

SHB 1901 - S COMM AMD

By Committee on Law & Justice

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

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

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

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

28 (b) "Mental abuse" means an intentional, willful, or reckless  
29 verbal or nonverbal action that threatens, humiliates, harasses,  
30 coerces, intimidates, isolates, unreasonably confines, or punishes a  
31 vulnerable adult. "Mental abuse" may include ridiculing, yelling,

1 swearing, or withholding or tampering with prescribed medications or  
2 their dosage.

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

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

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

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

29 (4) "Consent" in the context of sexual acts means that at the  
30 time of sexual contact, there are actual words or conduct indicating  
31 freely given agreement to that sexual contact. Consent must be  
32 ongoing and may be revoked at any time. Conduct short of voluntary  
33 agreement does not constitute consent as a matter of law. Consent  
34 cannot be freely given when a person does not have capacity due to  
35 disability, intoxication, or age. Consent cannot be freely given when  
36 the other party has authority or control over the care or custody of  
37 a person incarcerated or detained.

38 (5) (a) "Course of conduct" means a pattern of conduct composed of  
39 a series of acts over a period of time, however short, evidencing a  
40 continuity of purpose. "Course of conduct" includes any form of

1 communication, contact, or conduct, including the sending of an  
2 electronic communication, but does not include constitutionally  
3 protected free speech. Constitutionally protected activity is not  
4 included within the meaning of "course of conduct."

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

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

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

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

13 (iv) The respondent is acting pursuant to any statutory authority  
14 including, but not limited to, acts which are reasonably necessary  
15 to:

16 (A) Protect property or liberty interests;

17 (B) Enforce the law; or

18 (C) Meet specific statutory duties or requirements;

19 (v) The respondent's course of conduct has the purpose or effect  
20 of unreasonably interfering with the petitioner's privacy or the  
21 purpose or effect of creating an intimidating, hostile, or offensive  
22 living environment for the petitioner; or

23 (vi) Contact by the respondent with the petitioner or the  
24 petitioner's family has been limited in any manner by any previous  
25 court order.

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

28 (7) "Dating relationship" means a social relationship of a  
29 romantic nature. Factors that the court may consider in making this  
30 determination include: (a) The length of time the relationship has  
31 existed; (b) the nature of the relationship; and (c) the frequency of  
32 interaction between the parties.

33 (8) "Domestic violence" means:

34 (a) Physical harm, bodily injury, assault, or the infliction of  
35 fear of physical harm, bodily injury, or assault; nonconsensual  
36 sexual conduct or nonconsensual sexual penetration; coercive control;  
37 unlawful harassment; or stalking of one intimate partner by another  
38 intimate partner; or

39 (b) Physical harm, bodily injury, assault, or the infliction of  
40 fear of physical harm, bodily injury, or assault; nonconsensual

1 sexual conduct or nonconsensual sexual penetration; coercive control;  
2 unlawful harassment; or stalking of one family or household member by  
3 another family or household member.

4 (9) "Electronic monitoring" has the same meaning as in RCW  
5 9.94A.030.

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

12 (11) "Facility" means a residence licensed or required to be  
13 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
14 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
15 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
16 habilitation centers; or any other facility licensed or certified by  
17 the department of social and health services.

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

25 (13) "Financial exploitation" means the illegal or improper use  
26 of, control over, or withholding of, the property, income, resources,  
27 or trust funds of the vulnerable adult by any person or entity for  
28 any person's or entity's profit or advantage other than for the  
29 vulnerable adult's profit or advantage. "Financial exploitation"  
30 includes, but is not limited to:

31 (a) The use of deception, intimidation, or undue influence by a  
32 person or entity in a position of trust and confidence with a  
33 vulnerable adult to obtain or use the property, income, resources,  
34 government benefits, health insurance benefits, or trust funds of the  
35 vulnerable adult for the benefit of a person or entity other than the  
36 vulnerable adult;

37 (b) The breach of a fiduciary duty, including, but not limited  
38 to, the misuse of a power of attorney, trust, or a guardianship or  
39 conservatorship appointment, that results in the unauthorized  
40 appropriation, sale, or transfer of the property, income, resources,

1 or trust funds of the vulnerable adult for the benefit of a person or  
2 entity other than the vulnerable adult; or

3 (c) Obtaining or using a vulnerable adult's property, income,  
4 resources, or trust funds without lawful authority, by a person or  
5 entity who knows or clearly should know that the vulnerable adult  
6 lacks the capacity to consent to the release or use of the vulnerable  
7 adult's property, income, resources, or trust funds.

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

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

16 (16) "Full protection order" means a protection order that is  
17 issued by the court after notice to the respondent and where the  
18 parties had the opportunity for a full hearing by the court. "Full  
19 protection order" includes a protection order entered by the court by  
20 agreement of the parties to resolve the petition for a protection  
21 order without a full hearing.

22 (17) "Hospital" means a facility licensed under chapter 70.41 or  
23 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
24 employee, agent, officer, director, or independent contractor  
25 thereof.

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

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

39 (20)(a) "Isolate" or "isolation" means to restrict a person's  
40 ability to communicate, visit, interact, or otherwise associate with

1 persons of his or her choosing. Isolation may be evidenced by acts  
2 including, but not limited to:

3 (i) Acts that prevent a person from sending, making, or receiving  
4 his or her personal mail, electronic communications, or telephone  
5 calls; or

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

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

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

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

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

27 (24) "Neglect" means: (a) A pattern of conduct or inaction by a  
28 person or entity with a duty of care that fails to provide the goods  
29 and services that maintain the physical or mental health of a  
30 vulnerable adult, or that fails to avoid or prevent physical or  
31 mental harm or pain to a vulnerable adult; or (b) an act or omission  
32 by a person or entity with a duty of care that demonstrates a serious  
33 disregard of consequences of such a magnitude as to constitute a  
34 clear and present danger to the vulnerable adult's health, welfare,  
35 or safety including, but not limited to, conduct prohibited under RCW  
36 9A.42.100.

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

38 (26) "Nonphysical contact" includes, but is not limited to,  
39 written notes, mail, telephone calls, email, text messages, contact

1 through social media applications, contact through other  
2 technologies, (~~and~~) or contact through third parties.

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

5 (28) "Physical restraint" means the application of physical force  
6 without the use of any device, for the purpose of restraining the  
7 free movement of a vulnerable adult's body. "Physical restraint" does  
8 not include (a) briefly holding, without undue force, a vulnerable  
9 adult in order to calm or comfort him or her, or (b) holding a  
10 vulnerable adult's hand to safely escort him or her from one area to  
11 another.

12 (29) "Possession" means having an item in one's custody or  
13 control. Possession may be either actual or constructive. Actual  
14 possession occurs when the item is in the actual physical custody of  
15 the person charged with possession. Constructive possession occurs  
16 when there is no actual physical possession, but there is dominion  
17 and control over the item.

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

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

21 (a) Any intentional or knowing touching or fondling of the  
22 genitals, anus, or breasts, directly or indirectly, including through  
23 clothing;

24 (b) Any intentional or knowing display of the genitals, anus, or  
25 breasts for the purposes of arousal or sexual gratification of the  
26 respondent;

27 (c) Any intentional or knowing touching or fondling of the  
28 genitals, anus, or breasts, directly or indirectly, including through  
29 clothing, that the petitioner is forced to perform by another person  
30 or the respondent;

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

34 (e) Any intentional or knowing touching of the clothed or  
35 unclothed body of a child under the age of 16, if done for the  
36 purpose of sexual gratification or arousal of the respondent or  
37 others; or

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

1 (32) "Sexual penetration" means any contact, however slight,  
2 between the sex organ or anus of one person by an object, the sex  
3 organ, mouth, or anus of another person, or any intrusion, however  
4 slight, of any part of the body of one person or of any animal or  
5 object into the sex organ or anus of another person including, but  
6 not limited to, cunnilingus, fellatio, or anal penetration. Evidence  
7 of emission of semen is not required to prove sexual penetration.

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

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

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

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

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

18 (ii) Serves no lawful purpose; and

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

22 (34) "Temporary protection order" means a protection order that  
23 is issued before the court has decided whether to issue a full  
24 protection order. "Temporary protection order" includes ex parte  
25 temporary protection orders, as well as temporary protection orders  
26 that are reissued by the court pending the completion of a full  
27 hearing to decide whether to issue a full protection order. An "ex  
28 parte temporary protection order" means a temporary protection order  
29 that is issued without prior notice to the respondent.

30 (35) "Unlawful harassment" means:

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

37 (b) A single act of violence or threat of violence directed at a  
38 specific person that seriously alarms, annoys, harasses, or is  
39 detrimental to such person, and that serves no legitimate or lawful  
40 purpose, which would cause a reasonable person to suffer substantial

1 emotional distress, and must actually cause substantial emotional  
2 distress to the petitioner. A single threat of violence must include:  
3 (i) A malicious and intentional threat as described in RCW  
4 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

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

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

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

10 (c) Who has a developmental disability as defined under RCW  
11 71A.10.020; or

12 (d) Admitted to any facility; or

13 (e) Receiving services from home health, hospice, or home care  
14 agencies licensed or required to be licensed under chapter 70.127  
15 RCW; or

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

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

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

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

30 (A) Damaging, destroying, or threatening to damage or destroy, or  
31 forcing the other party to relinquish, goods, property, or items of  
32 special value;

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

38 (C) Carrying, exhibiting, displaying, drawing, or threatening to  
39 use, any firearm or any other weapon apparently capable of producing  
40 bodily harm, in a manner, under circumstances, and at a time and

1 place that either manifests an intent to intimidate the other party  
2 or that warrants alarm by the other party for their safety or the  
3 safety of other persons;

4 (D) Driving recklessly with the other party or minor children in  
5 the vehicle;

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

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

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

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

11 (IV) Contact local or federal agencies based on actual or  
12 suspected immigration status;

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

14 (G) Making, or threatening to make, private information public,  
15 including the other party's sexual orientation or gender identity,  
16 medical or behavioral health information, or other confidential  
17 information that jeopardizes safety; or

18 (H) Engaging in sexual or reproductive coercion;

19 (ii) Causing dependence, confinement, or isolation of the other  
20 party from friends, relatives, or other sources of support, including  
21 schooling and employment, or subjecting the other party to physical  
22 confinement or restraint;

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

25 (iv) Controlling, exerting undue influence over, interfering  
26 with, regulating, or monitoring the other party's movements,  
27 communications, daily behavior, finances, economic resources, or  
28 employment, including but not limited to interference with or  
29 attempting to limit access to services for children of the other  
30 party, such as health care, medication, child care, or school-based  
31 extracurricular activities;

32 (v) Engaging in vexatious litigation or abusive litigation as  
33 defined in RCW 26.51.020 against the other party to harass, coerce,  
34 or control the other party, to diminish or exhaust the other party's  
35 financial resources, or to compromise the other party's employment or  
36 housing; or

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

39 (b) "Coercive control" does not include protective actions taken  
40 by a party in good faith for the legitimate and lawful purpose of

1 protecting themselves or children from the risk of harm posed by the  
2 other party.

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

5 (1) The superior(~~(7)~~) and district(~~(7 and municipal)~~) courts have  
6 jurisdiction over domestic violence protection order proceedings  
7 (~~and~~), sexual assault protection order proceedings, stalking  
8 protection order proceedings, and antiharassment protection order  
9 proceedings under this chapter(~~(. The jurisdiction of district and~~  
10 ~~municipal courts is limited to enforcement of RCW 7.105.450(1), or~~  
11 ~~the equivalent municipal ordinance, and the issuance and enforcement~~  
12 ~~of temporary orders for protection provided for in RCW 7.105.305~~  
13 ~~if)), except that such proceedings must be transferred from district~~  
14 court to superior court when:

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

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

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

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

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

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

32 (2) (a) When the jurisdiction of a district (~~(or municipal)~~) court  
33 is limited to the issuance and enforcement of a temporary protection  
34 order, the district (~~(or municipal)~~) court shall set the full hearing  
35 in superior court and transfer the case, indicating in the transfer  
36 order the circumstances and findings supporting transfer to the  
37 superior court.

38 (b) If the notice and order are not served on the respondent in  
39 time for the full hearing, the issuing court shall have concurrent

1 jurisdiction with the superior court to extend the temporary  
2 protection order. The superior court to which the case is being  
3 transferred shall determine whether to grant any request for a  
4 continuance.

5 (3) Transfer procedures, court calendars, and judicial officer  
6 assignment must further the goals of this chapter to: Minimize delay;  
7 make the system less complex; provide sufficient victim support,  
8 consistency, safety, timeliness, and procedural fairness; enable  
9 comprehensive use of electronic filing, case tracking, and records  
10 management systems; provide for judicial officers with expertise and  
11 training in protection orders and trauma-informed practices and  
12 continuity of judicial officers at each hearing so the judicial  
13 officer will have greater familiarity with the parties, history, and  
14 allegations; and help ensure that there is compliance with timely and  
15 comprehensive firearms relinquishment to reduce risk of harm. Courts  
16 shall make publicly available in print and online information about  
17 their transfer procedures, court calendars, and judicial officer  
18 assignment.

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

21 The superior courts have jurisdiction over extreme risk  
22 protection order proceedings under this chapter. The juvenile court  
23 may hear an extreme risk protection order proceeding under this  
24 chapter if the respondent is under the age of 18 years. Additionally,  
25 district (~~and municipal~~) courts have limited jurisdiction over the  
26 issuance and enforcement of temporary extreme risk protection orders  
27 issued under RCW 7.105.330. The district (~~or municipal~~) court shall  
28 set the full hearing in superior court and transfer the case. If the  
29 notice and order are not served on the respondent in time for the  
30 full hearing, the issuing court has concurrent jurisdiction with the  
31 superior court to extend the temporary extreme risk protection order.  
32 The superior court to which the case is being transferred shall  
33 determine whether to grant any request for a continuance.

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

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

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

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

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

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

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

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

15 (a) A petition for a domestic violence protection order, which  
16 must allege the existence of domestic violence committed against the  
17 petitioner or petitioners by an intimate partner or a family or  
18 household member. The petitioner may petition for relief on behalf of  
19 himself or herself and on behalf of family or household members who  
20 are minors or vulnerable adults. A petition for a domestic violence  
21 protection order must specify whether the petitioner and the  
22 respondent are intimate partners or family or household members. A  
23 petitioner who has been sexually assaulted or stalked by an intimate  
24 partner or a family or household member should, but is not required  
25 to, seek a domestic violence protection order, rather than a sexual  
26 assault protection order or a stalking protection order.

27 (b) A petition for a sexual assault protection order, which must  
28 allege the existence of nonconsensual sexual conduct or nonconsensual  
29 sexual penetration that was committed against the petitioner by the  
30 respondent. A petitioner who has been sexually assaulted by an  
31 intimate partner or a family or household member should, but is not  
32 required to, seek a domestic violence protection order, rather than a  
33 sexual assault protection order. A single incident of nonconsensual  
34 sexual conduct or nonconsensual sexual penetration is sufficient  
35 grounds for a petition for a sexual assault protection order. The  
36 petitioner may petition for a sexual assault protection order on  
37 behalf of:

38 (i) Himself or herself;

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

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

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

10 (c) A petition for a stalking protection order, which must allege  
11 the existence of stalking committed against the petitioner or  
12 petitioners by the respondent. A petitioner who has been stalked by  
13 an intimate partner or a family or household member should, but is  
14 not required to, seek a domestic violence protection order, rather  
15 than a stalking protection order. The petitioner may petition for a  
16 stalking protection order on behalf of:

17 (i) Himself or herself;

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

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

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

27 (d) A petition for a vulnerable adult protection order, which  
28 must allege that the petitioner, or person on whose behalf the  
29 petition is brought, is a vulnerable adult and that the petitioner,  
30 or person on whose behalf the petition is brought, has been  
31 abandoned, abused, financially exploited, or neglected, or is  
32 threatened with abandonment, abuse, financial exploitation, or  
33 neglect, by the respondent. ~~((If the petition is filed by an  
34 interested person, the affidavit or declaration must also include a  
35 statement of why the petitioner qualifies as an interested person.))~~

36 (e) A petition for an extreme risk protection order, which must  
37 allege that the respondent poses a significant danger of causing  
38 personal injury to self or others by having in the respondent's  
39 custody or control, purchasing, possessing, accessing, receiving, or  
40 attempting to purchase or receive, a firearm. The petition must also

1 identify information the petitioner is able to provide about the  
2 firearms, such as the number, types, and locations of any firearms  
3 the petitioner believes to be in the respondent's current ownership,  
4 possession, custody, access, or control. A petition for an extreme  
5 risk protection order may be filed by (i) an intimate partner or a  
6 family or household member of the respondent; or (ii) a law  
7 enforcement agency.

8 (f) A petition for an antiharassment protection order, which must  
9 allege the existence of unlawful harassment committed against the  
10 petitioner or petitioners by the respondent. If a petitioner is  
11 seeking relief based on domestic violence, nonconsensual sexual  
12 conduct, nonconsensual sexual penetration, or stalking, the  
13 petitioner may, but is not required to, seek a domestic violence,  
14 sexual assault, or stalking protection order, rather than an  
15 antiharassment order. The petitioner may petition for an  
16 antiharassment protection order on behalf of:

17 (i) Himself or herself;

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

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

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

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

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

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

1       (5) A petition for any type of protection order must not be  
2 dismissed or denied on the basis that the conduct alleged by the  
3 petitioner would meet the criteria for the issuance of another type  
4 of protection order. If a petition meets the criteria for a different  
5 type of protection order other than the one sought by the petitioner,  
6 the court shall consider the petitioner's preference, and enter a  
7 temporary protection order or set the matter for a hearing as  
8 appropriate under the law. The court's decision on the appropriate  
9 type of order shall not be premised on alleviating any potential  
10 stigma on the respondent.

11       ~~((5))~~ (6) The protection order petition must contain a section  
12 where the petitioner, regardless of petition type, may request  
13 specific relief provided for in RCW 7.105.310 that the petitioner  
14 seeks for himself or herself or for family or household members who  
15 are minors. The totality of selected relief, and any other relief the  
16 court deems appropriate for the petitioner, or family or household  
17 members who are minors, must be considered at the time of entry of  
18 temporary protection orders and at the time of entry of full  
19 protection orders.

20       ~~((6))~~ (7) If a court reviewing the petition for a protection  
21 order or a request for a temporary protection order determines that  
22 the petition was not filed in the correct court, the court shall  
23 enter findings establishing the correct court, and direct the clerk  
24 to transfer the petition to the correct court and to provide notice  
25 of the transfer to all parties who have appeared.

26       ~~((7))~~ (8) Upon filing a petition for a protection order, the  
27 petitioner may request that the court enter an ex parte temporary  
28 protection order and an order to surrender and prohibit weapons  
29 without notice until a hearing on a full protection order may be  
30 held. When requested, there shall be a rebuttable presumption to  
31 include the petitioner's minor children as protected parties in the  
32 ex parte temporary domestic violence protection order until the full  
33 hearing to reduce the risk of harm to children during periods of  
34 heightened risk, unless there is good cause not to include the minor  
35 children. If the court denies the petitioner's request to include the  
36 minor children, the court shall make written findings why the  
37 children should not be included, pending the full hearing. An ex  
38 parte temporary protection order shall be effective for a fixed  
39 period of time and shall be issued initially for a period not to  
40 exceed 14 days, which may be extended for good cause.

1        ~~((8) The court may, at its discretion, issue a temporary order~~  
2 ~~on the petition with or without a hearing. If an order is not signed~~  
3 ~~upon presentation, the court shall set a hearing for a full~~  
4 ~~protection order not later than 14 days from the date of the filing~~  
5 ~~of the petition for a protection order, if the petition for a~~  
6 ~~protection order is filed before close of business on a judicial day.~~  
7 ~~If a petition for a protection order is filed after close of business~~  
8 ~~on a judicial day or is filed on a nonjudicial day, the court shall~~  
9 ~~set a hearing for a full protection order not later than 14 days from~~  
10 ~~the first judicial day after the petition is filed.))~~

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

13        The following apply to all petitions for protection orders under  
14 this chapter.

15        (1)(a) By January 1, 2023, county clerks on behalf of all  
16 superior courts and, by January 1, 2026, all courts of limited  
17 jurisdiction, must permit petitions for protection orders and all  
18 other filings in connection with the petition to be submitted as  
19 preferred by the petitioner either: (i) In person; (ii) remotely  
20 through an electronic submission process; or (iii) by mail for  
21 persons who are incarcerated or who are otherwise unable to file in  
22 person or remotely through an electronic system. The court or clerk  
23 must make ~~((all electronically filed court documents available for~~  
24 ~~electronic access by)) available electronically to judicial officers  
25 ~~((statewide)) any protection orders filed within the state. Judicial~~  
26 officers may not be charged for access to such documents. The  
27 electronic ~~((filing)) submission system must allow for petitions for~~  
28 ~~protection orders and supportive documents to be ((filed)) submitted~~  
29 ~~at any time of the day. When a petition and supporting documents for~~  
30 ~~a protection order are submitted to the clerk after business hours,~~  
31 ~~they must be processed as soon as possible on the next judicial day.~~  
32 Petitioners and respondents should not ~~((be charged)) incur~~  
33 ~~additional charges for electronic ((filing)) submission for petitions~~  
34 and documents filed pursuant to this section.~~

35        (b) By January 1, 2023, all superior courts' systems and, by  
36 January 1, 2026, all limited jurisdiction courts' systems, should  
37 allow for the petitioner to electronically track the progress of the  
38 petition for a protection order. Notification may be provided by text  
39 messaging or email, and should provide reminders of court appearances

1 and alert the petitioner when the following occur: (i) The petition  
2 has been processed and is under review by a judicial officer; (ii)  
3 the order has been signed; (iii) the order has been transmitted to  
4 law enforcement for entry into the Washington crime information  
5 center system; (iv) (~~return~~) proof of service upon the respondent  
6 has been filed with the court or clerk; (~~and~~) (v) a receipt for the  
7 surrender of firearms has been filed with the court or clerk; and  
8 (vi) the respondent has filed a motion for the release of surrendered  
9 firearms. Respondents, once served, should be able to sign up for  
10 similar electronic notification. Petitioners and respondents should  
11 not be charged for electronic notification.

12 (2) The petition must be accompanied by a confidential document  
13 to be used by the courts and law enforcement to fully identify the  
14 parties and serve the respondent. This record will be exempt from  
15 public disclosure at all times, and restricted access to this form is  
16 governed by general rule 22 provisions governing access to the  
17 confidential information form. The petitioner is required to fill out  
18 the confidential party information form to the petitioner's fullest  
19 ability. The respondent (~~must~~) should be (~~served with~~) provided a  
20 blank confidential party information form at the time of service, and  
21 when the respondent first appears, the respondent must confirm with  
22 the court the respondent's identifying and current contact  
23 information, including electronic means of contact, and file this  
24 with the court.

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

29 (4) The petitioner and the respondent must disclose the existence  
30 of any other litigation or of any other restraining, protection, or  
31 no-contact orders between the parties, to the extent that such  
32 information is known by the petitioner and the respondent. To the  
33 extent possible, the court shall take judicial notice of any existing  
34 restraining, protection, or no-contact orders between the parties  
35 before entering a protection order. The court shall not include  
36 provisions in a protection order that would allow the respondent to  
37 engage in conduct that is prohibited by another restraining,  
38 protection, or no-contact order between the parties that was entered  
39 in a different proceeding. The obligation to disclose the existence  
40 of any other litigation includes, but is not limited to, the

1 existence of any other litigation concerning the custody or  
2 residential placement of a child of the parties as set forth in RCW  
3 26.27.281. The court administrator shall verify for the court the  
4 terms of any existing protection order governing the parties.

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

9 (6) Relief under this chapter must not be denied or delayed on  
10 the grounds that the relief is available in another action. The court  
11 shall not defer acting on a petition for a protection order nor grant  
12 a petitioner less than the full relief that the petitioner is  
13 otherwise entitled to under this chapter because there is, or could  
14 be, another proceeding involving the parties including, but not  
15 limited to, any potential or pending family law matter or criminal  
16 matter.

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

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

21 (9) (a) No fees for service of process may be charged by a court  
22 or any public agency to petitioners seeking relief under this  
23 chapter. Except as provided in (b) of this subsection, courts may not  
24 charge petitioners any fees or surcharges the payment of which is a  
25 condition precedent to the petitioner's ability to secure access to  
26 relief under this chapter. Petitioners shall be provided the  
27 necessary number of certified copies, forms, and instructional  
28 brochures free of charge, including a certified copy of the service  
29 packet that consists of all documents that are being served on the  
30 respondent. A respondent who is served electronically with a  
31 protection order shall be provided a certified copy of the order free  
32 of charge upon request.

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

35 (i) No filing fee may be charged to a petitioner seeking an  
36 antiharassment protection order against a person who has engaged in  
37 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW  
38 9A.36.080(1)(c), or a single act of violence or threat of violence  
39 under RCW 7.105.010(35)(b), or from a person who has engaged in  
40 nonconsensual sexual conduct or penetration or conduct that would

1 constitute a sex offense as defined in RCW 9A.44.128, or from a  
2 person who is a family or household member or intimate partner who  
3 has engaged in conduct that would constitute domestic violence; and

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

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

13 (11) Subject to the availability of amounts appropriated for this  
14 specific purpose, or as provided through alternative sources  
15 including, but not limited to, grants, local funding, or pro bono  
16 means, if the court deems it necessary, the court may appoint a  
17 guardian ad litem for a petitioner or a respondent who is under 18  
18 years of age and who is not represented by counsel. If a guardian ad  
19 litem is appointed by the court for either or both parties, neither  
20 the petitioner nor the respondent shall be required by the court to  
21 pay any costs associated with the appointment.

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

28 ~~(13))~~ If a petitioner has requested an ex parte temporary  
29 protection order, because these are often emergent situations, the  
30 court shall prioritize review, either entering an order without a  
31 hearing or scheduling and holding an ex parte hearing in person, by  
32 telephone, by video, or by other electronic means on the day the  
33 petition is filed if possible. Otherwise, it must be heard no later  
34 than the following judicial day. The clerk shall ensure that the  
35 request for an ex parte temporary protection order is presented  
36 timely to a judicial officer, and signed orders will be returned  
37 promptly to the clerk for entry and to the petitioner as specified in  
38 this section.

39 ~~((14))~~ (13) Courts shall not require a petitioner to file  
40 duplicative forms.

1       (~~(15)~~) (14) The Indian child welfare act applies in the  
2 following manner.

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

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

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

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

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

38       (i) For all protection orders except extreme risk protection  
39 orders, the protection order must include, in a conspicuous location,

1 a notice of criminal penalties resulting from a violation of the  
2 order, and the following statement: "You can be arrested even if the  
3 protected person or persons invite or allow you to violate the order.  
4 You alone are responsible for following the order. Only the court may  
5 change the order. Requests for changes must be made in writing."

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

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

1 RCW, and a Canadian domestic violence protection order as defined in  
2 RCW 26.55.010;

3 (c) Determine the significant non-English-speaking or limited  
4 English-speaking populations in the state. The administrative office  
5 of the courts shall then arrange for translation of the instructions  
6 and informational brochures required by this section, which must  
7 contain a sample of the standard petition and protection order forms,  
8 into the languages spoken by at least the top five significant non-  
9 English-speaking populations, and shall distribute a master copy of  
10 the translated instructions and informational brochures to all court  
11 clerks and to the Washington supreme court's interpreter commission,  
12 minority and justice commission, and gender and justice commission  
13 (~~by July 25, 2021~~). Such materials must be updated and distributed  
14 if needed due to relevant changes in the law;

15 (d) (i) Distribute a master copy of the petition and order forms,  
16 instructions, and informational brochures to all court clerks, and  
17 distribute a master copy of the petition and order forms to all  
18 superior, district, and municipal courts;

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

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

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

31 (B) Pattern forms to assist in streamlining the process for those  
32 persons who are eligible to seal records relating to an order under

33 (d) (i) of this subsection, including:

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

36 (II) An order sealing the court records relating to that order;  
37 and

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

1 (e) Create a new confidential party information form to satisfy  
2 the purposes of the confidential information form and the law  
3 enforcement information sheet that will serve both the court's and  
4 law enforcement's data entry needs without requiring a redundant  
5 effort for the petitioner, and ensure the petitioner's confidential  
6 information is protected for the purpose of safety. The form should  
7 be created with the presumption that it will also be used by the  
8 respondent to provide all current contact information needed by the  
9 court and law enforcement, and full identifying information for  
10 improved data entry. The form should also prompt the petitioner to  
11 disclose on the form whether the person who the petitioner is seeking  
12 to restrain has a disability, brain injury, or impairment requiring  
13 special assistance; and

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

17 (2) ((The)) By July 1, 2022, the administrative office of the  
18 courts, through the gender and justice commission of the Washington  
19 state supreme court, and with the support of the Washington state  
20 women's commission, shall work with representatives of superior,  
21 district, and municipal court judicial officers, court clerks, and  
22 administrators, including those with experience in protection order  
23 proceedings, as well as advocates and practitioners with expertise in  
24 each type of protection order, and others with relevant expertise, to  
25 develop for the courts:

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

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

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

36 (1) All court clerks' offices shall make available the  
37 standardized forms, instructions, and informational brochures  
38 required by this chapter, and shall ((fill in and)) keep current  
39 specific program names and telephone numbers for community resources,

1 including civil legal aid and volunteer lawyer programs. Any  
2 assistance or information provided by clerks under this chapter, or  
3 any assistance or information provided by any person, including court  
4 clerks, employees of the department of social and health services,  
5 and other court facilitators, to complete the forms provided by the  
6 court, does not constitute the practice of law, and clerks are not  
7 responsible for incorrect information contained in a petition.

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

12 (a) The court clerk shall (~~obtain—~~a) accept an appropriate  
13 community resource list from a domestic violence program and from a  
14 sexual assault program serving the county in which the court is  
15 located. The community resource list must include the names,  
16 telephone numbers, and, as available, website links of domestic  
17 violence programs, sexual assault programs, and elder abuse programs  
18 serving the community in which the court is located, including law  
19 enforcement agencies, domestic violence agencies, sexual assault  
20 agencies, civil legal aid programs, elder abuse programs,  
21 interpreters, multicultural programs, and batterers' treatment  
22 programs. The list must be made available in print and online.

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

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

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

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

3       (1) To minimize delays and the need for more hearings, which can  
4 hinder access to justice and undermine judicial economy, to lessen  
5 costs, to guarantee actual notice to the respondent, and to simplify  
6 and modernize processes for petitioners, respondents, law  
7 enforcement, and the courts, the following methods of service are  
8 authorized for protection order proceedings, including petitions,  
9 temporary protection orders, reissuances of temporary protection  
10 orders, full protection orders, motions to renew protection orders,  
11 and motions to modify or terminate protection orders.

12       (a) ~~((Personal))~~ (i) Except as provided in (a)(iii) and (b)(i) of  
13 this subsection, personal service, consistent with court rules for  
14 civil proceedings, ~~((must be made by law enforcement to mitigate~~  
15 risks, increase safety, and ensure swift recovery of firearms in  
16 eases)) is required in: (A) Cases requiring the surrender of  
17 firearms, such as extreme risk protection orders and protection  
18 orders with orders to surrender and prohibit weapons; (B) cases that  
19 involve transferring the custody of a child or children from the  
20 respondent to the petitioner; ~~((or))~~ (C) cases involving vacating the  
21 respondent from the parties' shared residence~~((Personal service~~  
22 should also be used in)); (D) cases involving a respondent who is  
23 incarcerated; and (E) cases where a petition for a vulnerable adult  
24 protection order is filed by someone other than the vulnerable adult.

25       (ii) Personal service in cases specified in (a)(i)(A) through (D)  
26 of this subsection must be made by law enforcement including, at a  
27 minimum, two timely attempts at personal service. To reduce risk of  
28 harm for cases requiring personal service, law enforcement should  
29 continue to attempt personal service up to the hearing date. Personal  
30 service for cases specified in (a)(i)(E) of this subsection and when  
31 used for other protection order cases must ~~((otherwise))~~ be made by  
32 law enforcement unless the petitioner elects to have the respondent  
33 served by a third party who is not a party to the action ~~((and))~~, is  
34 ~~((over))~~ 18 years of age or older and competent to be a witness, and  
35 can provide sworn proof of service to the court as required.

36       (iii) In cases where personal service is required under this  
37 subsection, after two unsuccessful attempts at personal service,  
38 service shall be permitted by electronic means in accordance with (b)  
39 of this subsection.

1 (b) (i) Service by electronic means, including service by email,  
2 text message, social media applications, or other technologies, must  
3 be prioritized for all orders at the time of the issuance of  
4 temporary protection orders, ~~((with the exception of the following~~  
5 ~~cases, for which personal service must be prioritized: (A) Cases~~  
6 ~~requiring the surrender of firearms, such as extreme risk protection~~  
7 ~~orders and protection orders with orders to surrender weapons; (B)~~  
8 ~~cases that involve transferring the custody of a child or children~~  
9 ~~from the respondent to the petitioner; (C) cases involving vacating~~  
10 ~~the respondent from the parties' shared residence; or (D) cases~~  
11 ~~involving a respondent who is incarcerated)) except in cases where~~  
12 personal service is required under (a) of this subsection. ((Onee))  
13 For cases specified in (a) (i) (A) through (D) of this subsection, once  
14 firearms and concealed pistol licenses have been surrendered and  
15 verified by the court, or there is evidence the respondent does not  
16 possess firearms, the restrained party has been vacated from the  
17 shared residence, or the custody of the child or children has been  
18 transferred, per court order, or the respondent is no longer  
19 incarcerated, then subsequent motions and orders may be served  
20 electronically.

21 (ii) Service by electronic means must be ~~((effected))~~ made by a  
22 law enforcement agency, unless the petitioner elects to have the  
23 respondent served by any person who is not a party to the action, is  
24 ~~((over))~~ 18 years of age or older and competent to be a witness, and  
25 can provide sworn proof of service to the court as required. Court  
26 authorization permitting electronic service is not required except in  
27 cases specified in (a) (i) (A) through (D) of this subsection. In those  
28 cases, either request of the petitioner, or good cause for granting  
29 an order for electronic service, such as two failed attempts at  
30 personal service, are required to authorize service by electronic  
31 means. No formal motion is necessary.

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

38 (iv) Electronic service must be effected by transmitting copies  
39 of the petition and any supporting materials filed with the petition,  
40 notice of hearing, and any orders, or relevant materials for motions,

1 to the respondent at the respondent's electronic address or the  
2 respondent's electronic account associated with email, text  
3 messaging, social media applications, or other technologies.  
4 Verification of (~~receipt~~) notice is required and may be  
5 accomplished through read-receipt mechanisms, a response, a sworn  
6 statement from the person who effected service verifying transmission  
7 and any follow-up communications such as email or telephone contact  
8 used to further verify, or an appearance by the respondent at a  
9 hearing. Sworn proof of service must be filed with the court by the  
10 person who effected service. (~~Service by electronic means is  
11 complete upon transmission when made prior to 5:00 p.m. on a judicial  
12 day. Service made on a Saturday, Sunday, legal holiday, or after 5:00  
13 p.m. on any other day shall be deemed complete at 9:00 a.m. on the  
14 first judicial day thereafter.~~)

15 (c) Service by mail is permitted when: (i) Personal service was  
16 required, there have been two unsuccessful attempts at personal  
17 service, and electronic service is not possible(~~(, and there have~~  
18 ~~been two unsuccessful attempts at personal service or when the~~  
19 ~~petitioner requests it in lieu of electronic service or personal~~  
20 ~~service where personal service is not otherwise required)); or (ii)  
21 personal service is not required and there have been two unsuccessful  
22 attempts at personal or electronic service. If electronic service and  
23 personal service are not successful, the court shall affirmatively  
24 order service by mail without requiring additional motions to be  
25 filed by the petitioner. Service by mail must be made by any person  
26 who is not a party to the action and is (~~over~~) 18 years of age or  
27 older and competent to be a witness, by mailing copies of the  
28 materials to be served to the party to be served at the party's last  
29 known address or any other address determined by the court to be  
30 appropriate. Two copies must be mailed, postage prepaid, one by  
31 ordinary first-class mail and the other by a form of mail requiring a  
32 tracking or certified information showing when and where it was  
33 delivered. The envelopes must bear the return address (~~of the~~  
34 ~~sender~~) where the petitioner may receive legal mail. Service is  
35 complete (~~upon~~) 10 calendar days after the mailing of two copies as  
36 prescribed in this section. Where service by mail is provided by a  
37 third party, the clerk shall forward proof of service by mail to the  
38 law enforcement agency in the county or municipality where the  
39 respondent resides.~~

1 (d) Service by publication is permitted only in those cases where  
2 all other means of service have been unsuccessful or are not possible  
3 due to lack of any known physical or electronic address of the  
4 respondent. Publication must be made in a newspaper of general  
5 circulation in the county where the petition was brought and in the  
6 county of the last known address of the respondent once a week for  
7 three consecutive weeks. The newspaper selected must be one of the  
8 three most widely circulated papers in the county. The publication of  
9 summons must not be made until the court orders service by  
10 publication under this section. Service of the summons is considered  
11 complete on the date of the third publication when ((the))  
12 publication has been made for three consecutive weeks. The summons  
13 must be signed by the petitioner. The summons must contain the date  
14 of the first publication, and shall require the respondent upon whom  
15 service by publication is desired to appear and answer the petition  
16 on the date set for the hearing. The summons must also contain a  
17 brief statement of the reason for the petition and a summary of the  
18 provisions under the temporary protection order. The summons must be  
19 essentially in the following form:

20 In the ..... court of the state of Washington  
21 for the county of .....

22 ....., Petitioner

23 vs. No. ....

24 ....., Respondent

25 The state of Washington to .....  
26 (respondent):

27 You are hereby summoned to appear on the ....  
28 day of ....., (year) ....., at .... a.m./p.m., and  
29 respond to the petition. If you fail to respond, a  
30 protection order will be issued against you pursuant to  
31 the provisions of chapter 7.105 RCW, for a minimum of  
32 one year from the date you are required to appear. A  
33 temporary protection order has been issued against you,  
34 restraining you from the following: (Insert a brief  
35 statement of the provisions of the temporary protection  
36 order). A copy of the petition, notice of hearing, and  
37 temporary protection order has been filed with the clerk  
38 of this court.

.....

Petitioner.....

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

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

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

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

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

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the

1 respondent resides, or the department of children, youth, and  
2 families in the case where the respondent is the subject of a  
3 dependency or court approved out-of-home placement. A minor  
4 respondent shall not be served at the minor respondent's school  
5 unless no other address for service is known.

6 (c) For extreme risk protection orders, the court shall also  
7 provide a parent, guardian, or conservator of the respondent with  
8 written notice of the legal obligation to safely secure any firearm  
9 on the premises and the potential for criminal prosecution if a  
10 prohibited person were to obtain access to any firearm. This notice  
11 may be provided at the time the parent, guardian, or conservator of  
12 the respondent appears in court or may be served along with a copy of  
13 the order, whichever occurs first.

14 (6) When a petition for a vulnerable adult protection order is  
15 filed by someone other than the vulnerable adult, notice of the  
16 petition and hearing must be personally served upon the vulnerable  
17 adult. In addition to copies of all pleadings filed by the  
18 petitioner, the petitioner shall provide a written notice to the  
19 vulnerable adult using a standard notice form developed by the  
20 administrative office of the courts. The standard notice form must be  
21 designed to explain to the vulnerable adult in clear, plain language  
22 the purpose and nature of the petition and that the vulnerable adult  
23 has the right to participate in the hearing and to either support or  
24 object to the petition.

25 (7) The court shall not dismiss, over the objection of a  
26 petitioner, a petition for a protection order or a motion to renew a  
27 protection order based on the inability of law enforcement or the  
28 petitioner to serve the respondent, unless the court determines that  
29 all available methods of service have been attempted unsuccessfully  
30 or are not possible.

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

33 When service is to be completed under this chapter by a law  
34 enforcement officer:

35 (1) The clerk of the court shall have a copy of any order issued  
36 under this chapter, the confidential information form, as well as the  
37 petition for a protection order and any supporting materials,  
38 electronically forwarded on or before the next judicial day to the  
39 law enforcement agency in the county or municipality where the

1 respondent resides, as specified in the order, for service upon the  
2 respondent. If the respondent has moved from that county or  
3 municipality and personal service is not required, the law  
4 enforcement agency specified in the order may serve the order;

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

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

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

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

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

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

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

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

25 (~~Service~~) (1) Unless waived by the nonmoving party, service  
26 must be completed on the nonmoving party not less than five judicial  
27 days before the hearing date(~~, unless waived by the nonmoving~~  
28 ~~party~~)). If service cannot be made, the court shall set a new hearing  
29 date and shall either require an additional attempt at obtaining  
30 service or permit service by other means authorized in this chapter.  
31 The court shall not require more than two attempts at obtaining  
32 service before permitting service by other means authorized in this  
33 chapter unless the moving party requests additional time to attempt  
34 service.

35 (2) Service is completed on the day the respondent is served  
36 personally, on the date of transmission for electronic service, on  
37 the 10th calendar day after mailing for service by mail, or on the  
38 date of the third publication when publication has been made for  
39 three consecutive weeks for service by publication.

1       (3) If the nonmoving party was served before the hearing, but  
2 less than five judicial days before the hearing, it is not necessary  
3 to re-serve materials that the nonmoving party already received, but  
4 any new notice of hearing and reissued order must be served on the  
5 nonmoving party. (~~The court shall not require more than two attempts~~  
6 ~~at obtaining service before permitting service by other means~~  
7 ~~authorized in this chapter unless the moving party requests~~  
8 ~~additional time to attempt service. If the court permits service by~~  
9 ~~mail or by publication, the court shall set the hearing date not~~  
10 ~~later than 24 days from the date of the order authorizing such~~  
11 ~~service.)) This additional service may be made by mail as an  
12 alternative to other authorized methods of service under this  
13 chapter. If done by mail, this additional service is considered  
14 completed on the third calendar day after mailing.~~

15       (4) Where electronic service was not complete because there was  
16 no verification of notice, and service by mail or publication has  
17 been authorized, copies must also be sent by electronic means to any  
18 known electronic addresses.

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

21       In hearings under this chapter, the following apply:

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

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

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

1 office to present the information to the court if personal presence  
2 of the petitioning officer is not required for testimonial purposes.

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

7 ~~(4))~~ If the respondent does not appear ~~((, or the petitioner  
8 informs the court that the respondent has not been served at least  
9 five judicial days before the hearing date and the petitioner desires  
10 to pursue service, or the parties have informed the court of an  
11 agreed date of continuance for the hearing,))~~ for the full hearing  
12 and there is no proof of timely and proper service on the respondent,  
13 the court shall reissue any temporary protection order previously  
14 issued ~~((, cancel the scheduled hearing,))~~ and reset the hearing date.  
15 If a temporary protection order is reissued, the court shall reset  
16 the hearing date not later than 14 days from the reissue date. If a  
17 temporary protection order is reissued and the court permits service  
18 by mail or by publication, the court shall reset the hearing date not  
19 later than 30 days from the date of the order authorizing such  
20 service. These time frames may be extended for good cause.

21 ~~((5))~~ (4) When considering any request to stay, continue, or  
22 delay a hearing under this chapter because of the pendency of a  
23 parallel criminal investigation or prosecution of the respondent,  
24 courts shall apply a rebuttable presumption against such delay and  
25 give due recognition to the purpose of this chapter to provide  
26 victims quick and effective relief. Courts must consider on the  
27 record the following factors:

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

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

33 (c) Status of the criminal case;

34 (d) The interests of the petitioners in proceeding expeditiously  
35 with litigation and the potential prejudice and risk to petitioners  
36 of a delay;

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

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

1 (g) The interests of persons not parties to the civil litigation;  
2 and

3 (h) The interest of the public in the pending civil and criminal  
4 litigation.

5 ~~((+6))~~ (5) Hearings ((must)) may be conducted upon ((live  
6 testimony of the parties and sworn declarations)) the information  
7 provided in the sworn petition, live testimony of the parties should  
8 they choose to testify, and any additional sworn declarations. Live  
9 testimony of witnesses other than the parties may be requested by a  
10 party, but shall not be permitted unless the court finds that live  
11 testimony of witnesses other than the parties is necessary and  
12 material. If either party requests a continuance to allow for proper  
13 notice of witnesses or to afford a party time to seek counsel, the  
14 court ~~((should))~~ may continue the hearing. In considering the  
15 request, the court should consider the rebuttable presumption against  
16 delay and the purpose of this chapter to provide victims quick and  
17 effective relief.

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

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

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

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

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

36 (ii) When constitutionally required to be admitted.

37 (b) To determine admissibility, a written motion must be made six  
38 judicial days prior to the protection order hearing. The motion must  
39 include an offer of proof of the relevancy of the proposed evidence  
40 and reasonably specific information as to the date, time, and place

1 of the past sexual conduct between the petitioner and the respondent.  
2 If the court finds that the offer of proof is relevant to the issue  
3 of the victim's consent, the court shall conduct a hearing in camera.  
4 The court may not admit evidence under this subsection unless it  
5 determines at the hearing that the evidence is relevant and the  
6 probative value of the evidence outweighs the danger of unfair  
7 prejudice. The evidence shall be admissible at the hearing to the  
8 extent an order made by the court specifies the evidence that may be  
9 admitted. If the court finds that the motion and related documents  
10 should be sealed pursuant to court rule and governing law, it may  
11 enter an order sealing the documents.

12 (10) When a petitioner has alleged incapacity to consent to  
13 sexual conduct or sexual penetration due to intoxicants, alcohol, or  
14 other condition, the court must determine on the record whether the  
15 petitioner had the capacity to consent.

16 ~~(11) ((If, prior to a full hearing, the court finds that the  
17 petition for a protection order does not contain sufficient  
18 allegations as a matter of law to support the issuance of a  
19 protection order, the court shall permit the petitioner 14 days to  
20 prepare and file an amended petition, provided the petitioner states  
21 an intent to do so and the court does not find that amendment would  
22 be futile. If the amended petition is not filed within 14 days, the  
23 case must be administratively dismissed by the clerk's office.~~

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

27 ~~((13))~~ (12) Courts shall, if possible, have petitioners and  
28 respondents in protection order proceedings gather in separate  
29 locations and enter and depart the court room at staggered times.  
30 Where the option is available, for safety purposes, the court should  
31 arrange for petitioners to leave the court premises first and to have  
32 court security escort petitioners to their vehicles or  
33 transportation.

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

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

1 (2) In the court's discretion, parties (~~and~~), witnesses, and  
2 others authorized by this chapter to participate in protection order  
3 proceedings may attend a hearing on a petition for a protection  
4 order, or any hearings conducted pursuant to this chapter, in person  
5 or remotely, including by telephone, video, or other electronic means  
6 where possible. No later than three judicial days before the hearing,  
7 the parties may request to appear at the hearing, with witnesses,  
8 remotely by telephone, video, or other electronic means. The court  
9 shall grant any request for a remote appearance unless the court  
10 finds good cause to require in-person attendance or attendance  
11 through a specific means.

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

15 (4) Courts shall not post or stream proceedings or recordings of  
16 protection order hearings online unless (a) a waiver has been  
17 received from all parties, or (b) the hearing is being conducted  
18 online and members of the public do not have in-person access to  
19 observe or listen to the hearing. Unless the court orders a hearing  
20 to be closed to the public consistent with the requirements of  
21 Washington law, courts should provide access to members of the public  
22 who wish to observe or listen to a hearing conducted by telephone,  
23 video, or other electronic means.

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

26 (a) Courts should include directions to access a hearing remotely  
27 in the order setting the hearing and in any order granting a party's  
28 request for a remote appearance. Such orders shall also include  
29 directions to request an interpreter and accommodations for  
30 disabilities;

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

37 (c) Courts should inform the parties before the hearing begins  
38 that the hearing is being recorded by the court, in what manner the  
39 public is able to view the hearing, how a party may obtain a copy of  
40 the recording of the hearing, and that recording or broadcasting any

1 portion of the hearing by any means other than the court record is  
2 strictly prohibited without prior court approval;

3 (d) To minimize trauma, while allowing remote hearings to be  
4 observed by the public, courts should take appropriate measures to  
5 prevent members of the public or the parties from harassing or  
6 intimidating any party or witness to a case. Such practices may  
7 include, but are not limited to, disallowing members of the public  
8 from communicating with the parties or with the court during the  
9 hearing, ensuring court controls over microphone and viewing  
10 settings, and announcing limitations on allowing others to record the  
11 hearing;

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

14 (f) To help ensure that remote access does not undermine personal  
15 safety or privacy, or introduce other risks, courts should protect  
16 the privacy of telephone numbers, emails, and other contact  
17 information for parties ~~((and))~~, witnesses, and others authorized by  
18 this chapter to participate in protection order proceedings, and  
19 inform ~~((parties and witnesses))~~ them of these safety considerations.  
20 Materials available to ~~((parties and witnesses))~~ persons appearing  
21 remotely should include warnings not to state their addresses or  
22 telephone numbers at the hearing, and that they ~~((may use virtual~~  
23 ~~backgrounds to help ensure that their backgrounds do not reveal their~~  
24 ~~location))~~ should ensure that background surroundings do not reveal  
25 their location;

26 (g) Courts should provide the parties, in orders setting the  
27 hearing, with a telephone number and an email address for the court,  
28 which the parties may use to inform the court if they have been  
29 unable to appear remotely for a hearing. Before dismissing or  
30 granting a petition due to the petitioner or respondent not appearing  
31 for a remote hearing, or the court not being able to reach the party  
32 via telephone or video, the court shall check for any notifications  
33 to the court regarding issues with remote access or other  
34 technological difficulties. If any party has provided such  
35 notification to the court, the court shall not dismiss or grant the  
36 petition, but shall reset the hearing by continuing it and reissuing  
37 any temporary order in place. If a party was unable to provide the  
38 notification regarding issues with remote access or other  
39 technological difficulties on the day of the hearing prior to the

1 court's ruling, that party may seek relief via a motion for  
2 reconsideration; and

3 (h) A party attending a hearing remotely who is unable to  
4 participate in the hearing outside the presence of others who reside  
5 with the party, but who are not part of the proceeding including, but  
6 not limited to, children, and who asserts that the presence of those  
7 individuals may hinder the party's testimony or the party's ability  
8 to fully and meaningfully participate in the hearing, may request(~~(7~~  
9 ~~and shall be granted, one)) a continuance on that basis.  
10 ((Subsequent)) Such requests may be granted in the court's  
11 discretion. In considering the request, the court may consider the  
12 rebuttable presumption against delay and the purpose of this chapter  
13 to provide victims quick and effective relief.~~

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

16 (1) Whether or not the petitioner has retained an attorney, a  
17 sexual assault or domestic violence advocate, as defined in RCW  
18 5.60.060, shall be allowed to accompany the petitioner, or appear  
19 remotely with the petitioner, and confer with the petitioner during  
20 court proceedings. The sexual assault or domestic violence advocate  
21 shall not provide legal representation nor interpretation services.  
22 Court administrators shall allow sexual assault and domestic violence  
23 advocates to assist petitioners with their protection orders. Sexual  
24 assault and domestic violence advocates are not engaged in the  
25 unauthorized practice of law when providing assistance of the types  
26 specified in this section. Unless the sexual assault or domestic  
27 violence advocate seeks to speak directly to the court, advocates  
28 shall not be required to be identified on the record beyond stating  
29 their role as a sexual assault or domestic violence advocate and  
30 identifying the program for which they work or volunteer for.  
31 Communications between the petitioner and a sexual assault and  
32 domestic violence advocate are protected as provided by RCW 5.60.060.

33 (2) Whether or not the petitioner has retained an attorney, a  
34 protection order advocate must be allowed to accompany the petitioner  
35 to any legal proceeding including, but not limited to, sitting or  
36 standing next to the petitioner, appearing remotely with the  
37 petitioner, and conferring with the petitioner during court  
38 proceedings, or addressing the court when invited to do so.

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

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

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

12 (d) A protection order advocate who is not employed by, or under  
13 the direct supervision of, a law enforcement agency, a prosecutor's  
14 office, the child protective services section of the department of  
15 children, youth, and families as defined in RCW 26.44.020, or other  
16 governmental entity, has the same privileges, rights, and  
17 responsibilities as a sexual assault advocate and domestic violence  
18 advocate under RCW 5.60.060.

19 (3) Whether or not the petitioner has retained an attorney(~~(, if~~  
20 ~~a petitioner does not have))~~ or has an advocate, the petitioner shall  
21 be allowed a support person to accompany the petitioner to any legal  
22 proceeding including, but not limited to, sitting or standing next to  
23 the petitioner, appearing remotely with the petitioner, and  
24 conferring with the petitioner during court proceedings. The support  
25 person may be any third party of the petitioner's choosing, provided  
26 that:

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

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

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

38 To help ensure familiarity with the unique nature of protection  
39 order proceedings, and an understanding of trauma-informed practices

1 and best practices in the use of new technologies for remote  
2 hearings, judicial officers, including persons who serve as judicial  
3 officers pro tempore, should receive evidence-based training on  
4 procedural justice, trauma-informed practices, gender-based violence  
5 dynamics, coercive control, elder abuse, juvenile sex offending, teen  
6 dating violence, and requirements for the surrender of weapons before  
7 presiding over protection order hearings. Trainings should be  
8 provided on an ongoing basis as best practices, research on trauma,  
9 and legislation continue to evolve. As a method of continuous  
10 training, court commissioners, including pro tempore commissioners,  
11 shall be notified by the presiding judge or court administrator upon  
12 revision of any decision made under this chapter.

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

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

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

1       (3) The court may issue an ex parte temporary protection order on  
2 the petition with or without a hearing. If an ex parte temporary  
3 protection order is denied, the court shall still set a full hearing  
4 unless the court determines the petition does not contain prima facie  
5 allegations to support the issuance of any type of protection order.  
6 If the court declines to issue an ex parte temporary protection order  
7 as requested or declines to set a hearing, the court shall state the  
8 ~~((particular))~~ reasons ~~((for the court's denial))~~ in writing. The  
9 court's denial of a motion for an ex parte temporary protection order  
10 shall be filed with the court. ~~((If an ex parte temporary protection~~  
11 ~~order is denied, the court shall still set a full hearing on the~~  
12 ~~petition for a protection order.))~~

13       (4) If a full hearing is set on a petition that is filed before  
14 close of business on a judicial day, the hearing must be set not  
15 later than 14 days from the date of the filing of the petition. If a  
16 full hearing is set on a petition that is submitted after close of  
17 business on a judicial day or is submitted on a nonjudicial day, the  
18 hearing must be set not later than 14 days from the first judicial  
19 day after the petition is filed, which may be extended for good  
20 cause.

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

27       (6) A petitioner may not obtain an ex parte temporary  
28 antiharassment protection order against a respondent if the  
29 petitioner has previously obtained two such ex parte orders against  
30 the same respondent, but has failed to obtain the issuance of a civil  
31 antiharassment protection order, unless good cause for such failure  
32 can be shown.

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

35       (1) In issuing any type of protection order, other than an ex  
36 parte temporary antiharassment protection order as limited by  
37 subsection (2) of this section, and other than an extreme risk  
38 protection order, the court shall have broad discretion to grant such

1 relief as the court deems proper, including an order that provides  
2 relief as follows:

3 (a) Restrain the respondent from committing any of the following  
4 acts against the petitioner and other persons protected by the order:  
5 Domestic violence; nonconsensual sexual conduct or nonconsensual  
6 sexual penetration; sexual abuse; stalking; acts of abandonment,  
7 abuse, neglect, or financial exploitation against a vulnerable adult;  
8 and unlawful harassment;

9 (b) Restrain the respondent from making any attempts to have  
10 contact, including nonphysical contact, with the petitioner or the  
11 petitioner's family or household members who are minors or other  
12 members of the petitioner's household, either directly, indirectly,  
13 or through third parties regardless of whether those third parties  
14 know of the order;

15 (c) Exclude the respondent from the (~~dwelling~~) residence that  
16 the parties share;

17 (d) Exclude the respondent from the residence, workplace, or  
18 school of the petitioner; or from the day care or school of a minor  
19 child;

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

27 (~~(e)~~) (f) If the parties have children in common, make  
28 residential provisions with regard to their minor children on the  
29 same basis as is provided in chapter 26.09 RCW. However, parenting  
30 plans as specified in chapter 26.09 RCW must not be required under  
31 this chapter. The court may not delay or defer relief under this  
32 chapter on the grounds that the parties could seek a parenting plan  
33 or modification to a parenting plan in a different action. A  
34 protection order must not be denied on the grounds that the parties  
35 have an existing parenting plan in effect. A protection order may  
36 suspend the respondent's contact with the parties' children under an  
37 existing parenting plan, subject to further orders in a family law  
38 proceeding;

39 (~~(f)~~) (g) Order the respondent to participate in a state-  
40 certified domestic violence perpetrator treatment program approved

1 under RCW 43.20A.735 or a state-certified sex offender treatment  
2 program approved under RCW 18.155.070;

3 ~~((g))~~ (h) Order the respondent to obtain a mental health or  
4 chemical dependency evaluation. If the court determines that a mental  
5 health evaluation is necessary, the court shall clearly document the  
6 reason for this determination and provide a specific question or  
7 questions to be answered by the mental health professional. The court  
8 shall consider the ability of the respondent to pay for an  
9 evaluation. Minors are presumed to be unable to pay. The parent or  
10 legal guardian is responsible for costs unless the parent or legal  
11 guardian demonstrates inability to pay;

12 ~~((h))~~ (i) In cases where the petitioner and the respondent are  
13 students who attend the same public or private elementary, middle, or  
14 high school, the court, when issuing a protection order and providing  
15 relief, shall consider, among the other facts of the case, the  
16 severity of the act, any continuing physical danger, emotional  
17 distress, or educational disruption to the petitioner, and the  
18 financial difficulty and educational disruption that would be caused  
19 by a transfer of the respondent to another school. The court may  
20 order that the respondent not attend the public or private  
21 elementary, middle, or high school attended by the petitioner. If a  
22 minor respondent is prohibited attendance at the minor's assigned  
23 public school, the school district must provide the student  
24 comparable educational services in another setting. In such a case,  
25 the district shall provide transportation at no cost to the  
26 respondent if the respondent's parent or legal guardian is unable to  
27 pay for transportation. The district shall put in place any needed  
28 supports to ensure successful transition to the new school  
29 environment. The court shall send notice of the restriction on  
30 attending the same school as the petitioner to the public or private  
31 school the respondent will attend and to the school the petitioner  
32 attends;

33 ~~((i))~~ (j) Require the respondent to pay the administrative  
34 court costs and service fees, as established by the county or  
35 municipality incurring the expense, and to reimburse the petitioner  
36 for costs incurred in bringing the action, including reasonable  
37 attorneys' fees or limited license legal technician fees when such  
38 fees are incurred by a person licensed and practicing in accordance  
39 with state supreme court admission and practice rule 28, the limited  
40 practice rule for limited license legal technicians. Minors are

1 presumed to be unable to pay. The parent or legal guardian is  
2 responsible for costs unless the parent or legal guardian  
3 demonstrates inability to pay;

4 ~~((j))~~ (k) Restrain the respondent from harassing, following,  
5 monitoring, keeping under physical or electronic surveillance,  
6 cyberstalking as defined in RCW 9.61.260, and using telephonic,  
7 audiovisual, or other electronic means to monitor the actions,  
8 location, or communication of the petitioner or the petitioner's  
9 family or household members who are minors or other members of the  
10 petitioner's household. For the purposes of this subsection,  
11 "communication" includes both "wire communication" and "electronic  
12 communication" as defined in RCW 9.73.260;

13 ~~((k))~~ (l) Other than for respondents who are minors, require  
14 the respondent to submit to electronic monitoring. The order must  
15 specify who shall provide the electronic monitoring services and the  
16 terms under which the monitoring must be performed. The order also  
17 may include a requirement that the respondent pay the costs of the  
18 monitoring. The court shall consider the ability of the respondent to  
19 pay for electronic monitoring;

20 ~~((l))~~ (m) Consider the provisions of RCW 9.41.800, and order  
21 the respondent to surrender, and prohibit the respondent from  
22 accessing, having in his or her custody or control, possessing,  
23 purchasing, attempting to purchase or receive, or receiving, all  
24 firearms, dangerous weapons, and any concealed pistol license, as  
25 required in RCW 9.41.800;

26 ~~((m))~~ (n) Order possession and use of essential personal  
27 effects. The court shall list the essential personal effects with  
28 sufficient specificity to make it clear which property is included.  
29 Personal effects may include pets. The court may order that a  
30 petitioner be granted the exclusive custody or control of any pet  
31 owned, possessed, leased, kept, or held by the petitioner,  
32 respondent, or minor child residing with either the petitioner or  
33 respondent, and may prohibit the respondent from interfering with the  
34 petitioner's efforts to obtain the pet. The court may also prohibit  
35 the respondent from knowingly coming within, or knowingly remaining  
36 within, a specified distance of specified locations where the pet is  
37 regularly found;

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

39 ~~((o))~~ (p) Enter an order restricting the respondent from  
40 engaging in abusive litigation as set forth in chapter 26.51 RCW or

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

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

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

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

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

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

38 ~~((u))~~ (v) Order other relief as it deems necessary for the  
39 protection of the petitioner and other family or household members  
40 who are minors or vulnerable adults for whom the petitioner has

1 sought protection, including orders or directives to a law  
2 enforcement officer, as allowed under this chapter.

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

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

12 ~~((3))~~ (4) The court shall not take any of the following actions  
13 in issuing a protection order.

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

17 ~~((The court may not order the petitioner to pay the~~  
18 ~~respondent's attorneys' fees or other costs.~~

19 ~~(e))~~ The court shall not issue a full protection order to any  
20 party except upon notice to the respondent and the opportunity for a  
21 hearing pursuant to a petition or counter-petition filed and served  
22 by the party seeking relief in accordance with this chapter. Except  
23 as provided in RCW 7.105.210, the court shall not issue a temporary  
24 protection order to any party unless the party has filed a petition  
25 or counter-petition for a protection order seeking relief in  
26 accordance with this chapter.

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

31 ~~((4))~~ (5) The order shall specify the date the order expires,  
32 if any. For permanent orders, the court shall set the date to expire  
33 99 years from the issuance date. The order shall also state whether  
34 the court issued the protection order following personal service,  
35 service by electronic means, service by mail, or service by  
36 publication, and whether the court has approved service by mail or  
37 publication of an order issued under this section.

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

1 (1) When an order is issued under this chapter upon request of  
2 the petitioner, the court may order a law enforcement officer to  
3 accompany the petitioner and assist in placing the petitioner in  
4 possession of those items indicated in the order or to otherwise  
5 assist in the execution of the order of protection. The order must  
6 list all items that are to be included with sufficient specificity to  
7 make it clear which property is included. Orders issued under this  
8 chapter must include a designation of the appropriate law enforcement  
9 agency to execute, serve, or enforce the order. Any appropriate law  
10 enforcement agency should act where assistance is needed, even if the  
11 agency is not specifically named in the order, including assisting  
12 with the recovery of firearms as ordered.

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

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

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

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

28 (1) Upon the issuance of any extreme risk protection order under  
29 this chapter, including a temporary extreme risk protection order,  
30 the court shall:

31 (a) Order the respondent to surrender to the local law  
32 enforcement agency all firearms in the respondent's custody, control,  
33 or possession, and any concealed pistol license issued under RCW  
34 9.41.070; and

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

38 (2) The law enforcement officer serving any extreme risk  
39 protection order under this chapter, including a temporary extreme

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

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

1 the original receipt with the court and shall ensure that his or her  
2 law enforcement agency retains a copy of the receipt.

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

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

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

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

25 (c) The firearm is not otherwise unlawfully possessed by the  
26 owner.

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

1 court must set a review hearing to occur as soon as possible, at  
2 which the respondent must be present and provide proof of compliance  
3 with the court's order.

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

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

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

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

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

38 (A) Provide the court with a complete list of firearms  
39 surrendered by the respondent or otherwise belonging to the

1 respondent that are in the possession of the law enforcement agency;  
2 and

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

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

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

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

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

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

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

36 (b) To provide relevant information to the court to determine  
37 compliance with the order, the court may allow the prosecuting  
38 attorney or city attorney to question the respondent regarding  
39 compliance.

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

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

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

15 (a) Agreement of the parties;

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

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

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

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

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

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

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

- 1 (c) Status of the criminal case;
- 2 (d) The interests of the petitioners in proceeding expeditiously
- 3 with litigation and the potential prejudice and risk to petitioners
- 4 of a delay;
- 5 (e) The burden that any particular aspect of the proceeding may
- 6 impose on respondents;
- 7 (f) The convenience of the court in the management of its cases
- 8 and the efficient use of judicial resources;
- 9 (g) The interests of persons not parties to the civil litigation;
- 10 and
- 11 (h) The interest of the public in the pending civil and criminal
- 12 litigation.

13 (5) Courts shall not require a petitioner to complete a new (~~law~~

14 ~~enforcement information sheet~~) confidential information form when a

15 temporary protection order is reissued or when a full order for a

16 fixed time period is entered, unless the petitioner indicates that

17 the information needs to be updated or amended. The clerk shall

18 transmit the order to the law enforcement agency identified in the

19 order for service, along with a copy of the confidential party

20 information form received from the respondent, if available, or the

21 petitioner's confidential party information form to assist law

22 enforcement in serving the order.

23 **Sec. 21.** RCW 7.105.450 and 2021 c 215 s 56 are each amended to

24 read as follows:

25 (1)(a) Whenever a domestic violence protection order, a sexual

26 assault protection order, a stalking protection order, or a

27 vulnerable adult protection order is granted under this chapter, or

28 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,

29 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign

30 protection order as defined in RCW 26.52.020, or there is a Canadian

31 domestic violence protection order as defined in RCW 26.55.010, and

32 the respondent or person to be restrained knows of the order, a

33 violation of any of the following provisions of the order is a gross

34 misdemeanor, except as provided in subsections (4) and (5) of this

35 section:

36 (i) The restraint provisions prohibiting acts or threats of

37 violence against, or stalking of, a protected party, or the restraint

38 provisions prohibiting contact with a protected party;

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

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

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

10 (v) A provision of a foreign protection order or a Canadian  
11 domestic violence protection order specifically indicating that a  
12 violation will be a crime.

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

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

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

27 (2) A law enforcement officer shall arrest without a warrant and  
28 take into custody a person whom the law enforcement officer has  
29 probable cause to believe has violated a domestic violence protection  
30 order, a sexual assault protection order, a stalking protection  
31 order, or a vulnerable adult protection order, or an order issued  
32 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,  
33 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
34 in RCW 26.52.020, or a Canadian domestic violence protection order as  
35 defined in RCW 26.55.010, that restrains the person or excludes the  
36 person from a residence, workplace, school, or day care, or prohibits  
37 the person from knowingly coming within, or knowingly remaining  
38 within, a specified distance of a location, a protected party's  
39 person, or a protected party's vehicle, if the person restrained  
40 knows of the order. Presence of the order in the law enforcement

1 computer-based criminal intelligence information system is not the  
2 only means of establishing knowledge of the order.

3 (3) A violation of a domestic violence protection order, a sexual  
4 assault protection order, a stalking protection order, or a  
5 vulnerable adult protection order, or an order issued under chapter  
6 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B  
7 RCW, or a valid foreign protection order as defined in RCW 26.52.020,  
8 or a Canadian domestic violence protection order as defined in RCW  
9 26.55.010, shall also constitute contempt of court, and is subject to  
10 the penalties prescribed by law.

11 (4) Any assault that is a violation of a domestic violence  
12 protection order, a sexual assault protection order, a stalking  
13 protection order, or a vulnerable adult protection order, or an order  
14 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,  
15 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
16 in RCW 26.52.020, or a Canadian domestic violence protection order as  
17 defined in RCW 26.55.010, and that does not amount to assault in the  
18 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
19 felony, and any conduct in violation of such an order that is  
20 reckless and creates a substantial risk of death or serious physical  
21 injury to another person is a class C felony.

22 (5) A violation of a domestic violence protection order, a sexual  
23 assault protection order, a stalking protection order, or a  
24 vulnerable adult protection order, or a court order issued under  
25 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or  
26 26.26B RCW, or a valid foreign protection order as defined in RCW  
27 26.52.020, or a Canadian domestic violence protection order as  
28 defined in RCW 26.55.010, is a class C felony if the offender has at  
29 least two previous convictions for violating the provisions of a  
30 domestic violence protection order, a sexual assault protection  
31 order, a stalking protection order, or a vulnerable adult protection  
32 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,  
33 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
34 protection order as defined in RCW 26.52.020, or a Canadian domestic  
35 violence protection order as defined in RCW 26.55.010. The previous  
36 convictions may involve the same victim or other victims specifically  
37 protected by the orders the offender violated.

38 (6)(a) A defendant arrested for violating a domestic violence  
39 protection order, sexual assault protection order, stalking  
40 protection order, or vulnerable adult protection order, or an order

1 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,  
2 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as  
3 defined in RCW 26.52.020, or a Canadian domestic violence protection  
4 order as defined in RCW 26.55.010, is required to appear in person  
5 before a magistrate within one judicial day after the arrest. At the  
6 time of the appearance, the court shall determine the necessity of  
7 imposing a no-contact order or other conditions of pretrial release.

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

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

29 (8) Appearances required under this section are mandatory and  
30 cannot be waived.

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

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

37 (2) ~~(Any)~~ (a) Except as provided in (b) of this subsection, any  
38 person who has in his or her custody or control, accesses, purchases,  
39 possesses, or receives, or attempts to purchase or receive, a firearm

1 with knowledge that he or she is prohibited from doing so by an  
2 extreme risk protection order is guilty of a gross misdemeanor, and  
3 further is prohibited from having in his or her custody or control,  
4 accessing, purchasing, possessing, or receiving, or attempting to  
5 purchase or receive, a firearm for a period of five years from the  
6 date the existing order expires. (~~However, such~~)

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

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

12 This section applies to modification or termination of domestic  
13 violence protection orders, sexual assault protection orders,  
14 stalking protection orders, and antiharassment protection orders.

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

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

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

36 (a) Acts of domestic violence, in cases involving domestic  
37 violence protection orders;

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

1 (c) Acts of stalking, in cases involving stalking protection  
2 orders; or

3 (d) Acts of unlawful harassment, in cases involving  
4 antiharassment protection orders.

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

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

11 (a) Whether the respondent has committed or threatened sexual  
12 assault, domestic violence, stalking, or other harmful acts against  
13 the petitioner or any other person since the protection order was  
14 entered;

15 (b) Whether the respondent has violated the terms of the  
16 protection order and the time that has passed since the entry of the  
17 order;

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

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

22 (e) Whether the respondent has either acknowledged responsibility  
23 for acts of sexual assault, domestic violence, stalking, or behavior  
24 that resulted in the entry of the protection order, or successfully  
25 completed state-certified perpetrator treatment or counseling since  
26 the protection order was entered;

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

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

31 (h) Other factors relating to a substantial change in  
32 circumstances.

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

36 (6) Regardless of whether there is a substantial change in  
37 circumstances, the court may decline to terminate a protection order  
38 if it finds that the acts of domestic violence, sexual assault,  
39 stalking, unlawful harassment, and other harmful acts that resulted

1 in the issuance of the protection order were of such severity that  
2 the order should not be terminated.

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

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

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

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

20 This section applies to the modification or termination of  
21 vulnerable adult protection orders.

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

36 (2) In a hearing on a motion to modify or terminate the  
37 protection order, the court shall grant such relief consistent with  
38 RCW 7.105.310 as it deems necessary for the protection of the

1 vulnerable adult, including modification or termination of the  
2 protection order.

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

5 (1) To prevent the issuance of competing protection orders in  
6 different courts and to give courts needed information for the  
7 issuance of orders, the judicial information system or alternative  
8 databases must be available in each district, municipal, and superior  
9 court, and must include a database containing the following  
10 information:

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

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

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

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

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

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

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

12       (a) Uses of technology to reduce administrative burdens in  
13 protection order proceedings;

14       (b) Improving access to unrepresented parties in protection order  
15 proceedings, including promoting access for pro bono attorneys for  
16 remote protection order proceedings, in consultation with the  
17 Washington state bar association;

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

21       (d) Developing best practices in data collection and sharing,  
22 including demographic information, in order to promote research and  
23 study on protection orders and transparency of protection order data  
24 for the public, in partnership with the Washington state center for  
25 court research, the Washington state institute for public policy, the  
26 University of Washington, and the urban Indian health institute;

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

30       (i) Washington state court judges of all levels can see the  
31 existence of, and parties to, tribal court, military, and other  
32 jurisdiction protection orders, in comity with similar state court  
33 orders;

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

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

1 (f) Developing best practices for minor respondents and  
2 petitioners in civil protection order proceedings, including what  
3 sanctions should be provided for in law, with input from legal  
4 advocates for children and youth, juvenile public defense, juvenile  
5 prosecutors, adolescent behavioral health experts, youth development  
6 experts, educators, judicial officers, victim advocates, restorative-  
7 informed or trauma-informed professionals, child advocacy centers,  
8 and professionals experienced in evidenced-based modalities for the  
9 treatment of trauma; and

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

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

17 (3) The gender and justice commission shall provide a brief  
18 report of its recommendations to the legislature for subsection  
19 (1)(e) through (g) of this section by December 1, 2021, and, for  
20 subsection (1)(a) through (d) of this section, provide  
21 recommendations to the courts by July 1, 2022.

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

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

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

37 (b) The administrative office of the courts and superior and  
38 district courts shall provide the center for court research with

1 necessary data to conduct the study, as requested by the center for  
2 court research.

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

7 (i) The ability of survivors to obtain protection orders that  
8 fully address the nature of the harm or threat of harm they are  
9 experiencing;

10 (ii) The frequency of inclusion of coercive control in protection  
11 order petitions and the nature of the harm or threatened harm  
12 articulated;

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

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

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

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

23 (B) Enforcement of protection order violations;

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

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

28 (d) The study shall also assess judicial officer training  
29 regarding protection orders, and coercive control in particular, and  
30 whether additional judicial officers are required to hear protection  
31 order proceedings.

32 (e) To the extent feasible, and considered best practice by the  
33 center for court research, the evaluation should also: Gather  
34 qualitative information from survivors of domestic violence, legal  
35 counsel, protection order advocates and court navigators, court  
36 clerks, and judicial officers; and include analysis of any  
37 disproportionate impact on survivors by race, immigration status,  
38 language, gender, sexual orientation, or disability.

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

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

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

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

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

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

20 (2)(a) A person, whether an adult or juvenile, is guilty of the  
21 crime of unlawful possession of a firearm in the second degree, if  
22 the person does not qualify under subsection (1) of this section for  
23 the crime of unlawful possession of a firearm in the first degree and  
24 the person owns, has in his or her possession, or has in his or her  
25 control any firearm:

26 (i) After having previously been convicted or found not guilty by  
27 reason of insanity in this state or elsewhere of any felony not  
28 specifically listed as prohibiting firearm possession under  
29 subsection (1) of this section, or any of the following crimes when  
30 committed by one family or household member against another or by one  
31 intimate partner against another, as those terms are defined by the  
32 statutes in effect at the time of the commission of the crime,  
33 committed on or after July 1, 1993: Assault in the fourth degree,  
34 coercion, stalking, reckless endangerment, criminal trespass in the  
35 first degree, or violation of the provisions of a (~~domestic~~  
36 ~~violence~~) protection order or no-contact order restraining the  
37 person or excluding the person from a residence (~~(chapter 7.105~~  
38 ~~RCW,)~~ RCW 10.99.040(~~7~~)) or any of the former RCW 26.50.060,  
39 26.50.070, and 26.50.130);

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

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

11 (iv) During any period of time that the person is subject to a  
12 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,  
13 or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and  
14 26.50 RCW that:

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

21 (B) Restrains the person from harassing, stalking, or threatening  
22 the person protected under the order or child of the person or  
23 protected person, or engaging in other conduct that would place the  
24 protected person in reasonable fear of bodily injury to the protected  
25 person or child; and

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

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

35 ~~((+iv+))~~ (v) After having previously been involuntarily committed  
36 based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,  
37 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
38 jurisdiction, unless his or her right to possess a firearm has been  
39 restored as provided in RCW 9.41.047;

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

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

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

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

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

32       (4)(a) Notwithstanding subsection (1) or (2) of this section, a  
33 person convicted or found not guilty by reason of insanity of an  
34 offense prohibiting the possession of a firearm under this section  
35 other than murder, manslaughter, robbery, rape, indecent liberties,  
36 arson, assault, kidnapping, extortion, burglary, or violations with  
37 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
38 who received a probationary sentence under RCW 9.95.200, and who  
39 received a dismissal of the charge under RCW 9.95.240, shall not be  
40 precluded from possession of a firearm as a result of the conviction

1 or finding of not guilty by reason of insanity. Notwithstanding any  
2 other provisions of this section, if a person is prohibited from  
3 possession of a firearm under subsection (1) or (2) of this section  
4 and has not previously been convicted or found not guilty by reason  
5 of insanity of a sex offense prohibiting firearm ownership under  
6 subsection (1) or (2) of this section and/or any felony defined under  
7 any law as a class A felony or with a maximum sentence of at least 20  
8 years, or both, the individual may petition a court of record to have  
9 his or her right to possess a firearm restored:

10 (i) Under RCW 9.41.047; and/or

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

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

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

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

31 (ii) The superior court in the county in which the petitioner  
32 resides.

33 (5) In addition to any other penalty provided for by law, if a  
34 person under the age of 18 years is found by a court to have  
35 possessed a firearm in a vehicle in violation of subsection (1) or  
36 (2) of this section or to have committed an offense while armed with  
37 a firearm during which offense a motor vehicle served an integral  
38 function, the court shall notify the department of licensing within  
39 24 hours and the person's privilege to drive shall be revoked under  
40 RCW 46.20.265, unless the offense is the juvenile's first offense in

1 violation of this section and has not committed an offense while  
2 armed with a firearm, an unlawful possession of a firearm offense, or  
3 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

4 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
5 or interpreted as preventing an offender from being charged and  
6 subsequently convicted for the separate felony crimes of theft of a  
7 firearm or possession of a stolen firearm, or both, in addition to  
8 being charged and subsequently convicted under this section for  
9 unlawful possession of a firearm in the first or second degree.  
10 Notwithstanding any other law, if the offender is convicted under  
11 this section for unlawful possession of a firearm in the first or  
12 second degree and for the felony crimes of theft of a firearm or  
13 possession of a stolen firearm, or both, then the offender shall  
14 serve consecutive sentences for each of the felony crimes of  
15 conviction listed in this subsection.

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

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

20 (1) Any court when entering an order authorized under chapter  
21 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
22 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of  
23 the evidence, that a party has: Used, displayed, or threatened to use  
24 a firearm or other dangerous weapon in a felony, or is ineligible to  
25 possess a firearm under the provisions of RCW 9.41.040:

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

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

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

33 (d) Prohibit the party from obtaining or possessing a concealed  
34 pistol license;

35 (e) Other than for ex parte temporary protection orders, unless  
36 the ex parte temporary protection order was reissued after the party  
37 received noticed and had an opportunity to be heard, direct law  
38 enforcement to revoke any concealed pistol license issued to the  
39 party.

1 (2) During any period of time that the party 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 that:

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

9 (b) Restrains the party from harassing, stalking, or threatening  
10 an intimate partner of the party, the protected person, or child of  
11 the intimate partner, party, or protected person, or engaging in  
12 other conduct that would place an intimate partner or protected  
13 person in reasonable fear of bodily injury to the intimate partner,  
14 protected person, or child; and

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

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

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

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

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

29 (D) Prohibit the party from obtaining or possessing a concealed  
30 pistol license.

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

37 (4) In addition to the provisions of subsections (1) and (3) of  
38 this section, the court may enter an order requiring a party to  
39 comply with the provisions in subsection (1) of this section if it  
40 finds that the possession of a firearm or other dangerous weapon by

1 any party presents a serious and imminent threat to public health or  
2 safety, or to the health or safety of any individual.

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

5 (6) The court shall require the party to surrender all firearms  
6 and other dangerous weapons in his or her immediate possession or  
7 control or subject to his or her immediate possession or control, and  
8 any concealed pistol license issued under RCW 9.41.070, to the local  
9 law enforcement agency. Law enforcement officers shall use law  
10 enforcement databases to assist in locating the party in situations  
11 where the protected person does not know where the party lives or  
12 where there is evidence that the party is trying to evade service.

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

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

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

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

24 (1) Because of the heightened risk of lethality to petitioners  
25 when respondents to protection orders become aware of court  
26 involvement and continue to have access to firearms, and the  
27 frequency of noncompliance with court orders prohibiting possession  
28 of firearms, law enforcement and judicial processes must emphasize  
29 swift and certain compliance with court orders prohibiting access,  
30 possession, and ownership of all firearms.

31 (2) A law enforcement officer serving a protection order, no-  
32 contact order, or restraining order that includes an order to  
33 surrender all firearms, dangerous weapons, and a concealed pistol  
34 license under RCW 9.41.800 shall inform the respondent that the order  
35 is effective upon service and the respondent must immediately  
36 surrender all firearms and dangerous weapons in the respondent's  
37 custody, control, or possession and any concealed pistol license  
38 issued under RCW 9.41.070, and conduct any search permitted by law  
39 for such firearms, dangerous weapons, and concealed pistol license.

1 The law enforcement officer shall take possession of all firearms,  
2 dangerous weapons, and any concealed pistol license belonging to the  
3 respondent that are surrendered, in plain sight, or discovered  
4 pursuant to a lawful search. (~~The order must be personally served~~  
5 ~~upon the respondent or defendant if~~) If the order is entered in open  
6 court (~~in the presence of~~) and the respondent (~~or defendant~~)  
7 appears in person, the respondent shall be provided a copy and  
8 further service is not required. (~~The respondent or defendant shall~~  
9 ~~acknowledge receipt and service.)~~ If the respondent (~~or defendant~~)  
10 refuses (~~service~~) to receive a copy, an agent of the court may  
11 indicate on the record that the respondent (~~or defendant~~) refused  
12 (~~service~~) to receive a copy of the order. If the respondent appears  
13 remotely for the hearing, or leaves the hearing before a final ruling  
14 is issued or order signed, and the court believes the respondent has  
15 sufficient notice such that additional service is not necessary, the  
16 order must recite that the respondent appeared before the court, has  
17 actual notice of the order, the necessity for further service is  
18 waived, and proof of service of the order is not necessary. The court  
19 shall enter the service and receipt into the record. A copy of the  
20 order and service shall be transmitted immediately to law  
21 enforcement. The respondent must immediately surrender all firearms,  
22 dangerous weapons, and any concealed pistol license in a safe manner  
23 to the control of the local law enforcement agency on the day of the  
24 hearing at which the respondent was present in person or remotely.  
25 Alternatively, if personal service by a law enforcement officer is  
26 not possible, and the respondent did not appear in person or remotely  
27 at the hearing, the respondent shall surrender the firearms in a safe  
28 manner to the control of the local law enforcement agency within 24  
29 hours of being served with the order by alternate service.

30 (3) At the time of surrender, a law enforcement officer taking  
31 possession of firearms, dangerous weapons, and any concealed pistol  
32 license shall issue a receipt identifying all firearms, dangerous  
33 weapons, and any concealed pistol license that have been surrendered  
34 and provide a copy of the receipt to the respondent. The law  
35 enforcement agency shall file the original receipt with the court  
36 within 24 hours after service of the order and retain a copy of the  
37 receipt, electronically whenever electronic filing is available.

38 (4) Upon the sworn statement or testimony of the petitioner or of  
39 any law enforcement officer alleging that the respondent has failed  
40 to comply with the surrender of firearms or dangerous weapons as

1 required by an order issued under RCW 9.41.800, the court shall  
2 determine whether probable cause exists to believe that the  
3 respondent has failed to surrender all firearms and dangerous weapons  
4 in their possession, custody, or control. If probable cause exists  
5 that a crime occurred, the court shall issue a warrant describing the  
6 firearms or dangerous weapons and authorizing a search of the  
7 locations where the firearms and dangerous weapons are reasonably  
8 believed to be and the seizure of all firearms and dangerous weapons  
9 discovered pursuant to such search.

10 (5) If a person other than the respondent claims title to any  
11 firearms or dangerous weapons surrendered pursuant to this section,  
12 and the person is determined by the law enforcement agency to be the  
13 lawful owner of the firearm or dangerous weapon, the firearm or  
14 dangerous weapon shall be returned to the lawful owner, provided  
15 that:

16 (a) The firearm or dangerous weapon is removed from the  
17 respondent's access, custody, control, or possession and the lawful  
18 owner agrees by written document signed under penalty of perjury to  
19 store the firearm or dangerous weapon in a manner such that the  
20 respondent does not have access to or control of the firearm or  
21 dangerous weapon;

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

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

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

1 order. Courts shall make available forms that petitioners may  
2 complete and submit to the court in response to a respondent's  
3 declaration of whether the respondent has surrendered weapons.

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

16 (b) If the respondent is not present in court at the compliance  
17 review hearing or if the court issues an order to appear and show  
18 cause after a compliance review hearing, the clerk of the court shall  
19 electronically transmit a copy of the order to show cause to the law  
20 enforcement agency where the respondent resides for personal service  
21 or service in the manner provided in the civil rules of superior  
22 court or applicable statute. Law enforcement shall also serve a copy  
23 of the order to show cause on the petitioner, either electronically  
24 or in person, at no cost.

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

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

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

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

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

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

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

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

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

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

33 (9) (a) An order to surrender and prohibit weapons issued pursuant  
34 to RCW 9.41.800 must state that the act of voluntarily surrendering  
35 firearms or weapons, or providing testimony relating to the surrender  
36 of firearms or weapons, pursuant to such an order, may not be used  
37 against the respondent (~~or defendant~~) in any criminal prosecution  
38 under this chapter, chapter (~~(9.41—[7.105])~~) 7.105 RCW, or RCW  
39 9A.56.310.

1 (b) To provide relevant information to the court to determine  
2 compliance with the order, the court may allow the prosecuting  
3 attorney or city attorney to question the respondent regarding  
4 compliance.

5 (10) All law enforcement agencies must have policies and  
6 procedures to provide for the acceptance, storage, and return of  
7 firearms, dangerous weapons, and concealed pistol licenses that a  
8 court requires must be surrendered under RCW 9.41.800. A law  
9 enforcement agency holding any firearm or concealed pistol license  
10 that has been surrendered under RCW 9.41.800 shall comply with the  
11 provisions of RCW 9.41.340 and 9.41.345 before the return of the  
12 firearm or concealed pistol license to the owner or individual from  
13 whom it was obtained.

14 (11) The administrative office of the courts shall create a  
15 statewide pattern form to assist the courts in ensuring timely and  
16 complete compliance in a consistent manner with orders issued under  
17 this chapter. The administrative office of the courts shall report  
18 annually on the number of orders issued under this chapter by each  
19 court, the degree of compliance, and the number of firearms obtained,  
20 and may make recommendations regarding additional procedures to  
21 enhance compliance and victim safety.

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

24 The following investigative, law enforcement, and crime victim  
25 information is exempt from public inspection and copying under this  
26 chapter:

27 (1) Specific intelligence information and specific investigative  
28 records compiled by investigative, law enforcement, and penology  
29 agencies, and state agencies vested with the responsibility to  
30 discipline members of any profession, the nondisclosure of which is  
31 essential to effective law enforcement or for the protection of any  
32 person's right to privacy;

33 (2) Information revealing the identity of persons who are  
34 witnesses to or victims of crime or who file complaints with  
35 investigative, law enforcement, or penology agencies, other than the  
36 commission, if disclosure would endanger any person's life, physical  
37 safety, or property. If at the time a complaint is filed the  
38 complainant, victim, or witness indicates a desire for disclosure or  
39 nondisclosure, such desire shall govern. However, all complaints

1 filed with the commission about any elected official or candidate for  
2 public office must be made in writing and signed by the complainant  
3 under oath;

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

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

14 (5) Information revealing the specific details that describe an  
15 alleged or proven child victim of sexual assault under age eighteen,  
16 or the identity or contact information of an alleged or proven child  
17 victim of sexual assault who is under age eighteen. Identifying  
18 information includes the child victim's name, addresses, location,  
19 photograph, and in cases in which the child victim is a relative,  
20 stepchild, or stepsibling of the alleged perpetrator, identification  
21 of the relationship between the child and the alleged perpetrator.  
22 Contact information includes phone numbers, email addresses, social  
23 media profiles, and user names and passwords;

24 (6) Information contained in a local or regionally maintained  
25 gang database as well as the statewide gang database referenced in  
26 RCW 43.43.762;

27 (7) Data from the electronic sales tracking system established in  
28 RCW 69.43.165;

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

34 (9) Personally identifying information collected by law  
35 enforcement agencies pursuant to local security alarm system programs  
36 and vacation crime watch programs. Nothing in this subsection shall  
37 be interpreted so as to prohibit the legal owner of a residence or  
38 business from accessing information regarding his or her residence or  
39 business;

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

3 (11) The identity of a state employee or officer who has in good  
4 faith filed a complaint with an ethics board, as provided in RCW  
5 42.52.410, or who has in good faith reported improper governmental  
6 action, as defined in RCW 42.40.020, to the auditor or other public  
7 official, as defined in RCW 42.40.020;

8 (12) The following security threat group information collected  
9 and maintained by the department of corrections pursuant to RCW  
10 72.09.745: (a) Information that could lead to the identification of a  
11 person's security threat group status, affiliation, or activities;  
12 (b) information that reveals specific security threats associated  
13 with the operation and activities of security threat groups; and (c)  
14 information that identifies the number of security threat group  
15 members, affiliates, or associates;

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

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

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

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

30 (I) A patient is registered to receive treatment, receiving  
31 treatment, waiting for treatment, or being transported in the course  
32 of treatment; or

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

35 (B) Information that meets the definition of protected health  
36 information for purposes of the health insurance portability and  
37 accountability act of 1996 or health care information for purposes of  
38 chapter 70.02 RCW;

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

1 (iii) An intimate image;  
2 (iv) A minor;  
3 (v) The body of a deceased person;  
4 (vi) The identity of or communications from a victim or witness  
5 of an incident involving domestic violence as defined in RCW  
6 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
7 disclosure of intimate images as defined in RCW 9A.86.010. If at the  
8 time of recording the victim or witness indicates a desire for  
9 disclosure or nondisclosure of the recorded identity or  
10 communications, such desire shall govern; or

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

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

16 (c) In a court action seeking the right to inspect or copy a body  
17 worn camera recording, a person who prevails against a law  
18 enforcement or corrections agency that withholds or discloses all or  
19 part of a body worn camera recording pursuant to (a) of this  
20 subsection is not entitled to fees, costs, or awards pursuant to RCW  
21 42.56.550 unless it is shown that the law enforcement or corrections  
22 agency acted in bad faith or with gross negligence.

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

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

26 (ii) Provide the incident or case number;

27 (iii) Provide the date, time, and location of the incident or  
28 incidents; or

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

31 (e) (i) A person directly involved in an incident recorded by the  
32 requested body worn camera recording, an attorney representing a  
33 person directly involved in an incident recorded by the requested  
34 body worn camera recording, a person or his or her attorney who  
35 requests a body worn camera recording relevant to a criminal case  
36 involving that person, or the executive director from either the  
37 Washington state commission on African American affairs, Asian  
38 Pacific American affairs, or Hispanic affairs, has the right to  
39 obtain the body worn camera recording, subject to any exemption under  
40 this chapter or any applicable law. In addition, an attorney who

1 represents a person regarding a potential or existing civil cause of  
2 action involving the denial of civil rights under the federal or  
3 state Constitution, or a violation of a United States department of  
4 justice settlement agreement, has the right to obtain the body worn  
5 camera recording if relevant to the cause of action, subject to any  
6 exemption under this chapter or any applicable law. The attorney must  
7 explain the relevancy of the requested body worn camera recording to  
8 the cause of action and specify that he or she is seeking relief from  
9 redaction costs under this subsection (14)(e).

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

15 (iii) A law enforcement or corrections agency may require any  
16 person requesting a body worn camera recording pursuant to this  
17 subsection (14)(e) to identify himself or herself to ensure he or she  
18 is a person entitled to obtain the body worn camera recording under  
19 this subsection (14)(e).

20 (f)(i) A law enforcement or corrections agency responding to a  
21 request to disclose body worn camera recordings may require any  
22 requester not listed in (e) of this subsection to pay the reasonable  
23 costs of redacting, altering, distorting, pixelating, suppressing, or  
24 otherwise obscuring any portion of the body worn camera recording  
25 prior to disclosure only to the extent necessary to comply with the  
26 exemptions in this chapter or any applicable law.

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

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

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

39 (i) "Body worn camera recording" means a video and/or sound  
40 recording that is made by a body worn camera attached to the uniform

1 or eyewear of a law enforcement or corrections officer while in the  
2 course of his or her official duties; and

3 (ii) "Intimate image" means an individual or individuals engaged  
4 in sexual activity, including sexual intercourse as defined in RCW  
5 9A.44.010 and masturbation, or an individual's intimate body parts,  
6 whether nude or visible through less than opaque clothing, including  
7 the genitals, pubic area, anus, or postpubescent female nipple.

8 (h) Nothing in this subsection shall be construed to restrict  
9 access to body worn camera recordings as otherwise permitted by law  
10 for official or recognized civilian and accountability bodies or  
11 pursuant to any court order.

12 (i) Nothing in this section is intended to modify the obligations  
13 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,  
14 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*  
15 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and  
16 the relevant Washington court criminal rules and statutes.

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

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

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

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

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

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

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

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

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

36 (17) Information and records prepared, owned, used, or retained  
37 by the Washington association of sheriffs and police chiefs and  
38 information and records prepared, owned, used, or retained by the  
39 Washington state patrol pursuant to chapter 261, Laws of 2017; and

1 (18) Any and all audio or video recordings of child forensic  
2 interviews as defined in chapter 26.44 RCW. Such recordings are  
3 confidential and may only be disclosed pursuant to a court order  
4 entered upon a showing of good cause and with advance notice to the  
5 child's parent, guardian, or legal custodian. However, if the child  
6 is an emancipated minor or has attained the age of majority as  
7 defined in RCW 26.28.010, advance notice must be to the child.  
8 Failure to disclose an audio or video recording of a child forensic  
9 interview as defined in chapter 26.44 RCW is not grounds for  
10 penalties or other sanctions available under this chapter.

11 **TECHNICAL AMENDMENTS**

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

14 Except as provided under RCW 28A.225.035 and (~~7.105.105~~)  
15 7.105.100, when an infant is a party he or she shall appear by  
16 guardian, or if he or she has no guardian, or in the opinion of the  
17 court the guardian is an improper person, the court shall appoint one  
18 to act. Said guardian shall be appointed as follows:

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

22 (2) When the infant is defendant, upon the application of the  
23 infant, if he or she be of the age of fourteen years, and applies  
24 within thirty days after the service of the summons; if he or she be  
25 under the age of fourteen, or neglects to apply, then upon the  
26 application of any other party to the action, or of a relative or  
27 friend of the infant.

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

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

32 (1) In attendance at a hunter's safety course or a firearms  
33 safety course;

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

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

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

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

12 (6) Traveling with any unloaded firearm in the person's  
13 possession to or from any activity described in subsection (1), (2),  
14 (3), (4), or (5) of this section;

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

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

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

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

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

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

34 After service and return of process against a defendant under the  
35 age of eighteen years, the action shall not be further prosecuted,  
36 until a guardian for such defendant shall have been appointed, except  
37 as provided under RCW (~~7.105.105~~) 7.105.100. Upon the request of  
38 such defendant, the justice shall appoint some person who shall



1	B+	Drive-By Shooting (9A.36.045)	C+
2		committed at age 15 or under	
3	A++	Drive-By Shooting (9A.36.045)	A
4		committed at age 16 or 17	
5	D+	Reckless Endangerment (9A.36.050)	E
6	C+	Promoting Suicide Attempt (9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		<b>Burglary and Trespass</b>	
10	B+	Burglary 1 (9A.52.020) committed at	C+
11		age 15 or under	
12	A-	Burglary 1 (9A.52.020) committed at	B+
13		age 16 or 17	
14	B	Residential Burglary (9A.52.025)	C
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	E
17		(9A.52.060)	
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	C	Mineral Trespass (78.44.330)	C
21	C	Vehicle Prowling 1 (9A.52.095)	D
22	D	Vehicle Prowling 2 (9A.52.100)	E
23		<b>Drugs</b>	
24	E	Possession/Consumption of Alcohol	E
25		(66.44.270)	
26	C	Illegally Obtaining Legend Drug	D
27		(69.41.020)	
28	C+	Sale, Delivery, Possession of Legend	D+
29		Drug with Intent to Sell (69.41.030(2)(a))	
30	E	Possession of Legend	E
31		Drug (69.41.030(2)(b))	
32	B+	Violation of Uniform Controlled	B+
33		Substances Act - Narcotic,	
34		Methamphetamine, or Flunitrazepam	
35		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	E	Violation of Uniform Controlled	E
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)(( <del>vi</del> )) (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		<b>Kidnapping</b>	
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		<b>Obstructing Governmental Operation</b>	
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		<b>Public Disturbance</b>	
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		<b>Sex Crimes</b>	
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		<b>Theft, Robbery, Extortion, and</b>	
22		<b>Forgery</b>	
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		<b>Motor Vehicle Related Crimes</b>	
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		<b>Other</b>	
34	B	Animal Cruelty 1 (16.52.205)	C
35	B	Bomb Threat (9.61.160)	C
36	C	Escape 1 <sup>1</sup> (9A.76.110)	C

1	C	Escape 2 <sup>1</sup> (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) <sup>2</sup>	

18 <sup>1</sup>Escape 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 <sup>2</sup>If 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. 37.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to  
22 read as follows:

23 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
<b>Arson and Malicious Mischief</b>		
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

1	D	Malicious Mischief 3 (9A.48.090)	E
2	E	Tampering with Fire Alarm Apparatus	E
3		(9.40.100)	
4	E	Tampering with Fire Alarm Apparatus	E
5		with Intent to Commit Arson (9.40.105)	
6	A	Possession of Incendiary Device	B+
7		(9.40.120)	

**Assault and Other Crimes Involving  
Physical Harm**

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

**Burglary and Trespass**

23	B+	Burglary 1 (9A.52.020) committed at	C+
24		age 15 or under	
25	A-	Burglary 1 (9A.52.020) committed at	B+
26		age 16 or 17	
27	B	Residential Burglary (9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of)	E
30		(9A.52.060)	
31	D	Criminal Trespass 1 (9A.52.070)	E
32	E	Criminal Trespass 2 (9A.52.080)	E
33	C	Mineral Trespass (78.44.330)	C
34	C	Vehicle Prowling 1 (9A.52.095)	D
35	D	Vehicle Prowling 2 (9A.52.100)	E

**Drugs**

1	E	Possession/Consumption of Alcohol	E
2		(66.44.270)	
3	C	Illegally Obtaining Legend Drug	D
4		(69.41.020)	
5	C+	Sale, Delivery, Possession of Legend	D+
6		Drug with Intent to Sell (69.41.030(2)(a))	
7	E	Possession of Legend	E
8		Drug (69.41.030(2)(b))	
9	B+	Violation of Uniform Controlled	B+
10		Substances Act - Narcotic,	
11		Methamphetamine, or Flunitrazepam	
12		Sale (69.50.401(2) (a) or (b))	
13	C	Violation of Uniform Controlled	C
14		Substances Act - Nonnarcotic Sale	
15		(69.50.401(2)(c))	
16	E	Possession of Marihuana <40 grams	E
17		(69.50.4014)	
18	C	Fraudulently Obtaining Controlled	C
19		Substance (69.50.403)	
20	C+	Sale of Controlled Substance for Profit	C+
21		(69.50.410)	
22	E	Unlawful Inhalation (9.47A.020)	E
23	B	Violation of Uniform Controlled	B
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Counterfeit Substances (69.50.4011(2)	
27		(a) or (b))	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Nonnarcotic Counterfeit	
30		Substances (69.50.4011(2) (c), (d), or (e))	
31	C	Violation of Uniform Controlled	C
32		Substances Act - Possession of a	
33		Controlled Substance (69.50.4013)	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Possession of a	
36		Controlled Substance (69.50.4012)	
37		<b>Firearms and Weapons</b>	
38	B	Theft of Firearm (9A.56.300)	C

1	B	Possession of Stolen Firearm	C
2		(9A.56.310)	
3	E	Carrying Loaded Pistol Without Permit	E
4		(9.41.050)	
5	C	Possession of Firearms by Minor (<18)	C
6		(9.41.040(2)(a)((+)) (vii))	
7	D+	Possession of Dangerous Weapon	E
8		(9.41.250)	
9	D	Intimidating Another Person by use of	E
10		Weapon (9.41.270)	
11		<b>Homicide</b>	
12	A+	Murder 1 (9A.32.030)	A
13	A+	Murder 2 (9A.32.050)	B+
14	B+	Manslaughter 1 (9A.32.060)	C+
15	C+	Manslaughter 2 (9A.32.070)	D+
16	B+	Vehicular Homicide (46.61.520)	C+
17		<b>Kidnapping</b>	
18	A	Kidnap 1 (9A.40.020)	B+
19	B+	Kidnap 2 (9A.40.030)	C+
20	C+	Unlawful Imprisonment (9A.40.040)	D+
21		<b>Obstructing Governmental Operation</b>	
22	D	Obstructing a Law Enforcement Officer	E
23		(9A.76.020)	
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1 (9A.76.140)	C
26	C	Introducing Contraband 2 (9A.76.150)	D
27	E	Introducing Contraband 3 (9A.76.160)	E
28	B+	Intimidating a Public Servant	C+
29		(9A.76.180)	
30	B+	Intimidating a Witness (9A.72.110)	C+
31		<b>Public Disturbance</b>	
32	C+	Criminal Mischief with Weapon	D+
33		(9A.84.010(2)(b))	
34	D+	Criminal Mischief Without Weapon	E
35		(9A.84.010(2)(a))	
36	E	Failure to Disperse (9A.84.020)	E

1	E	Disorderly Conduct (9A.84.030)	E
2		<b>Sex Crimes</b>	
3	A	Rape 1 (9A.44.040)	B+
4	B++	Rape 2 (9A.44.050) committed at age 14	B+
5		or under	
6	A-	Rape 2 (9A.44.050) committed at age 15	B+
7		through age 17	
8	C+	Rape 3 (9A.44.060)	D+
9	B++	Rape of a Child 1 (9A.44.073)	B+
10		committed at age 14 or under	
11	A-	Rape of a Child 1 (9A.44.073)	B+
12		committed at age 15	
13	B+	Rape of a Child 2 (9A.44.076)	C+
14	B	Incest 1 (9A.64.020(1))	C
15	C	Incest 2 (9A.64.020(2))	D
16	D+	Indecent Exposure (Victim <14)	E
17		(9A.88.010)	
18	E	Indecent Exposure (Victim 14 or over)	E
19		(9A.88.010)	
20	B+	Promoting Prostitution 1 (9A.88.070)	C+
21	C+	Promoting Prostitution 2 (9A.88.080)	D+
22	E	O & A (Prostitution) (9A.88.030)	E
23	B+	Indecent Liberties (9A.44.100)	C+
24	B++	Child Molestation 1 (9A.44.083)	B+
25		committed at age 14 or under	
26	A-	Child Molestation 1 (9A.44.083)	B+
27		committed at age 15 through age 17	
28	B	Child Molestation 2 (9A.44.086)	C+
29	C	Failure to Register as a Sex Offender	D
30		(9A.44.132)	
31		<b>Theft, Robbery, Extortion, and</b>	
32		<b>Forgery</b>	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080	C
2		and 9A.56.083)	
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200) committed at	B+
5		age 15 or under	
6	A++	Robbery 1 (9A.56.200) committed at	A
7		age 16 or 17	
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial	E
14		Information (9.35.010)	
15	B	Possession of a Stolen Vehicle	C
16		(9A.56.068)	
17	B	Possession of Stolen Property 1	C
18		(9A.56.150)	
19	C	Possession of Stolen Property 2	D
20		(9A.56.160)	
21	D	Possession of Stolen Property 3	E
22		(9A.56.170)	
23	B	Taking Motor Vehicle Without	C
24		Permission 1 (9A.56.070)	
25	C	Taking Motor Vehicle Without	D
26		Permission 2 (9A.56.075)	
27	B	Theft of a Motor Vehicle (9A.56.065)	C
28		<b>Motor Vehicle Related Crimes</b>	
29	E	Driving Without a License (46.20.005)	E
30	B+	Hit and Run - Death (46.52.020(4)(a))	C+
31	C	Hit and Run - Injury (46.52.020(4)(b))	D
32	D	Hit and Run-Attended (46.52.020(5))	E
33	E	Hit and Run-Unattended (46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing Police	D
36		Vehicle (46.61.024)	
37	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the	B
4		Influence (46.61.502(6))	
5	B+	Felony Physical Control of a Vehicle	B
6		While Under the Influence (46.61.504(6))	
7		<b>Other</b>	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 <sup>1</sup> (9A.76.110)	C
11	C	Escape 2 <sup>1</sup> (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	E
14		(9.61.230)	
15	A	Other Offense Equivalent to an Adult	B+
16		Class A Felony	
17	B	Other Offense Equivalent to an Adult	C
18		Class B Felony	
19	C	Other Offense Equivalent to an Adult	D
20		Class C Felony	
21	D	Other Offense Equivalent to an Adult	E
22		Gross Misdemeanor	
23	E	Other Offense Equivalent to an Adult	E
24		Misdemeanor	
25	V	Violation of Order of Restitution,	V
26		Community Supervision, or Confinement	
27		(13.40.200) <sup>2</sup>	

28 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
29 and the standard range is established as follows:

30 1st escape or attempted escape during 12-month period - 28 days  
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks  
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month  
35 period - 12 weeks confinement

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

**JUVENILE SENTENCING STANDARDS**

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

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR		0	1	2	3	4 or more
ADJUDICATIONS						

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

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

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

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

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

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

9 **OR**

10 **OPTION B**

11 **SUSPENDED DISPOSITION ALTERNATIVE**

12 (1) If the offender is subject to a standard range disposition  
13 involving confinement by the department, the court may impose the  
14 standard range and suspend the disposition on condition that the  
15 offender comply with one or more local sanctions and any educational  
16 or treatment requirement. The treatment programs provided to the  
17 offender must be either research-based best practice programs as  
18 identified by the Washington state institute for public policy or the  
19 joint legislative audit and review committee, or for chemical  
20 dependency treatment programs or services, they must be evidence-  
21 based or research-based best practice programs. For the purposes of  
22 this subsection:

23 (a) "Evidence-based" means a program or practice that has had  
24 multiple site random controlled trials across heterogeneous  
25 populations demonstrating that the program or practice is effective  
26 for the population; and

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

30 (2) If the offender fails to comply with the suspended  
31 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
32 or may revoke the suspended disposition and order the disposition's  
33 execution.

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

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

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

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

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

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

9 (iv) Violation of the uniform controlled substances act (RCW  
10 69.50.401(2) (a) and (b)), when the offense includes infliction of  
11 bodily harm upon another or when during the commission or immediate  
12 withdrawal from the offense the respondent was armed with a deadly  
13 weapon;

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

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

18 (e) Has a prior option B disposition.

19 **OR**

20 **OPTION C**

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

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

26 **OR**

27 **OPTION D**

28 **MANIFEST INJUSTICE**

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

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

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

36 (a) When the court sentences an offender to a local sanction as  
37 provided in RCW 13.40.0357 option A, the court shall impose a

1 determinate disposition within the standard ranges, except as  
2 provided in subsection (2), (3), (4), (5), or (6) of this section.  
3 The disposition may be comprised of one or more local sanctions.

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

9 (2) If the court concludes, and enters reasons for its  
10 conclusion, that disposition within the standard range would  
11 effectuate a manifest injustice the court shall impose a disposition  
12 outside the standard range, as indicated in option D of RCW  
13 13.40.0357. The court's finding of manifest injustice shall be  
14 supported by clear and convincing evidence.

15 A disposition outside the standard range shall be determinate and  
16 shall be comprised of confinement or community supervision, or a  
17 combination thereof. When a judge finds a manifest injustice and  
18 imposes a sentence of confinement exceeding thirty days, the court  
19 shall sentence the juvenile to a maximum term, and the provisions of  
20 RCW 13.40.030(2) shall be used to determine the range. A disposition  
21 outside the standard range is appealable under RCW 13.40.230 by the  
22 state or the respondent. A disposition within the standard range is  
23 not appealable under RCW 13.40.230.

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

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

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

36 (6) When the offender is subject to a standard range commitment  
37 of 15 to 36 weeks and is ineligible for a suspended disposition  
38 alternative, a manifest injustice disposition below the standard  
39 range, special sex offender disposition alternative, chemical  
40 dependency disposition alternative, or mental health disposition

1 alternative, the court in a county with a pilot program under RCW  
2 13.40.169 may impose the disposition alternative under RCW 13.40.169.

3 (7) RCW 13.40.193 shall govern the disposition of any juvenile  
4 adjudicated of possessing a firearm in violation of RCW  
5 9.41.040(2)(a) (~~(vi)~~) (vii) or any crime in which a special finding  
6 is entered that the juvenile was armed with a firearm.

7 (8) RCW 13.40.308 shall govern the disposition of any juvenile  
8 adjudicated of theft of a motor vehicle as defined under RCW  
9 9A.56.065, possession of a stolen motor vehicle as defined under RCW  
10 9A.56.068, taking a motor vehicle without permission in the first  
11 degree under RCW 9A.56.070, and taking a motor vehicle without  
12 permission in the second degree under RCW 9A.56.075.

13 (9) Whenever a juvenile offender is entitled to credit for time  
14 spent in detention prior to a dispositional order, the dispositional  
15 order shall specifically state the number of days of credit for time  
16 served.

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

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

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

26 (1) If a respondent is found to have been in possession of a  
27 firearm in violation of RCW 9.41.040(2)(a) (~~(vi)~~) (vii), the court  
28 shall impose a minimum disposition of ten days of confinement. If the  
29 offender's standard range of disposition for the offense as indicated  
30 in RCW 13.40.0357 is more than thirty days of confinement, the court  
31 shall commit the offender to the department for the standard range  
32 disposition. The offender shall not be released until the offender  
33 has served a minimum of ten days in confinement.

34 (2)(a) If a respondent is found to have been in possession of a  
35 firearm in violation of RCW 9.41.040, the disposition must include a  
36 requirement that the respondent participate in a qualifying program  
37 as described in (b) of this subsection, when available, unless the  
38 court makes a written finding based on the outcome of the juvenile

1 court risk assessment that participation in a qualifying program  
2 would not be appropriate.

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

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

26 (4) (a) If the court finds that the respondent who is sixteen or  
27 seventeen years old and committed the offense of robbery in the first  
28 degree, drive-by shooting, rape of a child in the first degree,  
29 burglary in the first degree, or any violent offense as defined in  
30 RCW 9.94A.030 and was armed with a firearm, and the court finds that  
31 the respondent's participation was related to membership in a  
32 criminal street gang or advancing the benefit, aggrandizement, gain,  
33 profit, or other advantage for a criminal street gang, a period of  
34 three months total confinement must be added to the sentence. The  
35 additional time must be imposed regardless of the offense's juvenile  
36 disposition offense category as designated in RCW 13.40.0357 and must  
37 be served consecutively with any other sentencing enhancement.

38 (b) For the purposes of this section, "criminal street gang"  
39 means any ongoing organization, association, or group of three or  
40 more persons, whether formal or informal, having a common name or

1 common identifying sign or symbol, having as one of its primary  
2 activities the commission of criminal acts, and whose members or  
3 associates individually or collectively engage in or have engaged in  
4 a pattern of criminal street gang activity. This definition does not  
5 apply to employees engaged in concerted activities for their mutual  
6 aid and protection, or to the activities of labor and bona fide  
7 nonprofit organizations or their members or agents.

8 (5) When a disposition under this section would effectuate a  
9 manifest injustice, the court may impose another disposition. When a  
10 judge finds a manifest injustice and imposes a disposition of  
11 confinement exceeding thirty days, the court shall commit the  
12 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
13 shall be used to determine the range. When a judge finds a manifest  
14 injustice and imposes a disposition of confinement less than thirty  
15 days, the disposition shall be comprised of confinement or community  
16 supervision or both.

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

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

22 (1) If a juvenile thirteen years of age or older is found by  
23 juvenile court to have committed an offense while armed with a  
24 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
25 (~~(vi)~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
26 court shall notify the department of licensing within twenty-four  
27 hours after entry of the judgment, unless the offense is the  
28 juvenile's first offense while armed with a firearm, first unlawful  
29 possession of a firearm offense, or first offense in violation of  
30 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

31 (2) Except as otherwise provided in subsection (3) of this  
32 section, upon petition of a juvenile who has been found by the court  
33 to have committed an offense that is a violation of chapter 66.44,  
34 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems  
35 appropriate notify the department of licensing that the juvenile's  
36 driving privileges should be reinstated.

37 (3) If the offense is the juvenile's second or subsequent  
38 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile  
39 may not petition the court for reinstatement of the juvenile's

1 privilege to drive revoked pursuant to RCW 46.20.265 until the date  
2 the juvenile turns seventeen or one year after the date judgment was  
3 entered, whichever is later.

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

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

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

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

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

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

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

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

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

27 (1) With respect to separations that occur on or after September  
28 6, 2009, and for separations that occur before April 4, 2021:

29 (a) A claimant shall be disqualified from benefits beginning with  
30 the first day of the calendar week in which the claimant left work  
31 voluntarily without good cause and thereafter for seven calendar  
32 weeks and until the claimant obtains bona fide work in employment  
33 covered by this title and earned wages in that employment equal to  
34 seven times the claimant's weekly benefit amount. Good cause reasons  
35 to leave work are limited to reasons listed in (b) of this  
36 subsection.

37 The disqualification shall continue if the work obtained is a  
38 mere sham to qualify for benefits and is not bona fide work. In

1 determining whether work is of a bona fide nature, the commissioner  
2 shall consider factors including but not limited to the following:

3 (i) The duration of the work;

4 (ii) The extent of direction and control by the employer over the  
5 work; and

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

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

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

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

16 (A) The claimant pursued all reasonable alternatives to preserve  
17 the claimant's employment status by requesting a leave of absence, by  
18 having promptly notified the employer of the reason for the absence,  
19 and by having promptly requested reemployment when again able to  
20 assume employment. These alternatives need not be pursued, however,  
21 when they would have been a futile act, including those instances  
22 when the futility of the act was a result of a recognized labor/  
23 management dispatch system; and

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

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

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

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

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

38 (vii) The claimant's worksite changed, such change caused a  
39 material increase in distance or difficulty of travel, and, after the

1 change, the commute was greater than is customary for workers in the  
2 claimant's job classification and labor market;

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

6 (ix) The claimant left work because of illegal activities in the  
7 claimant's worksite, the claimant reported such activities to the  
8 employer, and the employer failed to end such activities within a  
9 reasonable period of time;

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

12 (xi) The claimant left work to enter an apprenticeship program  
13 approved by the Washington state apprenticeship training council.  
14 Benefits are payable beginning Sunday of the week prior to the week  
15 in which the claimant begins active participation in the  
16 apprenticeship program.

17 (2) With respect to separations that occur on or after April 4,  
18 2021:

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

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

31 (i) The duration of the work;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (xi) The claimant left work to enter an apprenticeship program  
40 approved by the Washington state apprenticeship training council.

1 Benefits are payable beginning Sunday of the week prior to the week  
2 in which the claimant begins active participation in the  
3 apprenticeship program; or

4 (xii) During a public health emergency:

5 (A) The claimant was unable to perform the claimant's work for  
6 the employer from the claimant's home;

7 (B) The claimant is able to perform, available to perform, and  
8 can actively seek suitable work which can be performed for an  
9 employer from the claimant's home; and

10 (C) The claimant or another individual residing with the claimant  
11 is at higher risk of severe illness or death from the disease that is  
12 the subject of the public health emergency because the higher risk  
13 individual:

14 (I) Was in an age category that is defined as high risk for the  
15 disease that is the subject of the public health emergency by the  
16 federal centers for disease control and prevention, the department of  
17 health, or the equivalent agency in the state where the individual  
18 resides; or

19 (II) Has an underlying health condition, verified as required by  
20 the department by rule, that is identified as a risk factor for the  
21 disease that is the subject of the public health emergency by the  
22 federal centers for disease control and prevention, the department of  
23 health, or the equivalent agency in the state where the individual  
24 resides.

25 (3) With respect to claims that occur on or after July 4, 2021, a  
26 claimant has good cause and is not disqualified from benefits under  
27 subsection (2)(a) of this section under the following circumstances,  
28 in addition to those listed under subsection (2)(b) of this section,  
29 if, during a public health emergency, the claimant worked at a health  
30 care facility as defined in RCW 9A.50.010, was directly involved in  
31 the delivery of health services, and left work for the period of  
32 quarantine consistent with the recommended guidance from the United  
33 States centers for disease control and prevention or subject to the  
34 direction of the state or local health jurisdiction because of  
35 exposure to or contracting the disease that is the subject of the  
36 declaration of the public health emergency.

37 (4) Notwithstanding subsection (1) of this section, a claimant  
38 who was simultaneously employed in full-time employment and part-time  
39 employment and is otherwise eligible for benefits from the loss of

1 the full-time employment shall not be disqualified from benefits  
2 because the claimant:

3 (a) Voluntarily quit the part-time employment before the loss of  
4 the full-time employment; and

5 (b) Did not have prior knowledge that the claimant would be  
6 separated from full-time employment.

7 **Sec. 43.** RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6  
8 are each reenacted to read as follows:

9 (1) The fact of admission to a provider for mental health  
10 services and all information and records compiled, obtained, or  
11 maintained in the course of providing mental health services to  
12 either voluntary or involuntary recipients of services at public or  
13 private agencies may not be disclosed except as provided in this  
14 section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240,  
15 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid  
16 authorization under RCW 70.02.030.

17 (2) Information and records related to mental health services,  
18 other than those obtained through treatment under chapter 71.34 RCW,  
19 may be disclosed:

20 (a) In communications between qualified professional persons to  
21 meet the requirements of chapter 71.05 RCW, including Indian health  
22 care providers, in the provision of services or appropriate  
23 referrals, or in the course of guardianship proceedings if provided  
24 to a professional person:

- 25 (i) Employed by the facility;
- 26 (ii) Who has medical responsibility for the patient's care;
- 27 (iii) Who is a designated crisis responder;
- 28 (iv) Who is providing services under chapter 71.24 RCW;
- 29 (v) Who is employed by a state or local correctional facility  
30 where the person is confined or supervised; or
- 31 (vi) Who is providing evaluation, treatment, or follow-up  
32 services under chapter 10.77 RCW;

33 (b) When the communications regard the special needs of a patient  
34 and the necessary circumstances giving rise to such needs and the  
35 disclosure is made by a facility providing services to the operator  
36 of a facility in which the patient resides or will reside;

37 (c) (i) When the person receiving services, or his or her  
38 guardian, designates persons to whom information or records may be

1 released, or if the person is a minor, when his or her parents make  
2 such a designation;

3 (ii) A public or private agency shall release to a person's next  
4 of kin, attorney, personal representative, guardian, or conservator,  
5 if any:

6 (A) The information that the person is presently a patient in the  
7 facility or that the person is seriously physically ill;

8 (B) A statement evaluating the mental and physical condition of  
9 the patient, and a statement of the probable duration of the  
10 patient's confinement, if such information is requested by the next  
11 of kin, attorney, personal representative, guardian, or conservator;  
12 and

13 (iii) Other information requested by the next of kin or attorney  
14 as may be necessary to decide whether or not proceedings should be  
15 instituted to appoint a guardian or conservator;

16 (d)(i) To the courts, including tribal courts, as necessary to  
17 the administration of chapter 71.05 RCW or to a court ordering an  
18 evaluation or treatment under chapter 10.77 RCW solely for the  
19 purpose of preventing the entry of any evaluation or treatment order  
20 that is inconsistent with any order entered under chapter 71.05 RCW.

21 (ii) To a court or its designee in which a motion under chapter  
22 10.77 RCW has been made for involuntary medication of a defendant for  
23 the purpose of competency restoration.

24 (iii) Disclosure under this subsection is mandatory for the  
25 purpose of the federal health insurance portability and  
26 accountability act;

27 (e)(i) When a mental health professional or designated crisis  
28 responder is requested by a representative of a law enforcement or  
29 corrections agency, including a police officer, sheriff, community  
30 corrections officer, a municipal attorney, or prosecuting attorney to  
31 undertake an investigation or provide treatment under RCW 71.05.150,  
32 10.31.110, or 71.05.153, the mental health professional or designated  
33 crisis responder shall, if requested to do so, advise the  
34 representative in writing of the results of the investigation  
35 including a statement of reasons for the decision to detain or  
36 release the person investigated. The written report must be submitted  
37 within seventy-two hours of the completion of the investigation or  
38 the request from the law enforcement or corrections representative,  
39 whichever occurs later.

1 (ii) Disclosure under this subsection is mandatory for the  
2 purposes of the federal health insurance portability and  
3 accountability act;

4 (f) To the attorney of the detained person;

5 (g) To the prosecuting attorney as necessary to carry out the  
6 responsibilities of the office under RCW 71.05.330(2),  
7 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided  
8 access to records regarding the committed person's treatment and  
9 prognosis, medication, behavior problems, and other records relevant  
10 to the issue of whether treatment less restrictive than inpatient  
11 treatment is in the best interest of the committed person or others.  
12 Information must be disclosed only after giving notice to the  
13 committed person and the person's counsel;

14 (h)(i) To appropriate law enforcement agencies and to a person,  
15 when the identity of the person is known to the public or private  
16 agency, whose health and safety has been threatened, or who is known  
17 to have been repeatedly harassed, by the patient. The person may  
18 designate a representative to receive the disclosure. The disclosure  
19 must be made by the professional person in charge of the public or  
20 private agency or his or her designee and must include the dates of  
21 commitment, admission, discharge, or release, authorized or  
22 unauthorized absence from the agency's facility, and only any other  
23 information that is pertinent to the threat or harassment. The agency  
24 or its employees are not civilly liable for the decision to disclose  
25 or not, so long as the decision was reached in good faith and without  
26 gross negligence.

27 (ii) Disclosure under this subsection is mandatory for the  
28 purposes of the federal health insurance portability and  
29 accountability act;

30 (i)(i) To appropriate corrections and law enforcement agencies  
31 all 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 (ii) Disclosure under this subsection is mandatory for the  
37 purposes of the health insurance portability and accountability act;

38 (j) To the persons designated in RCW 71.05.425 for the purposes  
39 described in those sections;

1 (k) By a care coordinator under RCW 71.05.585 or 10.77.175  
2 assigned to a person ordered to receive less restrictive alternative  
3 treatment for the purpose of sharing information to parties necessary  
4 for the implementation of proceedings under chapter 71.05 or 10.77  
5 RCW;

6 (l) Upon the death of a person. The person's next of kin,  
7 personal representative, guardian, or conservator, if any, must be  
8 notified. Next of kin who are of legal age and competent must be  
9 notified under this section in the following order: Spouse, parents,  
10 children, brothers and sisters, and other relatives according to the  
11 degree of relation. Access to all records and information compiled,  
12 obtained, or maintained in the course of providing services to a  
13 deceased patient are governed by RCW 70.02.140;

14 (m) To mark headstones or otherwise memorialize patients interred  
15 at state hospital cemeteries. The department of social and health  
16 services shall make available the name, date of birth, and date of  
17 death of patients buried in state hospital cemeteries fifty years  
18 after the death of a patient;

19 (n) To law enforcement officers and to prosecuting attorneys as  
20 are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent  
21 of information that may be released is limited as follows:

22 (i) Only the fact, place, and date of involuntary commitment, an  
23 official copy of any order or orders of commitment, and an official  
24 copy of any written or oral notice of ineligibility to possess a  
25 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
26 must be disclosed upon request;

27 (ii) The law enforcement and prosecuting attorneys may only  
28 release the information obtained to the person's attorney as required  
29 by court rule and to a jury or judge, if a jury is waived, that  
30 presides over any trial at which the person is charged with violating  
31 RCW 9.41.040(2)(a)(~~(iv)~~) (v);

32 (iii) Disclosure under this subsection is mandatory for the  
33 purposes of the federal health insurance portability and  
34 accountability act;

35 (o) When a patient would otherwise be subject to the provisions  
36 of this section and disclosure is necessary for the protection of the  
37 patient or others due to his or her unauthorized disappearance from  
38 the facility, and his or her whereabouts is unknown, notice of the  
39 disappearance, along with relevant information, may be made to  
40 relatives, the department of corrections when the person is under the

1 supervision of the department, and governmental law enforcement  
2 agencies designated by the physician or psychiatric advanced  
3 registered nurse practitioner in charge of the patient or the  
4 professional person in charge of the facility, or his or her  
5 professional designee;

6 (p) Pursuant to lawful order of a court, including a tribal  
7 court;

8 (q) To qualified staff members of the department, to the  
9 authority, to behavioral health administrative services  
10 organizations, to managed care organizations, to resource management  
11 services responsible for serving a patient, or to service providers  
12 designated by resource management services as necessary to determine  
13 the progress and adequacy of treatment and to determine whether the  
14 person should be transferred to a less restrictive or more  
15 appropriate treatment modality or facility;

16 (r) Within the mental health service agency or Indian health care  
17 provider facility where the patient is receiving treatment,  
18 confidential information may be disclosed to persons employed,  
19 serving in bona fide training programs, or participating in  
20 supervised volunteer programs, at the facility when it is necessary  
21 to perform their duties;

22 (s) Within the department and the authority as necessary to  
23 coordinate treatment for mental illness, developmental disabilities,  
24 or substance use disorder of persons who are under the supervision of  
25 the department;

26 (t) Between the department of social and health services, the  
27 department of children, youth, and families, and the health care  
28 authority as necessary to coordinate treatment for mental illness,  
29 developmental disabilities, or substance use disorder of persons who  
30 are under the supervision of the department of social and health  
31 services or the department of children, youth, and families;

32 (u) To a licensed physician or psychiatric advanced registered  
33 nurse practitioner who has determined that the life or health of the  
34 person is in danger and that treatment without the information and  
35 records related to mental health services could be injurious to the  
36 patient's health. Disclosure must be limited to the portions of the  
37 records necessary to meet the medical emergency;

38 (v) (i) Consistent with the requirements of the federal health  
39 insurance portability and accountability act, to:

1 (A) A health care provider, including an Indian health care  
2 provider, who is providing care to a patient, or to whom a patient  
3 has been referred for evaluation or treatment; or

4 (B) Any other person who is working in a care coordinator role  
5 for a health care facility, health care provider, or Indian health  
6 care provider, or is under an agreement pursuant to the federal  
7 health insurance portability and accountability act with a health  
8 care facility or a health care provider and requires the information  
9 and records to assure coordinated care and treatment of that patient.

10 (ii) A person authorized to use or disclose information and  
11 records related to mental health services under this subsection  
12 (2)(v) must take appropriate steps to protect the information and  
13 records relating to mental health services.

14 (iii) Psychotherapy notes may not be released without  
15 authorization of the patient who is the subject of the request for  
16 release of information;

17 (w) To administrative and office support staff designated to  
18 obtain medical records for those licensed professionals listed in (v)  
19 of this subsection;

20 (x) To a facility that is to receive a person who is  
21 involuntarily committed under chapter 71.05 RCW, or upon transfer of  
22 the person from one evaluation and treatment facility to another. The  
23 release of records under this subsection is limited to the  
24 information and records related to mental health services required by  
25 law, a record or summary of all somatic treatments, and a discharge  
26 summary. The discharge summary may include a statement of the  
27 patient's problem, the treatment goals, the type of treatment which  
28 has been provided, and recommendation for future treatment, but may  
29 not include the patient's complete treatment record;

30 (y) To the person's counsel or guardian ad litem, without  
31 modification, at any time in order to prepare for involuntary  
32 commitment or recommitment proceedings, reexaminations, appeals, or  
33 other actions relating to detention, admission, commitment, or  
34 patient's rights under chapter 71.05 RCW;

35 (z) To staff members of the protection and advocacy agency or to  
36 staff members of a private, nonprofit corporation for the purpose of  
37 protecting and advocating the rights of persons with mental disorders  
38 or developmental disabilities. Resource management services may limit  
39 the release of information to the name, birthdate, and county of  
40 residence of the patient, information regarding whether the patient

1 was voluntarily admitted, or involuntarily committed, the date and  
2 place of admission, placement, or commitment, the name and address of  
3 a guardian of the patient, and the date and place of the guardian's  
4 appointment. Any staff member who wishes to obtain additional  
5 information must notify the patient's resource management services in  
6 writing of the request and of the resource management services' right  
7 to object. The staff member shall send the notice by mail to the  
8 guardian's address. If the guardian does not object in writing within  
9 fifteen days after the notice is mailed, the staff member may obtain  
10 the additional information. If the guardian objects in writing within  
11 fifteen days after the notice is mailed, the staff member may not  
12 obtain the additional information;

13 (aa) To all current treating providers, including Indian health  
14 care providers, of the patient with prescriptive authority who have  
15 written a prescription for the patient within the last twelve months.  
16 For purposes of coordinating health care, the department or the  
17 authority may release without written authorization of the patient,  
18 information acquired for billing and collection purposes as described  
19 in RCW 70.02.050(1)(d). The department, or the authority, if  
20 applicable, shall notify the patient that billing and collection  
21 information has been released to named providers, and provide the  
22 substance of the information released and the dates of such release.  
23 Neither the department nor the authority may release counseling,  
24 inpatient psychiatric hospitalization, or drug and alcohol treatment  
25 information without a signed written release from the client;

26 (bb)(i) To the secretary of social and health services and the  
27 director of the health care authority for either program evaluation  
28 or research, or both so long as the secretary or director, where  
29 applicable, adopts rules for the conduct of the evaluation or  
30 research, or both. Such rules must include, but need not be limited  
31 to, the requirement that all evaluators and researchers sign an oath  
32 of confidentiality substantially as follows:

33 "As a condition of conducting evaluation or research concerning  
34 persons who have received services from (fill in the facility,  
35 agency, or person) I, . . . ., agree not to divulge, publish, or  
36 otherwise make known to unauthorized persons or the public any  
37 information obtained in the course of such evaluation or research  
38 regarding persons who have received services such that the person who  
39 received such services is identifiable.

1 I recognize that unauthorized release of confidential information  
2 may subject me to civil liability under the provisions of state law.

3 /s/ . . . . ."

4 (ii) Nothing in this chapter may be construed to prohibit the  
5 compilation and publication of statistical data for use by government  
6 or researchers under standards, including standards to assure  
7 maintenance of confidentiality, set forth by the secretary, or  
8 director, where applicable;

9 (cc) To any person if the conditions in RCW 70.02.205 are met;

10 (dd) To the secretary of health for the purposes of the maternal  
11 mortality review panel established in RCW 70.54.450; or

12 (ee) To a tribe or Indian health care provider to carry out the  
13 requirements of RCW 71.05.150(6).

14 (3) Whenever federal law or federal regulations restrict the  
15 release of information contained in the information and records  
16 related to mental health services of any patient who receives  
17 treatment for a substance use disorder, the department or the  
18 authority may restrict the release of the information as necessary to  
19 comply with federal law and regulations.

20 (4) Civil liability and immunity for the release of information  
21 about a particular person who is committed to the department of  
22 social and health services or the authority under RCW 71.05.280(3)  
23 and 71.05.320(4)(c) after dismissal of a sex offense as defined in  
24 RCW 9.94A.030, is governed by RCW 4.24.550.

25 (5) The fact of admission to a provider of mental health  
26 services, as well as all records, files, evidence, findings, or  
27 orders made, prepared, collected, or maintained pursuant to chapter  
28 71.05 RCW are not admissible as evidence in any legal proceeding  
29 outside that chapter without the written authorization of the person  
30 who was the subject of the proceeding except as provided in RCW  
31 70.02.260, in a subsequent criminal prosecution of a person committed  
32 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were  
33 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand  
34 trial, in a civil commitment proceeding pursuant to chapter 71.09  
35 RCW, or, in the case of a minor, a guardianship or dependency  
36 proceeding. The records and files maintained in any court proceeding  
37 pursuant to chapter 71.05 RCW must be confidential and available  
38 subsequent to such proceedings only to the person who was the subject  
39 of the proceeding or his or her attorney. In addition, the court may

1 order the subsequent release or use of such records or files only  
2 upon good cause shown if the court finds that appropriate safeguards  
3 for strict confidentiality are and will be maintained.

4 (6) (a) Except as provided in RCW 4.24.550, any person may bring  
5 an action against an individual who has willfully released  
6 confidential information or records concerning him or her in  
7 violation of the provisions of this section, for the greater of the  
8 following amounts:

9 (i) One thousand dollars; or

10 (ii) Three times the amount of actual damages sustained, if any.

11 (b) It is not a prerequisite to recovery under this subsection  
12 that the plaintiff suffered or was threatened with special, as  
13 contrasted with general, damages.

14 (c) Any person may bring an action to enjoin the release of  
15 confidential information or records concerning him or her or his or  
16 her ward, in violation of the provisions of this section, and may in  
17 the same action seek damages as provided in this subsection.

18 (d) The court may award to the plaintiff, should he or she  
19 prevail in any action authorized by this subsection, reasonable  
20 attorney fees in addition to those otherwise provided by law.

21 (e) If an action is brought under this subsection, no action may  
22 be brought under RCW 70.02.170.

23 **Sec. 44.** RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7  
24 are each reenacted and amended to read as follows:

25 The fact of admission and all information and records related to  
26 mental health services obtained through inpatient or outpatient  
27 treatment of a minor under chapter 71.34 RCW must be kept  
28 confidential, except as authorized by this section or under RCW  
29 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265.  
30 Confidential information under this section may be disclosed only:

31 (1) In communications between mental health professionals to meet  
32 the requirements of chapter 71.34 RCW, in the provision of services  
33 to the minor, or in making appropriate referrals;

34 (2) In the course of guardianship or dependency proceedings;

35 (3) To the minor, the minor's parent, including those acting as a  
36 parent as defined in RCW 71.34.020 for purposes of family-initiated  
37 treatment, and the minor's attorney, subject to RCW 13.50.100;

38 (4) To the courts as necessary to administer chapter 71.34 RCW;

1 (5) By a care coordinator under RCW 71.34.755 or 10.77.175  
2 assigned to a person ordered to receive less restrictive alternative  
3 treatment for the purpose of sharing information to parties necessary  
4 for the implementation of proceedings under chapter 71.34 or 10.77  
5 RCW;

6 (6) By a care coordinator under RCW 71.34.755 assigned to a  
7 person ordered to receive less restrictive alternative treatment for  
8 the purpose of sharing information to parties necessary for the  
9 implementation of proceedings under chapter 71.34 RCW;

10 (7) To law enforcement officers or public health officers as  
11 necessary to carry out the responsibilities of their office. However,  
12 only the fact and date of admission, and the date of discharge, the  
13 name and address of the treatment provider, if any, and the last  
14 known address must be disclosed upon request;

15 (8) To law enforcement officers, public health officers,  
16 relatives, and other governmental law enforcement agencies, if a  
17 minor has escaped from custody, disappeared from an evaluation and  
18 treatment facility, violated conditions of a less restrictive  
19 treatment order, or failed to return from an authorized leave, and  
20 then only such information as may be necessary to provide for public  
21 safety or to assist in the apprehension of the minor. The officers  
22 are obligated to keep the information confidential in accordance with  
23 this chapter;

24 (9) To the secretary of social and health services and the  
25 director of the health care authority for assistance in data  
26 collection and program evaluation or research so long as the  
27 secretary or director, where applicable, adopts rules for the conduct  
28 of such evaluation and research. The rules must include, but need not  
29 be limited to, the requirement that all evaluators and researchers  
30 sign an oath of confidentiality substantially as follows:

31 "As a condition of conducting evaluation or research concerning  
32 persons who have received services from (fill in the facility,  
33 agency, or person) I, . . . . ., agree not to divulge, publish, or  
34 otherwise make known to unauthorized persons or the public any  
35 information obtained in the course of such evaluation or research  
36 regarding minors who have received services in a manner such that the  
37 minor is identifiable.

38 I recognize that unauthorized release of confidential information  
39 may subject me to civil liability under state law.

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that

1 presides over any trial at which the person is charged with violating  
2 RCW 9.41.040(2) (a) (~~(iv)~~) (v);

3 (c) Disclosure under this subsection is mandatory for the  
4 purposes of the federal health insurance portability and  
5 accountability act;

6 (16) This section may not be construed to prohibit the  
7 compilation and publication of statistical data for use by government  
8 or researchers under standards, including standards to assure  
9 maintenance of confidentiality, set forth by the director of the  
10 health care authority or the secretary of the department of social  
11 and health services, where applicable. The fact of admission and all  
12 information obtained pursuant to chapter 71.34 RCW are not admissible  
13 as evidence in any legal proceeding outside chapter 71.34 RCW, except  
14 guardianship or dependency, without the written consent of the minor  
15 or the minor's parent;

16 (17) For the purpose of a correctional facility participating in  
17 the postinstitutional medical assistance system supporting the  
18 expedited medical determinations and medical suspensions as provided  
19 in RCW 74.09.555 and 74.09.295;

20 (18) Pursuant to a lawful order of a court.

21 NEW SECTION. **Sec. 45.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 7.105.055 (Jurisdiction—Stalking protection orders) and  
24 2021 c 215 s 5;

25 (2) RCW 7.105.060 (Jurisdiction—Antiharassment protection orders)  
26 and 2021 c 215 s 6;

27 (3) RCW 7.105.170 (Vulnerable adult protection orders—Service  
28 when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

29 (4) RCW 7.105.901 (Recommendations on jurisdiction over  
30 protection order proceedings—Report) and 2021 c 215 s 12.

31 NEW SECTION. **Sec. 46.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

35 **Sec. 47.** 2021 c 215 s 87 (uncodified) is amended to read as  
36 follows:

