
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0057.1/19

ATTY/TYPIST: AF:eab

BRIEF DESCRIPTION: Concerning the uniform recognition and enforcement of Canadian domestic violence protection orders act.

1 AN ACT Relating to the uniform recognition and enforcement of
2 Canadian domestic violence protection orders act; amending RCW
3 26.50.035, 26.50.110, 26.50.160, and 36.28A.410; reenacting and
4 amending RCW 10.31.100; adding a new chapter to Title 26 RCW;
5 prescribing penalties; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be cited as
8 the uniform recognition and enforcement of Canadian domestic violence
9 protection orders act.

10 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
11 section apply throughout this chapter unless the context clearly
12 requires otherwise.

13 (1) "Canadian domestic violence protection order" means a
14 judgment or part of a judgment or order issued in a civil proceeding
15 by a court of Canada under law of the issuing jurisdiction which
16 relates to domestic violence and prohibits a respondent from:

17 (a) Being in physical proximity to a protected individual or
18 following a protected individual;

19 (b) Directly or indirectly contacting or communicating with a
20 protected individual or other individual described in the order;

1 (c) Being within a certain distance of a specified place or
2 location associated with a protected individual; or

3 (d) Molesting, annoying, harassing, or engaging in threatening
4 conduct directed at a protected individual.

5 (2) "Domestic protection order" means an injunction or other
6 order issued by a tribunal which relates to domestic or family
7 violence laws to prevent an individual from engaging in violent or
8 threatening acts against, harassment of, direct or indirect contact
9 or communication with, or being in physical proximity to another
10 individual.

11 (3) "Issuing court" means the court that issues a Canadian
12 domestic violence protection order.

13 (4) "Law enforcement officer" means an individual authorized by
14 law of this state other than this chapter to enforce a domestic
15 protection order.

16 (5) "Person" means an individual, estate, business or nonprofit
17 entity, public corporation, government or governmental subdivision,
18 agency, or instrumentality, or other legal entity.

19 (6) "Protected individual" means an individual protected by a
20 Canadian domestic violence protection order.

21 (7) "Record" means information that is inscribed on a tangible
22 medium or that is stored in an electronic or other medium and is
23 retrievable in perceivable form.

24 (8) "Respondent" means an individual against whom a Canadian
25 domestic violence protection order is issued.

26 (9) "State" means a state of the United States, the District of
27 Columbia, Puerto Rico, the United States Virgin Islands, or any
28 territory or insular possession subject to the jurisdiction of the
29 United States. The term includes a federally recognized Indian tribe.

30 (10) "Tribunal" means a court, agency, or other entity authorized
31 by law of this state other than this chapter to establish, enforce,
32 or modify a domestic protection order.

33 NEW SECTION. **Sec. 3.** ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE
34 PROTECTION ORDER BY LAW ENFORCEMENT OFFICER. (1) If a law enforcement
35 officer determines under subsection (2) or (3) of this section that
36 there is probable cause to believe a valid Canadian domestic violence
37 protection order exists and the order has been violated, the officer
38 shall enforce the terms of the Canadian domestic violence protection
39 order as if the terms were in an order of a tribunal. Presentation to

1 a law enforcement officer of a certified copy of a Canadian domestic
2 violence protection order is not required for enforcement.

3 (2) Presentation to a law enforcement officer of a record of a
4 Canadian domestic violence protection order that identifies both a
5 protected individual and a respondent and on its face is in effect
6 constitutes probable cause to believe that a valid order exists.

7 (3) If a record of a Canadian domestic violence protection order
8 is not presented as provided in subsection (2) of this section, a law
9 enforcement officer may consider other information in determining
10 whether there is probable cause to believe that a valid Canadian
11 domestic violence protection order exists.

12 (4) If a law enforcement officer determines that an otherwise
13 valid Canadian domestic violence protection order cannot be enforced
14 because the respondent has not been notified of or served with the
15 order, the officer shall notify the protected individual that the
16 officer will make reasonable efforts to contact the respondent,
17 consistent with the safety of the protected individual. After notice
18 to the protected individual and consistent with the safety of the
19 individual, the officer shall make a reasonable effort to inform the
20 respondent of the order, notify the respondent of the terms of the
21 order, provide a record of the order, if available, to the
22 respondent, and allow the respondent a reasonable opportunity to
23 comply with the order before the officer enforces the order.

24 (5) If a law enforcement officer determines that an individual is
25 a protected individual, the officer shall inform the individual of
26 available local victim services.

27 NEW SECTION. **Sec. 4.** ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE
28 PROTECTION ORDER BY TRIBUNAL. (1) A tribunal may issue an order
29 enforcing or refusing to enforce a Canadian domestic violence
30 protection order on application of:

31 (a) A person authorized by law of this state other than this
32 chapter to seek enforcement of a domestic protection order; or

33 (b) A respondent.

34 (2) In a proceeding under subsection (1) of this section, the
35 tribunal shall follow the procedures of this state for enforcement of
36 a domestic protection order. An order entered under this section is
37 limited to the enforcement of the terms of the Canadian domestic
38 violence protection order as defined in section 2 of this act.

1 (3) A Canadian domestic violence protection order is enforceable
2 under this section if:

3 (a) The order identifies a protected individual and a respondent;

4 (b) The order is valid and in effect;

5 (c) The issuing court had jurisdiction over the parties and the
6 subject matter under law applicable in the issuing court; and

7 (d) The order was issued after:

8 (i) The respondent was given reasonable notice and had an
9 opportunity to be heard before the court issued the order; or

10 (ii) In the case of an ex parte order, the respondent was given
11 reasonable notice and had or will have an opportunity to be heard
12 within a reasonable time after the order was issued, in a manner
13 consistent with the right of the respondent to due process.

14 (4) A Canadian domestic violence protection order valid on its
15 face is prima facie evidence of its enforceability under this
16 section.

17 (5) A claim that a Canadian domestic violence protection order
18 does not comply with subsection (3) of this section is an affirmative
19 defense in a proceeding seeking enforcement of the order. If the
20 tribunal determines that the order is not enforceable, the tribunal
21 shall issue an order that the Canadian domestic violence protection
22 order is not enforceable under this section and section 3 of this act
23 and may not be registered under section 5 of this act.

24 NEW SECTION. **Sec. 5.** REGISTRATION OF CANADIAN DOMESTIC VIOLENCE
25 PROTECTION ORDER. (1) A person entitled to protection who has a valid
26 Canadian domestic violence protection order may file that order by
27 presenting a certified, authenticated, or exemplified copy of the
28 Canadian domestic violence protection order to a clerk of the court
29 of a Washington court in which the person entitled to protection
30 resides or to a clerk of the court of a Washington court where the
31 person entitled to protection believes enforcement may be necessary.
32 Any out-of-state department, agency, or court responsible for
33 maintaining protection order records, may by facsimile or electronic
34 transmission send a reproduction of the foreign protection order to
35 the clerk of the court of Washington as long as it contains a
36 facsimile or digital signature by any person authorized to make such
37 transmission.

1 (2) On receipt of a certified copy of a Canadian domestic
2 violence protection order, the clerk of the court shall register the
3 order in accordance with this section.

4 (3) An individual registering a Canadian domestic violence
5 protection order under this section shall file an affidavit stating
6 that, to the best of the individual's knowledge, the order is valid
7 and in effect.

8 (4) After a Canadian domestic violence protection order is
9 registered under this section, the clerk of the court shall provide
10 the individual registering the order a certified copy of the
11 registered order.

12 (5) A Canadian domestic violence protection order registered
13 under this section may be entered in a state or federal registry of
14 protection orders in accordance with law.

15 (6) An inaccurate, expired, or unenforceable Canadian domestic
16 violence protection order may be corrected or removed from the
17 registry of protection orders maintained in this state in accordance
18 with law of this state other than this chapter.

19 (7) A fee may not be charged for the registration of a Canadian
20 domestic violence protection order under this section.

21 (8) Registration in this state or filing under law of this state
22 other than this chapter of a Canadian domestic violence protection
23 order is not required for its enforcement under this chapter.

24 NEW SECTION. **Sec. 6.** IMMUNITY. The state, state agency, local
25 governmental agency, law enforcement officer, prosecuting attorney,
26 clerk of court, and state or local governmental official acting in an
27 official capacity are immune from civil and criminal liability for an
28 act or omission arising out of the registration or enforcement of a
29 Canadian domestic violence protection order or the detention or
30 arrest of an alleged violator of a Canadian domestic violence
31 protection order if the act or omission was a good faith effort to
32 comply with this chapter.

33 NEW SECTION. **Sec. 7.** OTHER REMEDIES. An individual who seeks a
34 remedy under this chapter may seek other legal or equitable remedies.

35 NEW SECTION. **Sec. 8.** UNIFORMITY OF APPLICATION AND
36 CONSTRUCTION. In applying and construing this uniform act,

1 consideration must be given to the need to promote uniformity of the
2 law with respect to its subject matter among states that enact it.

3 NEW SECTION. **Sec. 9.** RELATION TO ELECTRONIC SIGNATURES IN
4 GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or
5 supersedes the electronic signatures in global and national commerce
6 act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or
7 supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or
8 authorize electronic delivery of any of the notices described in
9 Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

10 NEW SECTION. **Sec. 10.** TRANSITION. This chapter applies to a
11 Canadian domestic violence protection order issued before, on, or
12 after the effective date of this section and to a continuing action
13 for enforcement of a Canadian domestic violence protection order
14 commenced before, on, or after the effective date of this section. A
15 request for enforcement of a Canadian domestic violence protection
16 order made on or after the effective date of this section for a
17 violation of the order occurring before, on, or after the effective
18 date of this section is governed by this chapter.

19 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
20 constitute a new chapter in Title 26 RCW.

21 **Sec. 12.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are
22 each reenacted and amended to read as follows:

23 A police officer having probable cause to believe that a person
24 has committed or is committing a felony shall have the authority to
25 arrest the person without a warrant. A police officer may arrest a
26 person without a warrant for committing a misdemeanor or gross
27 misdemeanor only when the offense is committed in the presence of an
28 officer, except as provided in subsections (1) through (11) of this
29 section.

30 (1) Any police officer having probable cause to believe that a
31 person has committed or is committing a misdemeanor or gross
32 misdemeanor, involving physical harm or threats of harm to any person
33 or property or the unlawful taking of property or involving the use
34 or possession of cannabis, or involving the acquisition, possession,
35 or consumption of alcohol by a person under the age of twenty-one
36 years under RCW 66.44.270, or involving criminal trespass under RCW

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

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

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

18 (b) A foreign protection order, as defined in RCW 26.52.010, or a
19 Canadian domestic violence protection order, as defined in section 2
20 of this act, has been issued of which the person under restraint has
21 knowledge and the person under restraint has violated a provision of
22 the foreign protection order or the Canadian domestic violence
23 protection order prohibiting the person under restraint from
24 contacting or communicating with another person, or excluding the
25 person under restraint from a residence, workplace, school, or day
26 care, or prohibiting the person from knowingly coming within, or
27 knowingly remaining within, a specified distance of a location, or a
28 violation of any provision for which the foreign protection order or
29 the Canadian domestic violence protection order specifically
30 indicates that a violation will be a crime; or

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

1 members have assaulted each other, the officer is not required to
2 arrest both persons. The officer shall arrest the person whom the
3 officer believes to be the primary physical aggressor. In making this
4 determination, the officer shall make every reasonable effort to
5 consider: (A) The intent to protect victims of domestic violence
6 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
7 or serious threats creating fear of physical injury; and (C) the
8 history of domestic violence of each person involved, including
9 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

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

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

37 (b) A law enforcement officer investigating at the scene of a
38 motor vessel accident may issue a citation for an infraction to the
39 operator of a motor vessel involved in the accident if the officer
40 has probable cause to believe that the operator has committed, in

1 connection with the accident, a violation of any boating safety law
2 of chapter 79A.60 RCW.

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

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

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

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

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

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

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

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

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

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

1 (15) No police officer may be held criminally or civilly liable
2 for making an arrest pursuant to subsection (2) or (9) of this
3 section if the police officer acts in good faith and without malice.

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

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

19 **Sec. 13.** RCW 26.50.035 and 2005 c 282 s 40 are each amended to
20 read as follows:

21 (1) The administrative office of the courts shall develop and
22 prepare instructions and informational brochures required under RCW
23 26.50.030(4), standard petition and order for protection forms, and a
24 court staff handbook on domestic violence and the protection order
25 process. The standard petition and order for protection forms must be
26 used after September 1, 1994, for all petitions filed and orders
27 issued under this chapter. The instructions, brochures, forms, and
28 handbook shall be prepared in consultation with interested persons,
29 including a representative of the state domestic violence coalition,
30 judges, and law enforcement personnel.

31 (a) The instructions shall be designed to assist petitioners in
32 completing the petition, and shall include a sample of standard
33 petition and order for protection forms.

34 (b) The informational brochure shall describe the use of and the
35 process for obtaining, modifying, and terminating a domestic violence
36 protection order as provided under this chapter, 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, 26.10, (~~26.26~~)

1 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as
2 provided by chapter 10.14 RCW, ((and)) a foreign protection order as
3 defined in chapter 26.52 RCW, and a Canadian domestic violence
4 protection order as defined in section 2 of this act.

5 (c) The order for protection form shall include, in a conspicuous
6 location, notice of criminal penalties resulting from violation of
7 the order, and the following statement: "You can be arrested even if
8 the person or persons who obtained the order invite or allow you to
9 violate the order's prohibitions. The respondent has the sole
10 responsibility to avoid or refrain from violating the order's
11 provisions. Only the court can change the order upon written
12 application."

13 (d) The court staff handbook shall allow for the addition of a
14 community resource list by the court clerk.

15 (2) All court clerks shall obtain a community resource list from
16 a domestic violence program, defined in RCW 70.123.020, serving the
17 county in which the court is located. The community resource list
18 shall include the names and telephone numbers of domestic violence
19 programs serving the community in which the court is located,
20 including law enforcement agencies, domestic violence agencies,
21 sexual assault agencies, legal assistance programs, interpreters,
22 multicultural programs, and batterers' treatment programs. The court
23 shall make the community resource list available as part of or in
24 addition to the informational brochures described in subsection (1)
25 of this section.

26 (3) The administrative office of the courts shall distribute a
27 master copy of the petition and order forms, instructions, and
28 informational brochures to all court clerks and shall distribute a
29 master copy of the petition and order forms to all superior,
30 district, and municipal courts.

31 (4) For purposes of this section, "court clerks" means court
32 administrators in courts of limited jurisdiction and elected court
33 clerks.

34 (5) The administrative office of the courts shall determine the
35 significant non-English-speaking or limited English-speaking
36 populations in the state. The administrator shall then arrange for
37 translation of the instructions and informational brochures required
38 by this section, which shall contain a sample of the standard
39 petition and order for protection forms, into the languages spoken by
40 those significant non-English-speaking populations and shall

1 distribute a master copy of the translated instructions and
2 informational brochures to all court clerks by January 1, 1997.

3 (6) The administrative office of the courts shall update the
4 instructions, brochures, standard petition and order for protection
5 forms, and court staff handbook when changes in the law make an
6 update necessary.

7 **Sec. 14.** RCW 26.50.110 and 2017 c 230 s 9 are each amended to
8 read as follows:

9 (1)(a) Whenever an order is granted under this chapter, chapter
10 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10,
11 (~~26.26~~) 26.26A, 26.26B, or 74.34 RCW, any temporary order for
12 protection is granted under chapter 7.40 RCW pursuant to chapter
13 74.34 RCW, (~~or~~) there is a valid foreign protection order as
14 defined in RCW 26.52.020, or there is a valid Canadian domestic
15 violence protection order as defined in section 2 of this act, and
16 the respondent or person to be restrained knows of the order, a
17 violation of any of the following provisions of the order is a gross
18 misdemeanor, except as provided in subsections (4) and (5) of this
19 section:

20 (i) The restraint provisions prohibiting acts or threats of
21 violence against, or stalking of, a protected party, or restraint
22 provisions prohibiting contact with a protected party;

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

25 (iii) A provision prohibiting a person from knowingly coming
26 within, or knowingly remaining within, a specified distance of a
27 location;

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

32 (v) A provision of a foreign protection order or a Canadian
33 domestic violence protection order specifically indicating that a
34 violation will be a crime.

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

37 (i) May require that the respondent submit to electronic
38 monitoring. The court shall specify who shall provide the electronic
39 monitoring services, and the terms under which the monitoring shall

1 be performed. The order also may include a requirement that the
2 respondent pay the costs of the monitoring. The court shall consider
3 the ability of the convicted person to pay for electronic monitoring.

4 (ii) Shall impose a fine of fifteen dollars, in addition to any
5 penalty or fine imposed, for a violation of a domestic violence
6 protection order issued under this chapter. Revenue from the fifteen
7 dollar fine must be remitted monthly to the state treasury for
8 deposit in the domestic violence prevention account.

9 (2) A peace officer shall arrest without a warrant and take into
10 custody a person whom the peace officer has probable cause to believe
11 has violated an order issued under this chapter, chapter 7.92, 7.90,
12 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, (~~26.26~~) 26.26A,
13 26.26B, or 74.34 RCW, any temporary order for protection granted
14 under chapter 7.40 RCW pursuant to chapter 74.34 RCW, (~~or~~) a valid
15 foreign protection order as defined in RCW 26.52.020, or a valid
16 Canadian domestic violence protection order as defined in section 2
17 of this act, that restrains the person or excludes the person from a
18 residence, workplace, school, or day care, or prohibits the person
19 from knowingly coming within, or knowingly remaining within, a
20 specified distance of a location, if the person restrained knows of
21 the order. Presence of the order in the law enforcement computer-
22 based criminal intelligence information system is not the only means
23 of establishing knowledge of the order.

24 (3) A violation of an order issued under this chapter, chapter
25 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10,
26 (~~26.26~~) 26.26A, 26.26B, or 74.34 RCW, (~~or~~~~or~~) a valid foreign
27 protection order as defined in RCW 26.52.020, or a valid Canadian
28 domestic violence protection order as defined in section 2 of this
29 act, shall also constitute contempt of court, and is subject to the
30 penalties prescribed by law.

31 (4) Any assault that is a violation of an order issued under this
32 chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99,
33 26.09, 26.10, (~~26.26~~) 26.26A, 26.26B, or 74.34 RCW, (~~or~~~~or~~) a
34 valid foreign protection order as defined in RCW 26.52.020, or a
35 valid Canadian domestic violence protection order as defined in
36 section 2 of this act, and that does not amount to assault in the
37 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
38 felony, and any conduct in violation of such an order that is
39 reckless and creates a substantial risk of death or serious physical
40 injury to another person is a class C felony.

1 (5) A violation of a court order issued under this chapter,
2 chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10,
3 ((~~26.26~~)) 26.26A, 26.26B, or 74.34 RCW, ((~~or~~)) a valid foreign
4 protection order as defined in RCW 26.52.020, or a valid Canadian
5 domestic violence protection order as defined in section 2 of this
6 act, is a class C felony if the offender has at least two previous
7 convictions for violating the provisions of an order issued under
8 this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
9 26.10, ((~~26.26~~)) 26.26A, 26.26B, or 74.34 RCW, ((~~or~~)) a valid foreign
10 protection order as defined in RCW 26.52.020 or a valid Canadian
11 domestic violence protection order as defined in section 2 of this
12 act. The previous convictions may involve the same victim or other
13 victims specifically protected by the orders the offender violated.

14 (6) Upon the filing of an affidavit by the petitioner or any
15 peace officer alleging that the respondent has violated an order
16 granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88,
17 9.94A, 10.99, 26.09, 26.10, ((~~26.26~~)) 26.26A, 26.26B, or 74.34 RCW,
18 ((~~or~~)) a valid foreign protection order as defined in RCW 26.52.020,
19 or a valid Canadian domestic violence protection order as defined in
20 section 2 of this act, the court may issue an order to the
21 respondent, requiring the respondent to appear and show cause within
22 fourteen days why the respondent should not be found in contempt of
23 court and punished accordingly. The hearing may be held in the court
24 of any county or municipality in which the petitioner or respondent
25 temporarily or permanently resides at the time of the alleged
26 violation.

27 **Sec. 15.** RCW 26.50.160 and 2017 3rd sp.s. c 6 s 335 are each
28 amended to read as follows:

29 To prevent the issuance of competing protection orders in
30 different courts and to give courts needed information for issuance
31 of orders, the judicial information system shall be available in each
32 district, municipal, and superior court by July 1, 1997, and shall
33 include a database containing the following information:

34 (1) The names of the parties and the cause number for every order
35 of protection issued under this title, every sexual assault
36 protection order issued under chapter 7.90 RCW, every criminal no-
37 contact order issued under chapters 9A.46 and 10.99 RCW, every
38 antiharassment order issued under chapter 10.14 RCW, every
39 dissolution action under chapter 26.09 RCW, every third-party custody

1 action under chapter 26.10 RCW, every parentage action under chapter
2 (~~26.26~~) 26.26A or 26.26B RCW, every restraining order issued on
3 behalf of an abused child or adult dependent person under chapter
4 26.44 RCW, every foreign protection order filed under chapter 26.52
5 RCW, every Canadian domestic violence protection order filed under
6 chapter 26.-- RCW (the new chapter created in section 11 of this
7 act), and every order for protection of a vulnerable adult under
8 chapter 74.34 RCW. When a guardian or the department of social and
9 health services or department of children, youth, and families has
10 petitioned for relief on behalf of an abused child, adult dependent
11 person, or vulnerable adult, the name of the person on whose behalf
12 relief was sought shall be included in the database as a party rather
13 than the guardian or appropriate department;

14 (2) A criminal history of the parties; and

15 (3) Other relevant information necessary to assist courts in
16 issuing orders under this chapter as determined by the judicial
17 information system committee.

18 **Sec. 16.** RCW 36.28A.410 and 2017 c 261 s 5 are each amended to
19 read as follows:

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

35 (b) The notification requirements of this section apply to any
36 court order issued under chapter 7.92 RCW and RCW 7.90.090,
37 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
38 26.10.040, 26.10.115, (~~26.26.130, 26.26.590~~) 26.26B.020, 26.50.060,
39 or 26.50.070, (~~and~~) any foreign protection order filed with a

1 Washington court pursuant to chapter 26.52 RCW, and any Canadian
2 domestic violence protection order filed with a Washington court
3 pursuant to chapter 26.-- RCW (the new chapter created in section 11
4 of this act), where the order prohibits the respondent from
5 possessing firearms or where by operation of law the respondent is
6 ineligible to possess firearms during the term of the order. The
7 notification requirements of this section apply even if the
8 respondent has notified the Washington state patrol that he or she
9 has appealed a background check denial under RCW 43.43.823.

10 (2) An appointed or elected official, public employee, or public
11 agency as defined in RCW 4.24.470, or combination of units of
12 government and its employees, as provided in RCW 36.28A.010, are
13 immune from civil liability for damages for any release of
14 information or the failure to release information related to the
15 statewide automated protected person notification system in this
16 section, so long as the release or failure to release was without
17 gross negligence. The immunity provided under this subsection applies
18 to the release of relevant and necessary information to other public
19 officials, public employees, or public agencies, and to the general
20 public.

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

27 NEW SECTION. Sec. 17. SEVERABILITY. If any provision of this
28 act or its application to any person or circumstance is held invalid,
29 the remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. Sec. 18. EFFECTIVE DATE. This act takes effect
32 January 1, 2020.

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