
SENATE BILL 6254

State of Washington

63rd Legislature

2014 Regular Session

By Senator Darneille

Read first time 01/20/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to placement of certain juveniles arrested for
2 nonfelonious domestic violence; and amending RCW 10.31.100.

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

4 **Sec. 1.** RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each
5 amended to read as follows:

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

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

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

4 (a) An order has been issued of which the person has knowledge
5 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10,
6 26.26, 26.50, or 74.34 RCW restraining the person and the person has
7 violated the terms of the order restraining the person from acts or
8 threats of violence, or restraining the person from going onto the
9 grounds of or entering a residence, workplace, school, or day care, or
10 prohibiting the person from knowingly coming within, or knowingly
11 remaining within, a specified distance of a location or, in the case of
12 an order issued under RCW 26.44.063, imposing any other restrictions or
13 conditions upon the person; or

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

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

1 protect victims of domestic violence under RCW 10.99.010; (~~(+ii+)~~) (II)
2 the comparative extent of injuries inflicted or serious threats
3 creating fear of physical injury; and (~~(+iii+)~~) (III) the history of
4 domestic violence of each person involved, including whether the
5 conduct was part of an ongoing pattern of abuse;

6 (ii) If a person is age sixteen or seventeen years and within the
7 preceding four hours has assaulted a family or household member as
8 defined in RCW 10.99.020 and the officer believes a nonfelonious
9 assault has occurred which has resulted in bodily injury to the victim,
10 whether the injury is observable by the responding officer or not, the
11 officer may take the person to a nonsecure facility that provides or
12 has access to family intervention services if, after screening by the
13 county juvenile detention facility, the staff at the detention facility
14 determines that the person may be placed in such a facility and that
15 such a facility is reasonably accessible, and the staff, in
16 coordination with law enforcement, arranges for the admission of the
17 youth to such nonsecure facility; or

18 (d) The person has violated RCW 46.61.502 or 46.61.504 or an
19 equivalent local ordinance and the police officer has knowledge that
20 the person has a prior offense as defined in RCW 46.61.5055 within ten
21 years.

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

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

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

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

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

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

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

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

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

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

11 (b) A law enforcement officer investigating at the scene of a motor
12 vessel accident may issue a citation for an infraction to the operator
13 of a motor vessel involved in the accident if the officer has probable
14 cause to believe that the operator has committed, in connection with
15 the accident, a violation of any boating safety law of chapter 79A.60
16 RCW.

17 (6) Any police officer having probable cause to believe that a
18 person has committed or is committing a violation of RCW 79A.60.040
19 shall have the authority to arrest the person.

20 (7) An officer may act upon the request of a law enforcement
21 officer in whose presence a traffic infraction was committed, to stop,
22 detain, arrest, or issue a notice of traffic infraction to the driver
23 who is believed to have committed the infraction. The request by the
24 witnessing officer shall give an officer the authority to take
25 appropriate action under the laws of the state of Washington.

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

29 (9) A police officer may arrest and take into custody, pending
30 release on bail, personal recognizance, or court order, a person
31 without a warrant when the officer has probable cause to believe that
32 an order has been issued of which the person has knowledge under
33 chapter 10.14 RCW and the person has violated the terms of that order.

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

37 (11) A police officer having probable cause to believe that a

1 person illegally possesses or illegally has possessed a firearm or
2 other dangerous weapon on private or public elementary or secondary
3 school premises shall have the authority to arrest the person.

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

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

10 (13) No police officer may be held criminally or civilly liable for
11 making an arrest pursuant to subsection (2) or (9) of this section if
12 the police officer acts in good faith and without malice. No police
13 officer may be held criminally or civilly liable if the officer, in
14 good faith and without malice and pursuant to subsection (2)(c) of this
15 section, takes a person to a nonsecure facility.

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