduce administrative burdens in
5 protection order proceedings;

6 (b) Improving access to unrepresented parties in protection order
7 proceedings, including promoting access for pro bono attorneys for
8 remote protection order proceedings, in consultation with the
9 Washington state bar association;

10 (c) Developing best practices for courts when there are civil
11 protection order and criminal proceedings that concern the same
12 alleged conduct;

13 (d) Developing best practices in data collection and sharing,
14 including demographic information, in order to promote research and
15 study on protection orders and transparency of protection order data
16 for the public, in partnership with the Washington state center for
17 court research, the Washington state institute for public policy, the
18 University of Washington, and the urban Indian health institute;

19 (e) Developing best practices, including proposed training and
20 necessary forms, in partnership with the Washington tribal state
21 court consortium, to address how:

22 (i) Washington state court judges of all levels can see the
23 existence of, and parties to, tribal court, military, and other
24 jurisdiction protection orders, in comity with similar state court
25 orders;

26 (ii) Tribal courts can enter their protection orders into the
27 judicial information system used by courts to check for conflicting
28 orders and history; and

29 (iii) State courts can query the national crime information
30 center to check for tribal, military, and other jurisdictions'
31 protection orders prior to issuing protection orders;

32 (f) Developing best practices for minor respondents and
33 petitioners in civil protection order proceedings, including what
34 sanctions should be provided for in law, with input from legal
35 advocates for children and youth, juvenile public defense, juvenile
36 prosecutors, adolescent behavioral health experts, youth development
37 experts, educators, judicial officers, victim advocates, restorative-
38 informed or trauma-informed professionals, child advocacy centers,
39 and professionals experienced in evidenced-based modalities for the
40 treatment of trauma; and

1 (g) Assessing how the civil protection order law can more
2 effectively address the type of abuse known as "coercive control" so
3 that survivors can seek earlier protective intervention before abuse
4 further escalates.

5 (2) The gender and justice commission may hire a consultant to
6 assist with the requirements of this section with funds as
7 appropriated.

8 (3) The gender and justice commission shall provide a brief
9 report of its recommendations to the legislature for subsection
10 (1)(e) through (g) of this section by December 1, 2021, and, for
11 subsection (1)(a) through (d) of this section, provide
12 recommendations to the courts by July 1, 2022.

13 (4) This section expires October 1, 2022.

14 NEW SECTION. **Sec. 27.** (1) The gender and justice commission,
15 through its E2SHB 1320 stakeholder work groups, and in consultation
16 with the Washington state center for court research, shall include in
17 their 2022 work consideration of a study regarding how the inclusion
18 of coercive control under this act helps to further realize the
19 legislative intent of the law to increase safety for victims by
20 obtaining effective legal protection apart from, or in addition to,
21 the criminal legal system. The possible parameters for such a study
22 would be as follows:

23 (a) The center for court research may engage or partner with
24 other researchers with expertise in intimate partner violence,
25 coercive control, civil protection order processes, and related
26 research to conduct the study or help with study design, duration,
27 methods, measurements, data collection, and analysis.

28 (b) The administrative office of the courts and superior and
29 district courts shall provide the center for court research with
30 necessary data to conduct the study, as requested by the center for
31 court research.

32 (c) The study may include, if determined by the gender and
33 justice commission's E2SHB 1320 stakeholder work groups and the
34 center for court research to be empirically useful and readily
35 measurable through available data, measurements such as:

36 (i) The ability of survivors to obtain protection orders that
37 fully address the nature of the harm or threat of harm they are
38 experiencing;

1 (ii) The frequency of inclusion of coercive control in protection
2 order petitions and the nature of the harm or threatened harm
3 articulated;

4 (iii) Whether the orders were granted and if so, the relief
5 ordered by the court;

6 (iv) Whether the orders were denied, and if so, the reason for
7 the denial; and

8 (v) In proceedings involving domestic violence where coercive
9 control is part of the harm alleged:

10 (A) The frequency of conflicting protection orders, cross-
11 petitions (where each party files a petition against the other), or
12 re-aligned orders (where the court finds that the original petitioner
13 is the abuser and the original respondent is the victim);

14 (B) Enforcement of protection order violations;

15 (C) Other legal proceedings involving either party, such as
16 family, dependency, or criminal matters; and

17 (D) Whether the parties had legal representation or legal
18 advocates in the protection order proceedings.

19 (d) The study shall also assess judicial officer training
20 regarding protection orders, and coercive control in particular, and
21 whether additional judicial officers are required to hear protection
22 order proceedings.

23 (e) To the extent feasible, and considered best practice by the
24 center for court research, the evaluation should also: Gather
25 qualitative information from survivors of domestic violence, legal
26 counsel, protection order advocates and court navigators, court
27 clerks, and judicial officers; and include analysis of any
28 disproportionate impact on survivors by race, immigration status,
29 language, gender, sexual orientation, or disability.

30 (f) At the conclusion of any study conducted under this section,
31 the center for court research shall report its findings to the
32 legislature in compliance with RCW 43.01.036.

33 (2) By July 1, 2022, the gender and justice commission through
34 its E2SHB 1320 work groups and the center for court research shall
35 advise the chairs of the relevant policy committees of the
36 legislature of their recommendations regarding need, timing, and
37 design for such a study.

38 (3) This section expires January 1, 2028.

1 **Sec. 28.** RCW 9.41.040 and 2021 c 215 s 72 are each amended to
2 read as follows:

3 (1)(a) A person, whether an adult or juvenile, is guilty of the
4 crime of unlawful possession of a firearm in the first degree, if the
5 person owns, has in his or her possession, or has in his or her
6 control any firearm after having previously been convicted or found
7 not guilty by reason of insanity in this state or elsewhere of any
8 serious offense as defined in this chapter.

9 (b) Unlawful possession of a firearm in the first degree is a
10 class B felony punishable according to chapter 9A.20 RCW.

11 (2)(a) A person, whether an adult or juvenile, is guilty of the
12 crime of unlawful possession of a firearm in the second degree, if
13 the person does not qualify under subsection (1) of this section for
14 the crime of unlawful possession of a firearm in the first degree and
15 the person owns, has in his or her possession, or has in his or her
16 control any firearm:

17 (i) After having previously been convicted or found not guilty by
18 reason of insanity in this state or elsewhere of any felony not
19 specifically listed as prohibiting firearm possession under
20 subsection (1) of this section, or any of the following crimes when
21 committed by one family or household member against another or by one
22 intimate partner against another, as those terms are defined by the
23 statutes in effect at the time of the commission of the crime,
24 committed on or after July 1, 1993: Assault in the fourth degree,
25 coercion, stalking, reckless endangerment, criminal trespass in the
26 first degree, or violation of the provisions of a (~~domestic~~
27 ~~violence~~) protection order or no-contact order restraining the
28 person or excluding the person from a residence (~~(chapter 7.105~~
29 ~~RCW,)~~ RCW 10.99.040(~~(7)~~) or any of the former RCW 26.50.060,
30 26.50.070, and 26.50.130);

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

35 (iii) After having previously been convicted or found not guilty
36 by reason of insanity in this state or elsewhere of a violation of
37 the provisions of a protection order under chapter 7.105 RCW
38 restraining the person or excluding the person from a residence, when
39 committed by one family or household member against another or by one
40 intimate partner against another, committed on or after July 1, 2022;

1 (iv) During any period of time that the person is subject to a
2 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,
3 or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and
4 26.50 RCW that:

5 (A) Was issued after a hearing for which the person received
6 actual notice, and at which the person had an opportunity to
7 participate, whether the court then issues a full order or reissues a
8 temporary order. If the court enters an agreed order by the parties
9 without a hearing, such an order meets the requirements of this
10 subsection;

11 (B) Restrains the person from harassing, stalking, or threatening
12 the person protected under the order or child of the person or
13 protected person, or engaging in other conduct that would place the
14 protected person in reasonable fear of bodily injury to the protected
15 person or child; and

16 (C) (I) Includes a finding that the person represents a credible
17 threat to the physical safety of the protected person or child
18 (~~(and)~~) or by its terms explicitly prohibits the use, attempted use,
19 or threatened use of physical force against the protected person or
20 child that would reasonably be expected to cause bodily injury; or

21 (II) Includes an order under RCW 9.41.800 requiring the person to
22 surrender all firearms and prohibiting the person from accessing,
23 having in his or her custody or control, possessing, purchasing,
24 receiving, or attempting to purchase or receive, firearms;

25 (~~(iv)~~) (v) After having previously been involuntarily committed
26 based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,
27 71.34.750, chapter 10.77 RCW, or equivalent statutes of another
28 jurisdiction, unless his or her right to possess a firearm has been
29 restored as provided in RCW 9.41.047;

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

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

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

1 (b) Unlawful possession of a firearm in the second degree is a
2 class C felony punishable according to chapter 9A.20 RCW.

3 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,
4 as used in this chapter, a person has been "convicted," whether in an
5 adult court or adjudicated in a juvenile court, at such time as a
6 plea of guilty has been accepted or a verdict of guilty has been
7 filed, notwithstanding the pendency of any future proceedings
8 including, but not limited to, sentencing or disposition, post-trial
9 or post-fact-finding motions, and appeals. Conviction includes a
10 dismissal entered after a period of probation, suspension, or
11 deferral of sentence, and also includes equivalent dispositions by
12 courts in jurisdictions other than Washington state. A person shall
13 not be precluded from possession of a firearm if the conviction has
14 been the subject of a pardon, annulment, certificate of
15 rehabilitation, or other equivalent procedure based on a finding of
16 the rehabilitation of the person convicted or the conviction or
17 disposition has been the subject of a pardon, annulment, or other
18 equivalent procedure based on a finding of innocence. Where no record
19 of the court's disposition of the charges can be found, there shall
20 be a rebuttable presumption that the person was not convicted of the
21 charge.

22 (4)(a) Notwithstanding subsection (1) or (2) of this section, a
23 person convicted or found not guilty by reason of insanity of an
24 offense prohibiting the possession of a firearm under this section
25 other than murder, manslaughter, robbery, rape, indecent liberties,
26 arson, assault, kidnapping, extortion, burglary, or violations with
27 respect to controlled substances under RCW 69.50.401 and 69.50.410,
28 who received a probationary sentence under RCW 9.95.200, and who
29 received a dismissal of the charge under RCW 9.95.240, shall not be
30 precluded from possession of a firearm as a result of the conviction
31 or finding of not guilty by reason of insanity. Notwithstanding any
32 other provisions of this section, if a person is prohibited from
33 possession of a firearm under subsection (1) or (2) of this section
34 and has not previously been convicted or found not guilty by reason
35 of insanity of a sex offense prohibiting firearm ownership under
36 subsection (1) or (2) of this section and/or any felony defined under
37 any law as a class A felony or with a maximum sentence of at least 20
38 years, or both, the individual may petition a court of record to have
39 his or her right to possess a firearm restored:

40 (i) Under RCW 9.41.047; and/or

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

8 (B) If the conviction or finding of not guilty by reason of
9 insanity was for a nonfelony offense, after three or more consecutive
10 years in the community without being convicted or found not guilty by
11 reason of insanity or currently charged with any felony, gross
12 misdemeanor, or misdemeanor crimes, if the individual has no prior
13 felony convictions that prohibit the possession of a firearm counted
14 as part of the offender score under RCW 9.94A.525 and the individual
15 has completed all conditions of the sentence.

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

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

21 (ii) The superior court in the county in which the petitioner
22 resides.

23 (5) In addition to any other penalty provided for by law, if a
24 person under the age of 18 years is found by a court to have
25 possessed a firearm in a vehicle in violation of subsection (1) or
26 (2) of this section or to have committed an offense while armed with
27 a firearm during which offense a motor vehicle served an integral
28 function, the court shall notify the department of licensing within
29 24 hours and the person's privilege to drive shall be revoked under
30 RCW 46.20.265, unless the offense is the juvenile's first offense in
31 violation of this section and has not committed an offense while
32 armed with a firearm, an unlawful possession of a firearm offense, or
33 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

34 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
35 or interpreted as preventing an offender from being charged and
36 subsequently convicted for the separate felony crimes of theft of a
37 firearm or possession of a stolen firearm, or both, in addition to
38 being charged and subsequently convicted under this section for
39 unlawful possession of a firearm in the first or second degree.
40 Notwithstanding any other law, if the offender is convicted under

1 this section for unlawful possession of a firearm in the first or
2 second degree and for the felony crimes of theft of a firearm or
3 possession of a stolen firearm, or both, then the offender shall
4 serve consecutive sentences for each of the felony crimes of
5 conviction listed in this subsection.

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

8 **Sec. 29.** RCW 9.41.800 and 2021 c 215 s 74 are each amended to
9 read as follows:

10 (1) Any court when entering an order authorized under chapter
11 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
12 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of
13 the evidence, that a party has: Used, displayed, or threatened to use
14 a firearm or other dangerous weapon in a felony, or is ineligible to
15 possess a firearm under the provisions of RCW 9.41.040:

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

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

20 (c) Prohibit the party from accessing, having in his or her
21 custody or control, possessing, purchasing, receiving, or attempting
22 to purchase or receive, any firearms or other dangerous weapons;

23 (d) Prohibit the party from obtaining or possessing a concealed
24 pistol license;

25 (e) Other than for ex parte temporary protection orders, unless
26 the ex parte temporary protection order was reissued after the party
27 received noticed and had an opportunity to be heard, direct law
28 enforcement to revoke any concealed pistol license issued to the
29 party.

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

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

38 (b) Restrains the party from harassing, stalking, or threatening
39 an intimate partner of the party, the protected person, or child of

1 the intimate partner, party, or protected person, or engaging in
2 other conduct that would place an intimate partner or protected
3 person in reasonable fear of bodily injury to the intimate partner,
4 protected person, or child; and

5 (c) (i) Includes a finding that the party represents a credible
6 threat to the physical safety of the intimate partner, protected
7 person, or child; (~~and~~) or

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

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

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

16 (C) Prohibit the party from accessing, having in his or her
17 custody or control, possessing, purchasing, receiving, or attempting
18 to purchase or receive, any firearms or other dangerous weapons; and

19 (D) Prohibit the party from obtaining or possessing a concealed
20 pistol license.

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

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

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

35 (6) The court shall require the party to surrender all firearms
36 and other dangerous weapons in his or her immediate possession or
37 control or subject to his or her immediate possession or control, and
38 any concealed pistol license issued under RCW 9.41.070, to the local
39 law enforcement agency. Law enforcement officers shall use law
40 enforcement databases to assist in locating the party in situations

1 where the protected person does not know where the party lives or
2 where there is evidence that the party is trying to evade service.

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

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

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

12 **Sec. 30.** RCW 9.41.801 and 2021 c 215 s 75 are each amended to
13 read as follows:

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

21 (2) A law enforcement officer serving a protection order, no-
22 contact order, or restraining order that includes an order to
23 surrender all firearms, dangerous weapons, and a concealed pistol
24 license under RCW 9.41.800 shall inform the respondent that the order
25 is effective upon service and the respondent must immediately
26 surrender all firearms and dangerous weapons in the respondent's
27 custody, control, or possession and any concealed pistol license
28 issued under RCW 9.41.070, and conduct any search permitted by law
29 for such firearms, dangerous weapons, and concealed pistol license.
30 The law enforcement officer shall take possession of all firearms,
31 dangerous weapons, and any concealed pistol license belonging to the
32 respondent that are surrendered, in plain sight, or discovered
33 pursuant to a lawful search. (~~The order must be personally served~~
34 ~~upon the respondent or defendant if~~) If the order is entered in open
35 court (~~in the presence of~~) and the respondent (~~or defendant~~)
36 appears in person, the respondent shall be provided a copy and
37 further service is not required. (~~The respondent or defendant shall~~
38 ~~acknowledge receipt and service.~~) If the respondent (~~or defendant~~)
39 refuses (~~service~~) to receive a copy, an agent of the court may

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

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

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

1 (5) If a person other than the respondent claims title to any
2 firearms or dangerous weapons surrendered pursuant to this section,
3 and the person is determined by the law enforcement agency to be the
4 lawful owner of the firearm or dangerous weapon, the firearm or
5 dangerous weapon shall be returned to the lawful owner, provided
6 that:

7 (a) The firearm or dangerous weapon is removed from the
8 respondent's access, custody, control, or possession and the lawful
9 owner agrees by written document signed under penalty of perjury to
10 store the firearm or dangerous weapon in a manner such that the
11 respondent does not have access to or control of the firearm or
12 dangerous weapon;

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

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

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

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

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

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

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

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

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

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

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

39 (iii) If the law enforcement agency has a reasonable suspicion
40 that the respondent is not in full compliance with the terms of the

1 order, the law enforcement agency must submit the basis for its
2 belief to the court, and may do so through the filing of a
3 declaration.

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

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

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

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

24 (9) (a) An order to surrender and prohibit weapons issued pursuant
25 to RCW 9.41.800 must state that the act of voluntarily surrendering
26 firearms or weapons, or providing testimony relating to the surrender
27 of firearms or weapons, pursuant to such an order, may not be used
28 against the respondent (~~(or defendant)~~) in any criminal prosecution
29 under this chapter, chapter (~~(9.41—[7.105])~~) 7.105 RCW, or RCW
30 9A.56.310.

31 (b) To provide relevant information to the court to determine
32 compliance with the order, the court may allow the prosecuting
33 attorney or city attorney to question the respondent regarding
34 compliance.

35 (10) All law enforcement agencies must have policies and
36 procedures to provide for the acceptance, storage, and return of
37 firearms, dangerous weapons, and concealed pistol licenses that a
38 court requires must be surrendered under RCW 9.41.800. A law
39 enforcement agency holding any firearm or concealed pistol license
40 that has been surrendered under RCW 9.41.800 shall comply with the

1 provisions of RCW 9.41.340 and 9.41.345 before the return of the
2 firearm or concealed pistol license to the owner or individual from
3 whom it was obtained.

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

12 **Sec. 31.** RCW 42.56.240 and 2019 c 300 s 1 are each amended to
13 read as follows:

14 The following investigative, law enforcement, and crime victim
15 information is exempt from public inspection and copying under this
16 chapter:

17 (1) Specific intelligence information and specific investigative
18 records compiled by investigative, law enforcement, and penology
19 agencies, and state agencies vested with the responsibility to
20 discipline members of any profession, the nondisclosure of which is
21 essential to effective law enforcement or for the protection of any
22 person's right to privacy;

23 (2) Information revealing the identity of persons who are
24 witnesses to or victims of crime or who file complaints with
25 investigative, law enforcement, or penology agencies, other than the
26 commission, if disclosure would endanger any person's life, physical
27 safety, or property. If at the time a complaint is filed the
28 complainant, victim, or witness indicates a desire for disclosure or
29 nondisclosure, such desire shall govern. However, all complaints
30 filed with the commission about any elected official or candidate for
31 public office must be made in writing and signed by the complainant
32 under oath;

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

1 (4) License applications under RCW 9.41.070(~~+~~), except that
2 copies of license applications or information on the applications may
3 be released to law enforcement or corrections agencies or to persons
4 and entities as authorized under RCW 9.41.815;

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

15 (6) Information contained in a local or regionally maintained
16 gang database as well as the statewide gang database referenced in
17 RCW 43.43.762;

18 (7) Data from the electronic sales tracking system established in
19 RCW 69.43.165;

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

25 (9) Personally identifying information collected by law
26 enforcement agencies pursuant to local security alarm system programs
27 and vacation crime watch programs. Nothing in this subsection shall
28 be interpreted so as to prohibit the legal owner of a residence or
29 business from accessing information regarding his or her residence or
30 business;

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

33 (11) The identity of a state employee or officer who has in good
34 faith filed a complaint with an ethics board, as provided in RCW
35 42.52.410, or who has in good faith reported improper governmental
36 action, as defined in RCW 42.40.020, to the auditor or other public
37 official, as defined in RCW 42.40.020;

38 (12) The following security threat group information collected
39 and maintained by the department of corrections pursuant to RCW
40 72.09.745: (a) Information that could lead to the identification of a

1 person's security threat group status, affiliation, or activities;
2 (b) information that reveals specific security threats associated
3 with the operation and activities of security threat groups; and (c)
4 information that identifies the number of security threat group
5 members, affiliates, or associates;

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

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

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

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

20 (I) A patient is registered to receive treatment, receiving
21 treatment, waiting for treatment, or being transported in the course
22 of treatment; or

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

25 (B) Information that meets the definition of protected health
26 information for purposes of the health insurance portability and
27 accountability act of 1996 or health care information for purposes of
28 chapter 70.02 RCW;

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

31 (iii) An intimate image;

32 (iv) A minor;

33 (v) The body of a deceased person;

34 (vi) The identity of or communications from a victim or witness
35 of an incident involving domestic violence as defined in RCW
36 10.99.020 or sexual assault as defined in RCW 70.125.030, or
37 disclosure of intimate images as defined in RCW 9A.86.010. If at the
38 time of recording the victim or witness indicates a desire for
39 disclosure or nondisclosure of the recorded identity or
40 communications, such desire shall govern; or

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

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

6 (c) In a court action seeking the right to inspect or copy a body
7 worn camera recording, a person who prevails against a law
8 enforcement or corrections agency that withholds or discloses all or
9 part of a body worn camera recording pursuant to (a) of this
10 subsection is not entitled to fees, costs, or awards pursuant to RCW
11 42.56.550 unless it is shown that the law enforcement or corrections
12 agency acted in bad faith or with gross negligence.

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

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

16 (ii) Provide the incident or case number;

17 (iii) Provide the date, time, and location of the incident or
18 incidents; or

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

21 (e) (i) A person directly involved in an incident recorded by the
22 requested body worn camera recording, an attorney representing a
23 person directly involved in an incident recorded by the requested
24 body worn camera recording, a person or his or her attorney who
25 requests a body worn camera recording relevant to a criminal case
26 involving that person, or the executive director from either the
27 Washington state commission on African American affairs, Asian
28 Pacific American affairs, or Hispanic affairs, has the right to
29 obtain the body worn camera recording, subject to any exemption under
30 this chapter or any applicable law. In addition, an attorney who
31 represents a person regarding a potential or existing civil cause of
32 action involving the denial of civil rights under the federal or
33 state Constitution, or a violation of a United States department of
34 justice settlement agreement, has the right to obtain the body worn
35 camera recording if relevant to the cause of action, subject to any
36 exemption under this chapter or any applicable law. The attorney must
37 explain the relevancy of the requested body worn camera recording to
38 the cause of action and specify that he or she is seeking relief from
39 redaction costs under this subsection (14) (e).

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

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

11 (f)(i) A law enforcement or corrections agency responding to a
12 request to disclose body worn camera recordings may require any
13 requester not listed in (e) of this subsection to pay the reasonable
14 costs of redacting, altering, distorting, pixelating, suppressing, or
15 otherwise obscuring any portion of the body worn camera recording
16 prior to disclosure only to the extent necessary to comply with the
17 exemptions in this chapter or any applicable law.

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

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

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

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

34 (ii) "Intimate image" means an individual or individuals engaged
35 in sexual activity, including sexual intercourse as defined in RCW
36 9A.44.010 and masturbation, or an individual's intimate body parts,
37 whether nude or visible through less than opaque clothing, including
38 the genitals, pubic area, anus, or postpubescent female nipple.

39 (h) Nothing in this subsection shall be construed to restrict
40 access to body worn camera recordings as otherwise permitted by law

1 for official or recognized civilian and accountability bodies or
2 pursuant to any court order.

3 (i) Nothing in this section is intended to modify the obligations
4 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
5 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
6 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
7 the relevant Washington court criminal rules and statutes.

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

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

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

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

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

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

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

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

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

27 (17) Information and records prepared, owned, used, or retained
28 by the Washington association of sheriffs and police chiefs and
29 information and records prepared, owned, used, or retained by the
30 Washington state patrol pursuant to chapter 261, Laws of 2017; and

31 (18) Any and all audio or video recordings of child forensic
32 interviews as defined in chapter 26.44 RCW. Such recordings are
33 confidential and may only be disclosed pursuant to a court order
34 entered upon a showing of good cause and with advance notice to the
35 child's parent, guardian, or legal custodian. However, if the child
36 is an emancipated minor or has attained the age of majority as
37 defined in RCW 26.28.010, advance notice must be to the child.
38 Failure to disclose an audio or video recording of a child forensic
39 interview as defined in chapter 26.44 RCW is not grounds for
40 penalties or other sanctions available under this chapter.

1 **TECHNICAL AMENDMENTS**

2 **Sec. 32.** RCW 4.08.050 and 2021 c 215 s 89 are each amended to
3 read as follows:

4 Except as provided under RCW 28A.225.035 and (~~7.105.105~~)
5 7.105.100, when an infant is a party he or she shall appear by
6 guardian, or if he or she has no guardian, or in the opinion of the
7 court the guardian is an improper person, the court shall appoint one
8 to act. Said guardian shall be appointed as follows:

9 (1) When the infant is plaintiff, upon the application of the
10 infant, if he or she be of the age of fourteen years, or if under
11 that age, upon the application of a relative or friend of the infant.

12 (2) When the infant is defendant, upon the application of the
13 infant, if he or she be of the age of fourteen years, and applies
14 within thirty days after the service of the summons; if he or she be
15 under the age of fourteen, or neglects to apply, then upon the
16 application of any other party to the action, or of a relative or
17 friend of the infant.

18 **Sec. 33.** RCW 9.41.042 and 2020 c 18 s 6 are each amended to read
19 as follows:

20 RCW 9.41.040(2)(a)(~~(vi)~~) (vii) shall not apply to any person
21 under the age of eighteen years who is:

22 (1) In attendance at a hunter's safety course or a firearms
23 safety course;

24 (2) Engaging in practice in the use of a firearm or target
25 shooting at an established range authorized by the governing body of
26 the jurisdiction in which such range is located or any other area
27 where the discharge of a firearm is not prohibited;

28 (3) Engaging in an organized competition involving the use of a
29 firearm, or participating in or practicing for a performance by an
30 organized group that uses firearms as a part of the performance;

31 (4) Hunting or trapping under a valid license issued to the
32 person under Title 77 RCW;

33 (5) In an area where the discharge of a firearm is permitted, is
34 not trespassing, and the person either: (a) Is at least fourteen
35 years of age, has been issued a hunter safety certificate, and is
36 using a lawful firearm other than a pistol; or (b) is under the
37 supervision of a parent, guardian, or other adult approved for the
38 purpose by the parent or guardian;

1 (6) Traveling with any unloaded firearm in the person's
2 possession to or from any activity described in subsection (1), (2),
3 (3), (4), or (5) of this section;

4 (7) On real property under the control of his or her parent,
5 other relative, or legal guardian and who has the permission of the
6 parent or legal guardian to possess a firearm;

7 (8) At his or her residence and who, with the permission of his
8 or her parent or legal guardian, possesses a firearm for the purpose
9 of exercising the rights specified in RCW 9A.16.020(3); or

10 (9) Is a member of the armed forces of the United States,
11 national guard, or organized reserves, when on duty.

12 **Sec. 34.** RCW 12.04.140 and 2021 c 215 s 127 are each amended to
13 read as follows:

14 Except as provided under RCW (~~(7.105.105)~~) 7.105.100, no action
15 shall be commenced by any person under the age of eighteen years,
16 except by his guardian, or until a next friend for such a person
17 shall have been appointed. Whenever requested, the justice shall
18 appoint some suitable person, who shall consent thereto in writing,
19 to be named by such plaintiff, to act as his or her next friend in
20 such action, who shall be responsible for the costs therein.

21 **Sec. 35.** RCW 12.04.150 and 2021 c 215 s 128 are each amended to
22 read as follows:

23 After service and return of process against a defendant under the
24 age of eighteen years, the action shall not be further prosecuted,
25 until a guardian for such defendant shall have been appointed, except
26 as provided under RCW (~~(7.105.105)~~) 7.105.100. Upon the request of
27 such defendant, the justice shall appoint some person who shall
28 consent thereto in writing, to be guardian of the defendant in
29 defense of the action; and if the defendant shall not appear on the
30 return day of the process, or if he or she neglect or refuse to
31 nominate such guardian, the justice may, at the request of the
32 plaintiff, appoint any discreet person as such guardian. The consent
33 of the guardian or next friend shall be filed with the justice; and
34 such guardian for the defendant shall not be liable for any costs in
35 the action.

36 **Sec. 36.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to
37 read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION

JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving
Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

1	B+	Burglary 1 (9A.52.020) committed at	C+
2		age 15 or under	
3	A-	Burglary 1 (9A.52.020) committed at	B+
4		age 16 or 17	
5	B	Residential Burglary (9A.52.025)	C
6	B	Burglary 2 (9A.52.030)	C
7	D	Burglary Tools (Possession of)	E
8		(9A.52.060)	
9	D	Criminal Trespass 1 (9A.52.070)	E
10	E	Criminal Trespass 2 (9A.52.080)	E
11	C	Mineral Trespass (78.44.330)	C
12	C	Vehicle Prowling 1 (9A.52.095)	D
13	D	Vehicle Prowling 2 (9A.52.100)	E
14		Drugs	
15	E	Possession/Consumption of Alcohol	E
16		(66.44.270)	
17	C	Illegally Obtaining Legend Drug	D
18		(69.41.020)	
19	C+	Sale, Delivery, Possession of Legend	D+
20		Drug with Intent to Sell (69.41.030(2)(a))	
21	E	Possession of Legend	E
22		Drug (69.41.030(2)(b))	
23	B+	Violation of Uniform Controlled	B+
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Sale (69.50.401(2) (a) or (b))	
27	C	Violation of Uniform Controlled	C
28		Substances Act - Nonnarcotic Sale	
29		(69.50.401(2)(c))	
30	E	Possession of Marihuana <40 grams	E
31		(69.50.4014)	
32	C	Fraudulently Obtaining Controlled	C
33		Substance (69.50.403)	
34	C+	Sale of Controlled Substance for Profit	C+
35		(69.50.410)	
36	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	B
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.4011(2)	
5		(a) or (b))	
6	C	Violation of Uniform Controlled	C
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.4011(2) (c), (d), or (e))	
9	E	Violation of Uniform Controlled	E
10		Substances Act - Possession of a	
11		Controlled Substance (69.50.4013)	
12	C	Violation of Uniform Controlled	C
13		Substances Act - Possession of a	
14		Controlled Substance (69.50.4012)	
15		Firearms and Weapons	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm	C
18		(9A.56.310)	
19	E	Carrying Loaded Pistol Without Permit	E
20		(9.41.050)	
21	C	Possession of Firearms by Minor (<18)	C
22		(9.41.040(2)(a)((vi)) (vii))	
23	D+	Possession of Dangerous Weapon	E
24		(9.41.250)	
25	D	Intimidating Another Person by use of	E
26		Weapon (9.41.270)	
27		Homicide	
28	A+	Murder 1 (9A.32.030)	A
29	A+	Murder 2 (9A.32.050)	B+
30	B+	Manslaughter 1 (9A.32.060)	C+
31	C+	Manslaughter 2 (9A.32.070)	D+
32	B+	Vehicular Homicide (46.61.520)	C+
33		Kidnapping	
34	A	Kidnap 1 (9A.40.020)	B+
35	B+	Kidnap 2 (9A.40.030)	C+
36	C+	Unlawful Imprisonment (9A.40.040)	D+
37		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer	E
2		(9A.76.020)	
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant	C+
8		(9A.76.180)	
9	B+	Intimidating a Witness (9A.72.110)	C+
10		Public Disturbance	
11	C+	Criminal Mischief with Weapon	D+
12		(9A.84.010(2)(b))	
13	D+	Criminal Mischief Without Weapon	E
14		(9A.84.010(2)(a))	
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		Sex Crimes	
18	A	Rape 1 (9A.44.040)	B+
19	B++	Rape 2 (9A.44.050) committed at age 14	B+
20		or under	
21	A-	Rape 2 (9A.44.050) committed at age 15	B+
22		through age 17	
23	C+	Rape 3 (9A.44.060)	D+
24	B++	Rape of a Child 1 (9A.44.073)	B+
25		committed at age 14 or under	
26	A-	Rape of a Child 1 (9A.44.073)	B+
27		committed at age 15	
28	B+	Rape of a Child 2 (9A.44.076)	C+
29	B	Incest 1 (9A.64.020(1))	C
30	C	Incest 2 (9A.64.020(2))	D
31	D+	Indecent Exposure (Victim <14)	E
32		(9A.88.010)	
33	E	Indecent Exposure (Victim 14 or over)	E
34		(9A.88.010)	
35	B+	Promoting Prostitution 1 (9A.88.070)	C+
36	C+	Promoting Prostitution 2 (9A.88.080)	D+

1	E	O & A (Prostitution) (9A.88.030)	E
2	B+	Indecent Liberties (9A.44.100)	C+
3	B++	Child Molestation 1 (9A.44.083)	B+
4		committed at age 14 or under	
5	A-	Child Molestation 1 (9A.44.083)	B+
6		committed at age 15 through age 17	
7	B	Child Molestation 2 (9A.44.086)	C+
8	C	Failure to Register as a Sex Offender	D
9		(9A.44.132)	
10		Theft, Robbery, Extortion, and	
11		Forgery	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock 1 and 2 (9A.56.080	C
16		and 9A.56.083)	
17	C	Forgery (9A.60.020)	D
18	A	Robbery 1 (9A.56.200) committed at	B+
19		age 15 or under	
20	A++	Robbery 1 (9A.56.200) committed at	A
21		age 16 or 17	
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	C	Identity Theft 1 (9.35.020(2))	D
26	D	Identity Theft 2 (9.35.020(3))	E
27	D	Improperly Obtaining Financial	E
28		Information (9.35.010)	
29	B	Possession of a Stolen Vehicle	C
30		(9A.56.068)	
31	B	Possession of Stolen Property 1	C
32		(9A.56.150)	
33	C	Possession of Stolen Property 2	D
34		(9A.56.160)	
35	D	Possession of Stolen Property 3	E
36		(9A.56.170)	

1	B	Taking Motor Vehicle Without	C
2		Permission 1 (9A.56.070)	
3	C	Taking Motor Vehicle Without	D
4		Permission 2 (9A.56.075)	
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		Motor Vehicle Related Crimes	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	D
14		Vehicle (46.61.024)	
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	E
17		(46.61.502 and 46.61.504)	
18	B+	Felony Driving While Under the	B
19		Influence (46.61.502(6))	
20	B+	Felony Physical Control of a Vehicle	B
21		While Under the Influence (46.61.504(6))	
22		Other	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 ¹ (9A.76.110)	C
26	C	Escape 2 ¹ (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	E
29		(9.61.230)	
30	A	Other Offense Equivalent to an Adult	B+
31		Class A Felony	
32	B	Other Offense Equivalent to an Adult	C
33		Class B Felony	
34	C	Other Offense Equivalent to an Adult	D
35		Class C Felony	

- 1 D Other Offense Equivalent to an Adult E
- 2 Gross Misdemeanor
- 3 E Other Offense Equivalent to an Adult E
- 4 Misdemeanor
- 5 V Violation of Order of Restitution, V
- 6 Community Supervision, or Confinement
- 7 (13.40.200)²

8 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 9 and the standard range is established as follows:

- 10 1st escape or attempted escape during 12-month period - 28 days
- 11 confinement
- 12 2nd escape or attempted escape during 12-month period - 8 weeks
- 13 confinement
- 14 3rd and subsequent escape or attempted escape during 12-month
- 15 period - 12 weeks confinement

16 ²If the court finds that a respondent has violated terms of an order,
 17 it may impose a penalty of up to 30 days of confinement.

18 **JUVENILE SENTENCING STANDARDS**

19 This schedule must be used for juvenile offenders. The court may
 20 select sentencing option A, B, C, or D.

21 **OPTION A**

22 **JUVENILE OFFENDER SENTENCING GRID**

23 **STANDARD RANGE**

24	A++	129 to 260 weeks for all category A++ offenses					
25	A+	180 weeks to age 21 for all category A+ offenses					
26	A	103-129 weeks for all category A offenses					
27	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
28	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
29	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
30	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
31	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
32		C	LS	LS	LS	LS	15-36 weeks
33		D+	LS	LS	LS	LS	LS

1	D	LS	LS	LS	LS	LS
2	E	LS	LS	LS	LS	LS
3	PRIOR	0	1	2	3	4 or more
4	ADJUDICATIONS					

5 NOTE: References in the grid to days or weeks mean periods of
6 confinement. "LS" means "local sanctions" as defined in RCW
7 13.40.020.

8 (1) The vertical axis of the grid is the current offense
9 category. The current offense category is determined by the offense
10 of adjudication.

11 (2) The horizontal axis of the grid is the number of prior
12 adjudications included in the juvenile's criminal history. Each prior
13 felony adjudication shall count as one point. Each prior violation,
14 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
15 point. Fractional points shall be rounded down.

16 (3) The standard range disposition for each offense is determined
17 by the intersection of the column defined by the prior adjudications
18 and the row defined by the current offense category.

19 (4) RCW 13.40.180 applies if the offender is being sentenced for
20 more than one offense.

21 (5) A current offense that is a violation is equivalent to an
22 offense category of E. However, a disposition for a violation shall
23 not include confinement.

24 **OR**

25 **OPTION B**

26 **SUSPENDED DISPOSITION ALTERNATIVE**

27 (1) If the offender is subject to a standard range disposition
28 involving confinement by the department, the court may impose the
29 standard range and suspend the disposition on condition that the
30 offender comply with one or more local sanctions and any educational
31 or treatment requirement. The treatment programs provided to the
32 offender must be either research-based best practice programs as
33 identified by the Washington state institute for public policy or the
34 joint legislative audit and review committee, or for chemical
35 dependency treatment programs or services, they must be evidence-
36 based or research-based best practice programs. For the purposes of
37 this subsection:

1 (a) "Evidence-based" means a program or practice that has had
2 multiple site random controlled trials across heterogeneous
3 populations demonstrating that the program or practice is effective
4 for the population; and

5 (b) "Research-based" means a program or practice that has some
6 research demonstrating effectiveness, but that does not yet meet the
7 standard of evidence-based practices.

8 (2) If the offender fails to comply with the suspended
9 disposition, the court may impose sanctions pursuant to RCW 13.40.200
10 or may revoke the suspended disposition and order the disposition's
11 execution.

12 (3) An offender is ineligible for the suspended disposition
13 option under this section if the offender:

14 (a) Is adjudicated of an A+ or A++ offense;

15 (b) Is fourteen years of age or older and is adjudicated of one
16 or more of the following offenses:

17 (i) A class A offense, or an attempt, conspiracy, or solicitation
18 to commit a class A offense;

19 (ii) Manslaughter in the first degree (RCW 9A.32.060);

20 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
21 the first degree (RCW 9A.56.120), kidnapping in the second degree
22 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
23 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
24 manslaughter 2 (RCW 9A.32.070); or

25 (iv) Violation of the uniform controlled substances act (RCW
26 69.50.401(2) (a) and (b)), when the offense includes infliction of
27 bodily harm upon another or when during the commission or immediate
28 withdrawal from the offense the respondent was armed with a deadly
29 weapon;

30 (c) Is ordered to serve a disposition for a firearm violation
31 under RCW 13.40.193;

32 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
33 or

34 (e) Has a prior option B disposition.

35 **OR**

36 **OPTION C**

37 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

38 If the juvenile offender is subject to a standard range
39 disposition of local sanctions or 15 to 36 weeks of confinement and

1 has not committed a B++ or B+ offense, the court may impose a
2 disposition under RCW 13.40.160(4) and 13.40.165.

3 **OR**

4 **OPTION D**

5 **MANIFEST INJUSTICE**

6 If the court determines that a disposition under option A, B, or C
7 would effectuate a manifest injustice, the court shall impose a
8 disposition outside the standard range under RCW 13.40.160(2).

9 **Sec. 37.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
10 read as follows:

11 **DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION	JUVENILE	CATEGORY FOR
DISPOSITION	OFFENSE	ATTEMPT, BAILJUMP,
CATEGORY	DESCRIPTION (RCW CITATION)	CONSPIRACY, OR
		SOLICITATION

12 **Arson and Malicious Mischief**

13	A	Arson 1 (9A.48.020)	B+
14	B	Arson 2 (9A.48.030)	C
15	C	Reckless Burning 1 (9A.48.040)	D
16	D	Reckless Burning 2 (9A.48.050)	E
17	B	Malicious Mischief 1 (9A.48.070)	C
18	C	Malicious Mischief 2 (9A.48.080)	D
19	D	Malicious Mischief 3 (9A.48.090)	E
20	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
21	E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
22	A	Possession of Incendiary Device (9.40.120)	B+

23 **Assault and Other Crimes Involving**
24 **Physical Harm**

25	A	Assault 1 (9A.36.011)	B+
26	B+	Assault 2 (9A.36.021)	C+
27	C+	Assault 3 (9A.36.031)	D+

1	D+	Assault 4 (9A.36.041)	E
2	B+	Drive-By Shooting (9A.36.045)	C+
3		committed at age 15 or under	
4	A++	Drive-By Shooting (9A.36.045)	A
5		committed at age 16 or 17	
6	D+	Reckless Endangerment (9A.36.050)	E
7	C+	Promoting Suicide Attempt (9A.36.060)	D+
8	D+	Coercion (9A.36.070)	E
9	C+	Custodial Assault (9A.36.100)	D+
10		Burglary and Trespass	
11	B+	Burglary 1 (9A.52.020) committed at	C+
12		age 15 or under	
13	A-	Burglary 1 (9A.52.020) committed at	B+
14		age 16 or 17	
15	B	Residential Burglary (9A.52.025)	C
16	B	Burglary 2 (9A.52.030)	C
17	D	Burglary Tools (Possession of)	E
18		(9A.52.060)	
19	D	Criminal Trespass 1 (9A.52.070)	E
20	E	Criminal Trespass 2 (9A.52.080)	E
21	C	Mineral Trespass (78.44.330)	C
22	C	Vehicle Prowling 1 (9A.52.095)	D
23	D	Vehicle Prowling 2 (9A.52.100)	E
24		Drugs	
25	E	Possession/Consumption of Alcohol	E
26		(66.44.270)	
27	C	Illegally Obtaining Legend Drug	D
28		(69.41.020)	
29	C+	Sale, Delivery, Possession of Legend	D+
30		Drug with Intent to Sell (69.41.030(2)(a))	
31	E	Possession of Legend	E
32		Drug (69.41.030(2)(b))	
33	B+	Violation of Uniform Controlled	B+
34		Substances Act - Narcotic,	
35		Methamphetamine, or Flunitrazepam	
36		Sale (69.50.401(2) (a) or (b))	

1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(2)(c))	
4	E	Possession of Marihuana <40 grams	E
5		(69.50.4014)	
6	C	Fraudulently Obtaining Controlled	C
7		Substance (69.50.403)	
8	C+	Sale of Controlled Substance for Profit	C+
9		(69.50.410)	
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	B
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances (69.50.4011(2)	
15		(a) or (b))	
16	C	Violation of Uniform Controlled	C
17		Substances Act - Nonnarcotic Counterfeit	
18		Substances (69.50.4011(2) (c), (d), or (e))	
19	C	Violation of Uniform Controlled	C
20		Substances Act - Possession of a	
21		Controlled Substance (69.50.4013)	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Possession of a	
24		Controlled Substance (69.50.4012)	

Firearms and Weapons

26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm	C
28		(9A.56.310)	
29	E	Carrying Loaded Pistol Without Permit	E
30		(9.41.050)	
31	C	Possession of Firearms by Minor (<18)	C
32		(9.41.040(2)(a)((vi)) (vii))	
33	D+	Possession of Dangerous Weapon	E
34		(9.41.250)	
35	D	Intimidating Another Person by use of	E
36		Weapon (9.41.270)	

Homicide

1	A+	Murder 1 (9A.32.030)	A
2	A+	Murder 2 (9A.32.050)	B+
3	B+	Manslaughter 1 (9A.32.060)	C+
4	C+	Manslaughter 2 (9A.32.070)	D+
5	B+	Vehicular Homicide (46.61.520)	C+
6		Kidnapping	
7	A	Kidnap 1 (9A.40.020)	B+
8	B+	Kidnap 2 (9A.40.030)	C+
9	C+	Unlawful Imprisonment (9A.40.040)	D+
10		Obstructing Governmental Operation	
11	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
12			
13	E	Resisting Arrest (9A.76.040)	E
14	B	Introducing Contraband 1 (9A.76.140)	C
15	C	Introducing Contraband 2 (9A.76.150)	D
16	E	Introducing Contraband 3 (9A.76.160)	E
17	B+	Intimidating a Public Servant (9A.76.180)	C+
18			
19	B+	Intimidating a Witness (9A.72.110)	C+
20		Public Disturbance	
21	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
22			
23	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
24			
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		Sex Crimes	
28	A	Rape 1 (9A.44.040)	B+
29	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
30			
31	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
32			
33	C+	Rape 3 (9A.44.060)	D+
34	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
35			

1	A-	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 15	
3	B+	Rape of a Child 2 (9A.44.076)	C+
4	B	Incest 1 (9A.64.020(1))	C
5	C	Incest 2 (9A.64.020(2))	D
6	D+	Indecent Exposure (Victim <14)	E
7		(9A.88.010)	
8	E	Indecent Exposure (Victim 14 or over)	E
9		(9A.88.010)	
10	B+	Promoting Prostitution 1 (9A.88.070)	C+
11	C+	Promoting Prostitution 2 (9A.88.080)	D+
12	E	O & A (Prostitution) (9A.88.030)	E
13	B+	Indecent Liberties (9A.44.100)	C+
14	B++	Child Molestation 1 (9A.44.083)	B+
15		committed at age 14 or under	
16	A-	Child Molestation 1 (9A.44.083)	B+
17		committed at age 15 through age 17	
18	B	Child Molestation 2 (9A.44.086)	C+
19	C	Failure to Register as a Sex Offender	D
20		(9A.44.132)	
21		Theft, Robbery, Extortion, and	
22		Forgery	
23	B	Theft 1 (9A.56.030)	C
24	C	Theft 2 (9A.56.040)	D
25	D	Theft 3 (9A.56.050)	E
26	B	Theft of Livestock 1 and 2 (9A.56.080	C
27		and 9A.56.083)	
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200) committed at	B+
30		age 15 or under	
31	A++	Robbery 1 (9A.56.200) committed at	A
32		age 16 or 17	
33	B+	Robbery 2 (9A.56.210)	C+
34	B+	Extortion 1 (9A.56.120)	C+
35	C+	Extortion 2 (9A.56.130)	D+
36	C	Identity Theft 1 (9.35.020(2))	D

1	D	Identity Theft 2 (9.35.020(3))	E
2	D	Improperly Obtaining Financial	E
3		Information (9.35.010)	
4	B	Possession of a Stolen Vehicle	C
5		(9A.56.068)	
6	B	Possession of Stolen Property 1	C
7		(9A.56.150)	
8	C	Possession of Stolen Property 2	D
9		(9A.56.160)	
10	D	Possession of Stolen Property 3	E
11		(9A.56.170)	
12	B	Taking Motor Vehicle Without	C
13		Permission 1 (9A.56.070)	
14	C	Taking Motor Vehicle Without	D
15		Permission 2 (9A.56.075)	
16	B	Theft of a Motor Vehicle (9A.56.065)	C
17		Motor Vehicle Related Crimes	
18	E	Driving Without a License (46.20.005)	E
19	B+	Hit and Run - Death (46.52.020(4)(a))	C+
20	C	Hit and Run - Injury (46.52.020(4)(b))	D
21	D	Hit and Run-Attended (46.52.020(5))	E
22	E	Hit and Run-Unattended (46.52.010)	E
23	C	Vehicular Assault (46.61.522)	D
24	C	Attempting to Elude Pursuing Police	D
25		Vehicle (46.61.024)	
26	E	Reckless Driving (46.61.500)	E
27	D	Driving While Under the Influence	E
28		(46.61.502 and 46.61.504)	
29	B+	Felony Driving While Under the	B
30		Influence (46.61.502(6))	
31	B+	Felony Physical Control of a Vehicle	B
32		While Under the Influence (46.61.504(6))	
33		Other	
34	B	Animal Cruelty 1 (16.52.205)	C
35	B	Bomb Threat (9.61.160)	C
36	C	Escape 1 ¹ (9A.76.110)	C

1	C	Escape 2 ¹ (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	E
4		(9.61.230)	
5	A	Other Offense Equivalent to an Adult	B+
6		Class A Felony	
7	B	Other Offense Equivalent to an Adult	C
8		Class B Felony	
9	C	Other Offense Equivalent to an Adult	D
10		Class C Felony	
11	D	Other Offense Equivalent to an Adult	E
12		Gross Misdemeanor	
13	E	Other Offense Equivalent to an Adult	E
14		Misdemeanor	
15	V	Violation of Order of Restitution,	V
16		Community Supervision, or Confinement	
17		(13.40.200) ²	

18 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
19 and the standard range is established as follows:

20 1st escape or attempted escape during 12-month period - 28 days
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month
25 period - 12 weeks confinement

26 ²If the court finds that a respondent has violated terms of an order,
27 it may impose a penalty of up to 30 days of confinement.

28 **JUVENILE SENTENCING STANDARDS**

29 This schedule must be used for juvenile offenders. The court may
30 select sentencing option A, B, C, or D.

31 **OPTION A**

32 **JUVENILE OFFENDER SENTENCING GRID**

33 **STANDARD RANGE**

34 A++ 129 to 260 weeks for all category A++ offenses

35 A+ 180 weeks to age 21 for all category A+ offenses

1	A	103-129 weeks for all category A offenses					
2	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
3	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
4	CURRENT OFFENSE CATEGORY	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
5		B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
6		C+	LS	LS	LS	15-36 weeks	15-36 weeks
7		C	LS	LS	LS	LS	15-36 weeks
8		D+	LS	LS	LS	LS	LS
9		D	LS	LS	LS	LS	LS
10		E	LS	LS	LS	LS	LS
11	PRIOR ADJUDICATIONS		0	1	2	3	4 or more

13 NOTE: References in the grid to days or weeks mean periods of
14 confinement. "LS" means "local sanctions" as defined in RCW
15 13.40.020.

16 (1) The vertical axis of the grid is the current offense
17 category. The current offense category is determined by the offense
18 of adjudication.

19 (2) The horizontal axis of the grid is the number of prior
20 adjudications included in the juvenile's criminal history. Each prior
21 felony adjudication shall count as one point. Each prior violation,
22 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
23 point. Fractional points shall be rounded down.

24 (3) The standard range disposition for each offense is determined
25 by the intersection of the column defined by the prior adjudications
26 and the row defined by the current offense category.

27 (4) RCW 13.40.180 applies if the offender is being sentenced for
28 more than one offense.

29 (5) A current offense that is a violation is equivalent to an
30 offense category of E. However, a disposition for a violation shall
31 not include confinement.

32 **OR**
33 **OPTION B**
34 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational
5 or treatment requirement. The treatment programs provided to the
6 offender must be either research-based best practice programs as
7 identified by the Washington state institute for public policy or the
8 joint legislative audit and review committee, or for chemical
9 dependency treatment programs or services, they must be evidence-
10 based or research-based best practice programs. For the purposes of
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had
13 multiple site random controlled trials across heterogeneous
14 populations demonstrating that the program or practice is effective
15 for the population; and

16 (b) "Research-based" means a program or practice that has some
17 research demonstrating effectiveness, but that does not yet meet the
18 standard of evidence-based practices.

19 (2) If the offender fails to comply with the suspended
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200
21 or may revoke the suspended disposition and order the disposition's
22 execution.

23 (3) An offender is ineligible for the suspended disposition
24 option under this section if the offender:

25 (a) Is adjudicated of an A+ or A++ offense;

26 (b) Is fourteen years of age or older and is adjudicated of one
27 or more of the following offenses:

28 (i) A class A offense, or an attempt, conspiracy, or solicitation
29 to commit a class A offense;

30 (ii) Manslaughter in the first degree (RCW 9A.32.060);

31 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
32 the first degree (RCW 9A.56.120), kidnapping in the second degree
33 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
34 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
35 manslaughter 2 (RCW 9A.32.070); or

36 (iv) Violation of the uniform controlled substances act (RCW
37 69.50.401(2) (a) and (b)), when the offense includes infliction of
38 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly
2 weapon;

3 (c) Is ordered to serve a disposition for a firearm violation
4 under RCW 13.40.193;

5 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
6 or

7 (e) Has a prior option B disposition.

8 **OR**

9 **OPTION C**

10 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

11 If the juvenile offender is subject to a standard range
12 disposition of local sanctions or 15 to 36 weeks of confinement and
13 has not committed a B++ or B+ offense, the court may impose a
14 disposition under RCW 13.40.160(4) and 13.40.165.

15 **OR**

16 **OPTION D**

17 **MANIFEST INJUSTICE**

18 If the court determines that a disposition under option A, B, or C
19 would effectuate a manifest injustice, the court shall impose a
20 disposition outside the standard range under RCW 13.40.160(2).

21 **Sec. 38.** RCW 13.40.160 and 2020 c 18 s 9 are each amended to
22 read as follows:

23 (1) The standard range disposition for a juvenile adjudicated of
24 an offense is determined according to RCW 13.40.0357.

25 (a) When the court sentences an offender to a local sanction as
26 provided in RCW 13.40.0357 option A, the court shall impose a
27 determinate disposition within the standard ranges, except as
28 provided in subsection (2), (3), (4), (5), or (6) of this section.
29 The disposition may be comprised of one or more local sanctions.

30 (b) When the court sentences an offender to a standard range as
31 provided in RCW 13.40.0357 option A that includes a term of
32 confinement exceeding thirty days, commitment shall be to the
33 department for the standard range of confinement, except as provided
34 in subsection (2), (3), (4), (5), or (6) of this section.

35 (2) If the court concludes, and enters reasons for its
36 conclusion, that disposition within the standard range would
37 effectuate a manifest injustice the court shall impose a disposition

1 outside the standard range, as indicated in option D of RCW
2 13.40.0357. The court's finding of manifest injustice shall be
3 supported by clear and convincing evidence.

4 A disposition outside the standard range shall be determinate and
5 shall be comprised of confinement or community supervision, or a
6 combination thereof. When a judge finds a manifest injustice and
7 imposes a sentence of confinement exceeding thirty days, the court
8 shall sentence the juvenile to a maximum term, and the provisions of
9 RCW 13.40.030(2) shall be used to determine the range. A disposition
10 outside the standard range is appealable under RCW 13.40.230 by the
11 state or the respondent. A disposition within the standard range is
12 not appealable under RCW 13.40.230.

13 (3) If a juvenile offender is found to have committed a sex
14 offense, other than a sex offense that is also a serious violent
15 offense as defined by RCW 9.94A.030, and has no history of a prior
16 sex offense, the court may impose the special sex offender
17 disposition alternative under RCW 13.40.162.

18 (4) If the juvenile offender is subject to a standard range
19 disposition of local sanctions or 15 to 36 weeks of confinement and
20 has not committed an A- or B+ offense, the court may impose the
21 disposition alternative under RCW 13.40.165.

22 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
23 confinement, the court may impose the disposition alternative under
24 RCW 13.40.167.

25 (6) When the offender is subject to a standard range commitment
26 of 15 to 36 weeks and is ineligible for a suspended disposition
27 alternative, a manifest injustice disposition below the standard
28 range, special sex offender disposition alternative, chemical
29 dependency disposition alternative, or mental health disposition
30 alternative, the court in a county with a pilot program under RCW
31 13.40.169 may impose the disposition alternative under RCW 13.40.169.

32 (7) RCW 13.40.193 shall govern the disposition of any juvenile
33 adjudicated of possessing a firearm in violation of RCW
34 9.41.040(2)(a) (~~(vi)~~) (vii) or any crime in which a special finding
35 is entered that the juvenile was armed with a firearm.

36 (8) RCW 13.40.308 shall govern the disposition of any juvenile
37 adjudicated of theft of a motor vehicle as defined under RCW
38 9A.56.065, possession of a stolen motor vehicle as defined under RCW
39 9A.56.068, taking a motor vehicle without permission in the first

1 degree under RCW 9A.56.070, and taking a motor vehicle without
2 permission in the second degree under RCW 9A.56.075.

3 (9) Whenever a juvenile offender is entitled to credit for time
4 spent in detention prior to a dispositional order, the dispositional
5 order shall specifically state the number of days of credit for time
6 served.

7 (10) Except as provided under subsection (3), (4), (5), or (6) of
8 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the
9 court shall not suspend or defer the imposition or the execution of
10 the disposition.

11 (11) In no case shall the term of confinement imposed by the
12 court at disposition exceed that to which an adult could be subjected
13 for the same offense.

14 **Sec. 39.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
15 read as follows:

16 (1) If a respondent is found to have been in possession of a
17 firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii), the court
18 shall impose a minimum disposition of ten days of confinement. If the
19 offender's standard range of disposition for the offense as indicated
20 in RCW 13.40.0357 is more than thirty days of confinement, the court
21 shall commit the offender to the department for the standard range
22 disposition. The offender shall not be released until the offender
23 has served a minimum of ten days in confinement.

24 (2)(a) If a respondent is found to have been in possession of a
25 firearm in violation of RCW 9.41.040, the disposition must include a
26 requirement that the respondent participate in a qualifying program
27 as described in (b) of this subsection, when available, unless the
28 court makes a written finding based on the outcome of the juvenile
29 court risk assessment that participation in a qualifying program
30 would not be appropriate.

31 (b) For purposes of this section, "qualifying program" means an
32 aggression replacement training program, a functional family therapy
33 program, or another program applicable to the juvenile firearm
34 offender population that has been identified as evidence-based or
35 research-based and cost-beneficial in the current list prepared at
36 the direction of the legislature by the Washington state institute
37 for public policy.

38 (3) If the court finds that the respondent or an accomplice was
39 armed with a firearm, the court shall determine the standard range

1 disposition for the offense pursuant to RCW 13.40.160. If the
2 offender or an accomplice was armed with a firearm when the offender
3 committed any felony other than possession of a machine gun or bump-
4 fire stock, possession of a stolen firearm, drive-by shooting, theft
5 of a firearm, unlawful possession of a firearm in the first and
6 second degree, or use of a machine gun or bump-fire stock in a
7 felony, the following periods of total confinement must be added to
8 the sentence: (a) Except for (b) of this subsection, for a class A
9 felony, six months; for a class B felony, four months; and for a
10 class C felony, two months; (b) for any violent offense as defined in
11 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen
12 years old at the time of the offense, a period of twelve months. The
13 additional time shall be imposed regardless of the offense's juvenile
14 disposition offense category as designated in RCW 13.40.0357.

15 (4) (a) If the court finds that the respondent who is sixteen or
16 seventeen years old and committed the offense of robbery in the first
17 degree, drive-by shooting, rape of a child in the first degree,
18 burglary in the first degree, or any violent offense as defined in
19 RCW 9.94A.030 and was armed with a firearm, and the court finds that
20 the respondent's participation was related to membership in a
21 criminal street gang or advancing the benefit, aggrandizement, gain,
22 profit, or other advantage for a criminal street gang, a period of
23 three months total confinement must be added to the sentence. The
24 additional time must be imposed regardless of the offense's juvenile
25 disposition offense category as designated in RCW 13.40.0357 and must
26 be served consecutively with any other sentencing enhancement.

27 (b) For the purposes of this section, "criminal street gang"
28 means any ongoing organization, association, or group of three or
29 more persons, whether formal or informal, having a common name or
30 common identifying sign or symbol, having as one of its primary
31 activities the commission of criminal acts, and whose members or
32 associates individually or collectively engage in or have engaged in
33 a pattern of criminal street gang activity. This definition does not
34 apply to employees engaged in concerted activities for their mutual
35 aid and protection, or to the activities of labor and bona fide
36 nonprofit organizations or their members or agents.

37 (5) When a disposition under this section would effectuate a
38 manifest injustice, the court may impose another disposition. When a
39 judge finds a manifest injustice and imposes a disposition of
40 confinement exceeding thirty days, the court shall commit the

1 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
2 shall be used to determine the range. When a judge finds a manifest
3 injustice and imposes a disposition of confinement less than thirty
4 days, the disposition shall be comprised of confinement or community
5 supervision or both.

6 (6) Any term of confinement ordered pursuant to this section
7 shall run consecutively to any term of confinement imposed in the
8 same disposition for other offenses.

9 **Sec. 40.** RCW 13.40.265 and 2020 c 18 s 11 are each amended to
10 read as follows:

11 (1) If a juvenile thirteen years of age or older is found by
12 juvenile court to have committed an offense while armed with a
13 firearm or an offense that is a violation of RCW 9.41.040(2)(a)
14 (~~((vi))~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the
15 court shall notify the department of licensing within twenty-four
16 hours after entry of the judgment, unless the offense is the
17 juvenile's first offense while armed with a firearm, first unlawful
18 possession of a firearm offense, or first offense in violation of
19 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

20 (2) Except as otherwise provided in subsection (3) of this
21 section, upon petition of a juvenile who has been found by the court
22 to have committed an offense that is a violation of chapter 66.44,
23 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems
24 appropriate notify the department of licensing that the juvenile's
25 driving privileges should be reinstated.

26 (3) If the offense is the juvenile's second or subsequent
27 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
28 may not petition the court for reinstatement of the juvenile's
29 privilege to drive revoked pursuant to RCW 46.20.265 until the date
30 the juvenile turns seventeen or one year after the date judgment was
31 entered, whichever is later.

32 **Sec. 41.** RCW 26.28.015 and 2021 c 215 s 141 are each amended to
33 read as follows:

34 Notwithstanding any other provision of law, and except as
35 provided under RCW (~~(7.105.105)~~) 7.105.100, all persons shall be
36 deemed and taken to be of full age for the specific purposes
37 hereafter enumerated at the age of eighteen years:

1 (1) To enter into any marriage contract without parental consent
2 if otherwise qualified by law;

3 (2) To execute a will for the disposition of both real and
4 personal property if otherwise qualified by law;

5 (3) To vote in any election if authorized by the Constitution and
6 otherwise qualified by law;

7 (4) To enter into any legal contractual obligation and to be
8 legally bound thereby to the full extent as any other adult person;

9 (5) To make decisions in regard to their own body and the body of
10 their lawful issue whether natural born to or adopted by such person
11 to the full extent allowed to any other adult person including but
12 not limited to consent to surgical operations;

13 (6) To sue and be sued on any action to the full extent as any
14 other adult person in any of the courts of this state, without the
15 necessity for a guardian ad litem.

16 **Sec. 42.** RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153
17 are each reenacted to read as follows:

18 (1) With respect to separations that occur on or after September
19 6, 2009, and for separations that occur before April 4, 2021:

20 (a) A claimant shall be disqualified from benefits beginning with
21 the first day of the calendar week in which the claimant left work
22 voluntarily without good cause and thereafter for seven calendar
23 weeks and until the claimant obtains bona fide work in employment
24 covered by this title and earned wages in that employment equal to
25 seven times the claimant's weekly benefit amount. Good cause reasons
26 to leave work are limited to reasons listed in (b) of this
27 subsection.

28 The disqualification shall continue if the work obtained is a
29 mere sham to qualify for benefits and is not bona fide work. In
30 determining whether work is of a bona fide nature, the commissioner
31 shall consider factors including but not limited to the following:

32 (i) The duration of the work;

33 (ii) The extent of direction and control by the employer over the
34 work; and

35 (iii) The level of skill required for the work in light of the
36 claimant's training and experience.

37 (b) A claimant has good cause and is not disqualified from
38 benefits under (a) of this subsection only under the following
39 circumstances:

1 (i) The claimant has left work to accept a bona fide offer of
2 bona fide work as described in (a) of this subsection;

3 (ii) The separation was necessary because of the illness or
4 disability of the claimant or the death, illness, or disability of a
5 member of the claimant's immediate family if:

6 (A) The claimant pursued all reasonable alternatives to preserve
7 the claimant's employment status by requesting a leave of absence, by
8 having promptly notified the employer of the reason for the absence,
9 and by having promptly requested reemployment when again able to
10 assume employment. These alternatives need not be pursued, however,
11 when they would have been a futile act, including those instances
12 when the futility of the act was a result of a recognized labor/
13 management dispatch system; and

14 (B) The claimant terminated the claimant's employment status, and
15 is not entitled to be reinstated to the same position or a comparable
16 or similar position;

17 (iii) The claimant: (A) Left work to relocate for the employment
18 of a spouse or domestic partner that is outside the existing labor
19 market area; and (B) remained employed as long as was reasonable
20 prior to the move;

21 (iv) The separation was necessary to protect the claimant or the
22 claimant's immediate family members from domestic violence, as
23 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

24 (v) The claimant's usual compensation was reduced by twenty-five
25 percent or more;

26 (vi) The claimant's usual hours were reduced by twenty-five
27 percent or more;

28 (vii) The claimant's worksite changed, such change caused a
29 material increase in distance or difficulty of travel, and, after the
30 change, the commute was greater than is customary for workers in the
31 claimant's job classification and labor market;

32 (viii) The claimant's worksite safety deteriorated, the claimant
33 reported such safety deterioration to the employer, and the employer
34 failed to correct the hazards within a reasonable period of time;

35 (ix) The claimant left work because of illegal activities in the
36 claimant's worksite, the claimant reported such activities to the
37 employer, and the employer failed to end such activities within a
38 reasonable period of time;

39 (x) The claimant's usual work was changed to work that violates
40 the claimant's religious convictions or sincere moral beliefs; or

1 (xi) The claimant left work to enter an apprenticeship program
2 approved by the Washington state apprenticeship training council.
3 Benefits are payable beginning Sunday of the week prior to the week
4 in which the claimant begins active participation in the
5 apprenticeship program.

6 (2) With respect to separations that occur on or after April 4,
7 2021:

8 (a) A claimant shall be disqualified from benefits beginning with
9 the first day of the calendar week in which the claimant has left
10 work voluntarily without good cause and thereafter for seven calendar
11 weeks and until the claimant has obtained bona fide work in
12 employment covered by this title and earned wages in that employment
13 equal to seven times the claimant's weekly benefit amount. Good cause
14 reasons to leave work are limited to reasons listed in (b) of this
15 subsection.

16 The disqualification shall continue if the work obtained is a
17 mere sham to qualify for benefits and is not bona fide work. In
18 determining whether work is of a bona fide nature, the commissioner
19 shall consider factors including but not limited to the following:

20 (i) The duration of the work;

21 (ii) The extent of direction and control by the employer over the
22 work; and

23 (iii) The level of skill required for the work in light of the
24 claimant's training and experience.

25 (b) A claimant has good cause and is not disqualified from
26 benefits under (a) of this subsection only under the following
27 circumstances:

28 (i) The claimant has left work to accept a bona fide offer of
29 bona fide work as described in (a) of this subsection;

30 (ii) The separation was necessary because of the illness or
31 disability of the claimant or the death, illness, or disability of a
32 member of the claimant's immediate family if:

33 (A) The claimant made reasonable efforts to preserve the
34 claimant's employment status by requesting a leave of absence, by
35 having promptly notified the employer of the reason for the absence,
36 and by having promptly requested reemployment when again able to
37 assume employment. These alternatives need not be pursued, however,
38 when they would have been a futile act, including those instances
39 when the futility of the act was a result of a recognized labor/
40 management dispatch system; and

1 (B) The claimant terminated the claimant's employment status, and
2 is not entitled to be reinstated to the same position or a comparable
3 or similar position;

4 (iii) The claimant: (A) Left work to relocate for the employment
5 of a spouse or domestic partner that is outside the existing labor
6 market area; and (B) remained employed as long as was reasonable
7 prior to the move;

8 (iv) The separation was necessary to protect the claimant or the
9 claimant's immediate family members from domestic violence, as
10 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

11 (v) The claimant's usual compensation was reduced by twenty-five
12 percent or more;

13 (vi) The claimant's usual hours were reduced by twenty-five
14 percent or more;

15 (vii) The claimant's worksite changed, such change caused a
16 material increase in distance or difficulty of travel, and, after the
17 change, the commute was greater than is customary for workers in the
18 individual's job classification and labor market;

19 (viii) The claimant's worksite safety deteriorated, the claimant
20 reported such safety deterioration to the employer, and the employer
21 failed to correct the hazards within a reasonable period of time;

22 (ix) The claimant left work because of illegal activities in the
23 claimant's worksite, the claimant reported such activities to the
24 employer, and the employer failed to end such activities within a
25 reasonable period of time;

26 (x) The claimant's usual work was changed to work that violates
27 the claimant's religious convictions or sincere moral beliefs;

28 (xi) The claimant left work to enter an apprenticeship program
29 approved by the Washington state apprenticeship training council.
30 Benefits are payable beginning Sunday of the week prior to the week
31 in which the claimant begins active participation in the
32 apprenticeship program; or

33 (xii) During a public health emergency:

34 (A) The claimant was unable to perform the claimant's work for
35 the employer from the claimant's home;

36 (B) The claimant is able to perform, available to perform, and
37 can actively seek suitable work which can be performed for an
38 employer from the claimant's home; and

39 (C) The claimant or another individual residing with the claimant
40 is at higher risk of severe illness or death from the disease that is

1 the subject of the public health emergency because the higher risk
2 individual:

3 (I) Was in an age category that is defined as high risk for the
4 disease that is the subject of the public health emergency by the
5 federal centers for disease control and prevention, the department of
6 health, or the equivalent agency in the state where the individual
7 resides; or

8 (II) Has an underlying health condition, verified as required by
9 the department by rule, that is identified as a risk factor for the
10 disease that is the subject of the public health emergency by the
11 federal centers for disease control and prevention, the department of
12 health, or the equivalent agency in the state where the individual
13 resides.

14 (3) With respect to claims that occur on or after July 4, 2021, a
15 claimant has good cause and is not disqualified from benefits under
16 subsection (2)(a) of this section under the following circumstances,
17 in addition to those listed under subsection (2)(b) of this section,
18 if, during a public health emergency, the claimant worked at a health
19 care facility as defined in RCW 9A.50.010, was directly involved in
20 the delivery of health services, and left work for the period of
21 quarantine consistent with the recommended guidance from the United
22 States centers for disease control and prevention or subject to the
23 direction of the state or local health jurisdiction because of
24 exposure to or contracting the disease that is the subject of the
25 declaration of the public health emergency.

26 (4) Notwithstanding subsection (1) of this section, a claimant
27 who was simultaneously employed in full-time employment and part-time
28 employment and is otherwise eligible for benefits from the loss of
29 the full-time employment shall not be disqualified from benefits
30 because the claimant:

31 (a) Voluntarily quit the part-time employment before the loss of
32 the full-time employment; and

33 (b) Did not have prior knowledge that the claimant would be
34 separated from full-time employment.

35 **Sec. 43.** RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6
36 are each reenacted to read as follows:

37 (1) The fact of admission to a provider for mental health
38 services and all information and records compiled, obtained, or
39 maintained in the course of providing mental health services to

1 either voluntary or involuntary recipients of services at public or
2 private agencies may not be disclosed except as provided in this
3 section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240,
4 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid
5 authorization under RCW 70.02.030.

6 (2) Information and records related to mental health services,
7 other than those obtained through treatment under chapter 71.34 RCW,
8 may be disclosed:

9 (a) In communications between qualified professional persons to
10 meet the requirements of chapter 71.05 RCW, including Indian health
11 care providers, in the provision of services or appropriate
12 referrals, or in the course of guardianship proceedings if provided
13 to a professional person:

- 14 (i) Employed by the facility;
- 15 (ii) Who has medical responsibility for the patient's care;
- 16 (iii) Who is a designated crisis responder;
- 17 (iv) Who is providing services under chapter 71.24 RCW;
- 18 (v) Who is employed by a state or local correctional facility
19 where the person is confined or supervised; or
- 20 (vi) Who is providing evaluation, treatment, or follow-up
21 services under chapter 10.77 RCW;

22 (b) When the communications regard the special needs of a patient
23 and the necessary circumstances giving rise to such needs and the
24 disclosure is made by a facility providing services to the operator
25 of a facility in which the patient resides or will reside;

26 (c)(i) When the person receiving services, or his or her
27 guardian, designates persons to whom information or records may be
28 released, or if the person is a minor, when his or her parents make
29 such a designation;

30 (ii) A public or private agency shall release to a person's next
31 of kin, attorney, personal representative, guardian, or conservator,
32 if any:

33 (A) The information that the person is presently a patient in the
34 facility or that the person is seriously physically ill;

35 (B) A statement evaluating the mental and physical condition of
36 the patient, and a statement of the probable duration of the
37 patient's confinement, if such information is requested by the next
38 of kin, attorney, personal representative, guardian, or conservator;
39 and

1 (iii) Other information requested by the next of kin or attorney
2 as may be necessary to decide whether or not proceedings should be
3 instituted to appoint a guardian or conservator;

4 (d)(i) To the courts, including tribal courts, as necessary to
5 the administration of chapter 71.05 RCW or to a court ordering an
6 evaluation or treatment under chapter 10.77 RCW solely for the
7 purpose of preventing the entry of any evaluation or treatment order
8 that is inconsistent with any order entered under chapter 71.05 RCW.

9 (ii) To a court or its designee in which a motion under chapter
10 10.77 RCW has been made for involuntary medication of a defendant for
11 the purpose of competency restoration.

12 (iii) Disclosure under this subsection is mandatory for the
13 purpose of the federal health insurance portability and
14 accountability act;

15 (e)(i) When a mental health professional or designated crisis
16 responder is requested by a representative of a law enforcement or
17 corrections agency, including a police officer, sheriff, community
18 corrections officer, a municipal attorney, or prosecuting attorney to
19 undertake an investigation or provide treatment under RCW 71.05.150,
20 10.31.110, or 71.05.153, the mental health professional or designated
21 crisis responder shall, if requested to do so, advise the
22 representative in writing of the results of the investigation
23 including a statement of reasons for the decision to detain or
24 release the person investigated. The written report must be submitted
25 within seventy-two hours of the completion of the investigation or
26 the request from the law enforcement or corrections representative,
27 whichever occurs later.

28 (ii) Disclosure under this subsection is mandatory for the
29 purposes of the federal health insurance portability and
30 accountability act;

31 (f) To the attorney of the detained person;

32 (g) To the prosecuting attorney as necessary to carry out the
33 responsibilities of the office under RCW 71.05.330(2),
34 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
35 access to records regarding the committed person's treatment and
36 prognosis, medication, behavior problems, and other records relevant
37 to the issue of whether treatment less restrictive than inpatient
38 treatment is in the best interest of the committed person or others.
39 Information must be disclosed only after giving notice to the
40 committed person and the person's counsel;

1 (h) (i) To appropriate law enforcement agencies and to a person,
2 when the identity of the person is known to the public or private
3 agency, whose health and safety has been threatened, or who is known
4 to have been repeatedly harassed, by the patient. The person may
5 designate a representative to receive the disclosure. The disclosure
6 must be made by the professional person in charge of the public or
7 private agency or his or her designee and must include the dates of
8 commitment, admission, discharge, or release, authorized or
9 unauthorized absence from the agency's facility, and only any other
10 information that is pertinent to the threat or harassment. The agency
11 or its employees are not civilly liable for the decision to disclose
12 or not, so long as the decision was reached in good faith and without
13 gross negligence.

14 (ii) Disclosure under this subsection is mandatory for the
15 purposes of the federal health insurance portability and
16 accountability act;

17 (i) (i) To appropriate corrections and law enforcement agencies
18 all necessary and relevant information in the event of a crisis or
19 emergent situation that poses a significant and imminent risk to the
20 public. The mental health service agency or its employees are not
21 civilly liable for the decision to disclose or not so long as the
22 decision was reached in good faith and without gross negligence.

23 (ii) Disclosure under this subsection is mandatory for the
24 purposes of the health insurance portability and accountability act;

25 (j) To the persons designated in RCW 71.05.425 for the purposes
26 described in those sections;

27 (k) By a care coordinator under RCW 71.05.585 or 10.77.175
28 assigned to a person ordered to receive less restrictive alternative
29 treatment for the purpose of sharing information to parties necessary
30 for the implementation of proceedings under chapter 71.05 or 10.77
31 RCW;

32 (l) Upon the death of a person. The person's next of kin,
33 personal representative, guardian, or conservator, if any, must be
34 notified. Next of kin who are of legal age and competent must be
35 notified under this section in the following order: Spouse, parents,
36 children, brothers and sisters, and other relatives according to the
37 degree of relation. Access to all records and information compiled,
38 obtained, or maintained in the course of providing services to a
39 deceased patient are governed by RCW 70.02.140;

1 (m) To mark headstones or otherwise memorialize patients interred
2 at state hospital cemeteries. The department of social and health
3 services shall make available the name, date of birth, and date of
4 death of patients buried in state hospital cemeteries fifty years
5 after the death of a patient;

6 (n) To law enforcement officers and to prosecuting attorneys as
7 are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent
8 of information that may be released is limited as follows:

9 (i) Only the fact, place, and date of involuntary commitment, an
10 official copy of any order or orders of commitment, and an official
11 copy of any written or oral notice of ineligibility to possess a
12 firearm that was provided to the person pursuant to RCW 9.41.047(1),
13 must be disclosed upon request;

14 (ii) The law enforcement and prosecuting attorneys may only
15 release the information obtained to the person's attorney as required
16 by court rule and to a jury or judge, if a jury is waived, that
17 presides over any trial at which the person is charged with violating
18 RCW 9.41.040(2)(a)(~~(iv)~~) (v);

19 (iii) Disclosure under this subsection is mandatory for the
20 purposes of the federal health insurance portability and
21 accountability act;

22 (o) When a patient would otherwise be subject to the provisions
23 of this section and disclosure is necessary for the protection of the
24 patient or others due to his or her unauthorized disappearance from
25 the facility, and his or her whereabouts is unknown, notice of the
26 disappearance, along with relevant information, may be made to
27 relatives, the department of corrections when the person is under the
28 supervision of the department, and governmental law enforcement
29 agencies designated by the physician or psychiatric advanced
30 registered nurse practitioner in charge of the patient or the
31 professional person in charge of the facility, or his or her
32 professional designee;

33 (p) Pursuant to lawful order of a court, including a tribal
34 court;

35 (q) To qualified staff members of the department, to the
36 authority, to behavioral health administrative services
37 organizations, to managed care organizations, to resource management
38 services responsible for serving a patient, or to service providers
39 designated by resource management services as necessary to determine
40 the progress and adequacy of treatment and to determine whether the

1 person should be transferred to a less restrictive or more
2 appropriate treatment modality or facility;

3 (r) Within the mental health service agency or Indian health care
4 provider facility where the patient is receiving treatment,
5 confidential information may be disclosed to persons employed,
6 serving in bona fide training programs, or participating in
7 supervised volunteer programs, at the facility when it is necessary
8 to perform their duties;

9 (s) Within the department and the authority as necessary to
10 coordinate treatment for mental illness, developmental disabilities,
11 or substance use disorder of persons who are under the supervision of
12 the department;

13 (t) Between the department of social and health services, the
14 department of children, youth, and families, and the health care
15 authority as necessary to coordinate treatment for mental illness,
16 developmental disabilities, or substance use disorder of persons who
17 are under the supervision of the department of social and health
18 services or the department of children, youth, and families;

19 (u) To a licensed physician or psychiatric advanced registered
20 nurse practitioner who has determined that the life or health of the
21 person is in danger and that treatment without the information and
22 records related to mental health services could be injurious to the
23 patient's health. Disclosure must be limited to the portions of the
24 records necessary to meet the medical emergency;

25 (v)(i) Consistent with the requirements of the federal health
26 insurance portability and accountability act, to:

27 (A) A health care provider, including an Indian health care
28 provider, who is providing care to a patient, or to whom a patient
29 has been referred for evaluation or treatment; or

30 (B) Any other person who is working in a care coordinator role
31 for a health care facility, health care provider, or Indian health
32 care provider, or is under an agreement pursuant to the federal
33 health insurance portability and accountability act with a health
34 care facility or a health care provider and requires the information
35 and records to assure coordinated care and treatment of that patient.

36 (ii) A person authorized to use or disclose information and
37 records related to mental health services under this subsection
38 (2)(v) must take appropriate steps to protect the information and
39 records relating to mental health services.

1 (iii) Psychotherapy notes may not be released without
2 authorization of the patient who is the subject of the request for
3 release of information;

4 (w) To administrative and office support staff designated to
5 obtain medical records for those licensed professionals listed in (v)
6 of this subsection;

7 (x) To a facility that is to receive a person who is
8 involuntarily committed under chapter 71.05 RCW, or upon transfer of
9 the person from one evaluation and treatment facility to another. The
10 release of records under this subsection is limited to the
11 information and records related to mental health services required by
12 law, a record or summary of all somatic treatments, and a discharge
13 summary. The discharge summary may include a statement of the
14 patient's problem, the treatment goals, the type of treatment which
15 has been provided, and recommendation for future treatment, but may
16 not include the patient's complete treatment record;

17 (y) To the person's counsel or guardian ad litem, without
18 modification, at any time in order to prepare for involuntary
19 commitment or recommitment proceedings, reexaminations, appeals, or
20 other actions relating to detention, admission, commitment, or
21 patient's rights under chapter 71.05 RCW;

22 (z) To staff members of the protection and advocacy agency or to
23 staff members of a private, nonprofit corporation for the purpose of
24 protecting and advocating the rights of persons with mental disorders
25 or developmental disabilities. Resource management services may limit
26 the release of information to the name, birthdate, and county of
27 residence of the patient, information regarding whether the patient
28 was voluntarily admitted, or involuntarily committed, the date and
29 place of admission, placement, or commitment, the name and address of
30 a guardian of the patient, and the date and place of the guardian's
31 appointment. Any staff member who wishes to obtain additional
32 information must notify the patient's resource management services in
33 writing of the request and of the resource management services' right
34 to object. The staff member shall send the notice by mail to the
35 guardian's address. If the guardian does not object in writing within
36 fifteen days after the notice is mailed, the staff member may obtain
37 the additional information. If the guardian objects in writing within
38 fifteen days after the notice is mailed, the staff member may not
39 obtain the additional information;

1 (aa) To all current treating providers, including Indian health
2 care providers, of the patient with prescriptive authority who have
3 written a prescription for the patient within the last twelve months.
4 For purposes of coordinating health care, the department or the
5 authority may release without written authorization of the patient,
6 information acquired for billing and collection purposes as described
7 in RCW 70.02.050(1)(d). The department, or the authority, if
8 applicable, shall notify the patient that billing and collection
9 information has been released to named providers, and provide the
10 substance of the information released and the dates of such release.
11 Neither the department nor the authority may release counseling,
12 inpatient psychiatric hospitalization, or drug and alcohol treatment
13 information without a signed written release from the client;

14 (bb)(i) To the secretary of social and health services and the
15 director of the health care authority for either program evaluation
16 or research, or both so long as the secretary or director, where
17 applicable, adopts rules for the conduct of the evaluation or
18 research, or both. Such rules must include, but need not be limited
19 to, the requirement that all evaluators and researchers sign an oath
20 of confidentiality substantially as follows:

21 "As a condition of conducting evaluation or research concerning
22 persons who have received services from (fill in the facility,
23 agency, or person) I,, agree not to divulge, publish, or
24 otherwise make known to unauthorized persons or the public any
25 information obtained in the course of such evaluation or research
26 regarding persons who have received services such that the person who
27 received such services is identifiable.

28 I recognize that unauthorized release of confidential information
29 may subject me to civil liability under the provisions of state law.

30 /s/"

31 (ii) Nothing in this chapter may be construed to prohibit the
32 compilation and publication of statistical data for use by government
33 or researchers under standards, including standards to assure
34 maintenance of confidentiality, set forth by the secretary, or
35 director, where applicable;

36 (cc) To any person if the conditions in RCW 70.02.205 are met;

37 (dd) To the secretary of health for the purposes of the maternal
38 mortality review panel established in RCW 70.54.450; or

1 (ee) To a tribe or Indian health care provider to carry out the
2 requirements of RCW 71.05.150(6).

3 (3) Whenever federal law or federal regulations restrict the
4 release of information contained in the information and records
5 related to mental health services of any patient who receives
6 treatment for a substance use disorder, the department or the
7 authority may restrict the release of the information as necessary to
8 comply with federal law and regulations.

9 (4) Civil liability and immunity for the release of information
10 about a particular person who is committed to the department of
11 social and health services or the authority under RCW 71.05.280(3)
12 and 71.05.320(4)(c) after dismissal of a sex offense as defined in
13 RCW 9.94A.030, is governed by RCW 4.24.550.

14 (5) The fact of admission to a provider of mental health
15 services, as well as all records, files, evidence, findings, or
16 orders made, prepared, collected, or maintained pursuant to chapter
17 71.05 RCW are not admissible as evidence in any legal proceeding
18 outside that chapter without the written authorization of the person
19 who was the subject of the proceeding except as provided in RCW
20 70.02.260, in a subsequent criminal prosecution of a person committed
21 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
22 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
23 trial, in a civil commitment proceeding pursuant to chapter 71.09
24 RCW, or, in the case of a minor, a guardianship or dependency
25 proceeding. The records and files maintained in any court proceeding
26 pursuant to chapter 71.05 RCW must be confidential and available
27 subsequent to such proceedings only to the person who was the subject
28 of the proceeding or his or her attorney. In addition, the court may
29 order the subsequent release or use of such records or files only
30 upon good cause shown if the court finds that appropriate safeguards
31 for strict confidentiality are and will be maintained.

32 (6)(a) Except as provided in RCW 4.24.550, any person may bring
33 an action against an individual who has willfully released
34 confidential information or records concerning him or her in
35 violation of the provisions of this section, for the greater of the
36 following amounts:

37 (i) One thousand dollars; or

38 (ii) Three times the amount of actual damages sustained, if any.

1 (b) It is not a prerequisite to recovery under this subsection
2 that the plaintiff suffered or was threatened with special, as
3 contrasted with general, damages.

4 (c) Any person may bring an action to enjoin the release of
5 confidential information or records concerning him or her or his or
6 her ward, in violation of the provisions of this section, and may in
7 the same action seek damages as provided in this subsection.

8 (d) The court may award to the plaintiff, should he or she
9 prevail in any action authorized by this subsection, reasonable
10 attorney fees in addition to those otherwise provided by law.

11 (e) If an action is brought under this subsection, no action may
12 be brought under RCW 70.02.170.

13 **Sec. 44.** RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7
14 are each reenacted and amended to read as follows:

15 The fact of admission and all information and records related to
16 mental health services obtained through inpatient or outpatient
17 treatment of a minor under chapter 71.34 RCW must be kept
18 confidential, except as authorized by this section or under RCW
19 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265.
20 Confidential information under this section may be disclosed only:

21 (1) In communications between mental health professionals to meet
22 the requirements of chapter 71.34 RCW, in the provision of services
23 to the minor, or in making appropriate referrals;

24 (2) In the course of guardianship or dependency proceedings;

25 (3) To the minor, the minor's parent, including those acting as a
26 parent as defined in RCW 71.34.020 for purposes of family-initiated
27 treatment, and the minor's attorney, subject to RCW 13.50.100;

28 (4) To the courts as necessary to administer chapter 71.34 RCW;

29 (5) By a care coordinator under RCW 71.34.755 or 10.77.175
30 assigned to a person ordered to receive less restrictive alternative
31 treatment for the purpose of sharing information to parties necessary
32 for the implementation of proceedings under chapter 71.34 or 10.77
33 RCW;

34 (6) By a care coordinator under RCW 71.34.755 assigned to a
35 person ordered to receive less restrictive alternative treatment for
36 the purpose of sharing information to parties necessary for the
37 implementation of proceedings under chapter 71.34 RCW;

38 (7) To law enforcement officers or public health officers as
39 necessary to carry out the responsibilities of their office. However,

1 only the fact and date of admission, and the date of discharge, the
2 name and address of the treatment provider, if any, and the last
3 known address must be disclosed upon request;

4 (8) To law enforcement officers, public health officers,
5 relatives, and other governmental law enforcement agencies, if a
6 minor has escaped from custody, disappeared from an evaluation and
7 treatment facility, violated conditions of a less restrictive
8 treatment order, or failed to return from an authorized leave, and
9 then only such information as may be necessary to provide for public
10 safety or to assist in the apprehension of the minor. The officers
11 are obligated to keep the information confidential in accordance with
12 this chapter;

13 (9) To the secretary of social and health services and the
14 director of the health care authority for assistance in data
15 collection and program evaluation or research so long as the
16 secretary or director, where applicable, adopts rules for the conduct
17 of such evaluation and research. The rules must include, but need not
18 be limited to, the requirement that all evaluators and researchers
19 sign an oath of confidentiality substantially as follows:

20 "As a condition of conducting evaluation or research concerning
21 persons who have received services from (fill in the facility,
22 agency, or person) I,, agree not to divulge, publish, or
23 otherwise make known to unauthorized persons or the public any
24 information obtained in the course of such evaluation or research
25 regarding minors who have received services in a manner such that the
26 minor is identifiable.

27 I recognize that unauthorized release of confidential information
28 may subject me to civil liability under state law.

29 /s/";

30 (10) To appropriate law enforcement agencies, upon request, all
31 necessary and relevant information in the event of a crisis or
32 emergent situation that poses a significant and imminent risk to the
33 public. The mental health service agency or its employees are not
34 civilly liable for the decision to disclose or not, so long as the
35 decision was reached in good faith and without gross negligence;

36 (11) To appropriate law enforcement agencies and to a person,
37 when the identity of the person is known to the public or private
38 agency, whose health and safety has been threatened, or who is known
39 to have been repeatedly harassed, by the patient. The person may

1 designate a representative to receive the disclosure. The disclosure
2 must be made by the professional person in charge of the public or
3 private agency or his or her designee and must include the dates of
4 admission, discharge, authorized or unauthorized absence from the
5 agency's facility, and only any other information that is pertinent
6 to the threat or harassment. The agency or its employees are not
7 civilly liable for the decision to disclose or not, so long as the
8 decision was reached in good faith and without gross negligence;

9 (12) To a minor's next of kin, attorney, guardian, or
10 conservator, if any, the information that the minor is presently in
11 the facility or that the minor is seriously physically ill and a
12 statement evaluating the mental and physical condition of the minor
13 as well as a statement of the probable duration of the minor's
14 confinement;

15 (13) Upon the death of a minor, to the minor's next of kin;

16 (14) To a facility in which the minor resides or will reside;

17 (15) To law enforcement officers and to prosecuting attorneys as
18 are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent
19 of information that may be released is limited as follows:

20 (a) Only the fact, place, and date of involuntary commitment, an
21 official copy of any order or orders of commitment, and an official
22 copy of any written or oral notice of ineligibility to possess a
23 firearm that was provided to the person pursuant to RCW 9.41.047(1),
24 must be disclosed upon request;

25 (b) The law enforcement and prosecuting attorneys may only
26 release the information obtained to the person's attorney as required
27 by court rule and to a jury or judge, if a jury is waived, that
28 presides over any trial at which the person is charged with violating
29 RCW 9.41.040(2)(a) ~~((iv))~~ (v);

30 (c) Disclosure under this subsection is mandatory for the
31 purposes of the federal health insurance portability and
32 accountability act;

33 (16) This section may not be construed to prohibit the
34 compilation and publication of statistical data for use by government
35 or researchers under standards, including standards to assure
36 maintenance of confidentiality, set forth by the director of the
37 health care authority or the secretary of the department of social
38 and health services, where applicable. The fact of admission and all
39 information obtained pursuant to chapter 71.34 RCW are not admissible
40 as evidence in any legal proceeding outside chapter 71.34 RCW, except

1 guardianship or dependency, without the written consent of the minor
2 or the minor's parent;

3 (17) For the purpose of a correctional facility participating in
4 the postinstitutional medical assistance system supporting the
5 expedited medical determinations and medical suspensions as provided
6 in RCW 74.09.555 and 74.09.295;

7 (18) Pursuant to a lawful order of a court.

8 NEW SECTION. **Sec. 45.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 7.105.055 (Jurisdiction—Stalking protection orders) and
11 2021 c 215 s 5;

12 (2) RCW 7.105.060 (Jurisdiction—Antiharassment protection orders)
13 and 2021 c 215 s 6;

14 (3) RCW 7.105.170 (Vulnerable adult protection orders—Service
15 when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

16 (4) RCW 7.105.901 (Recommendations on jurisdiction over
17 protection order proceedings—Report) and 2021 c 215 s 12.

18 NEW SECTION. **Sec. 46.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 **Sec. 47.** 2021 c 215 s 87 (uncodified) is amended to read as
23 follows:

24 (1) Except for sections 12, 16, 18, 19, 21, 24, 25, 34, and 36 of
25 this act, this act takes effect July 1, 2022.

26 (2) Sections 19, 21, 24, and 34, chapter 215, Laws of 2021 take
27 effect the effective date of this section.

28 NEW SECTION. **Sec. 48.** Section 36 of this act expires July 1,
29 2023.

30 NEW SECTION. **Sec. 49.** (1) Except for sections 9 through 14, 37,
31 and 47 of this act, this act takes effect July 1, 2022.

32 (2) Section 37 of this act takes effect July 1, 2023.

33 (3) Sections 9 through 14 and 47 of this act are necessary for
34 the immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,
2 and take effect immediately.

--- **END** ---