
HOUSE BILL 1902

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By Representatives Berry, Walen, Reed, Nance, Farivar, Doglio, Alvarado, Peterson, Pollet, Duerr, Davis, Hackney, Senn, Stonier, Fitzgibbon, Street, Callan, Reeves, Simmons, Taylor, Mena, Goodman, and Thai

Prefiled 12/06/23.

1 AN ACT Relating to enhancing requirements for the purchase or
2 transfer of firearms by requiring a permit to purchase firearms,
3 specifying standards for firearms safety training programs, and
4 specifying circumstances where a firearm transfer may be delayed;
5 amending RCW 9.41.090, 9.41.1132, 43.43.590, 9.41.049, 9.41.097,
6 9.41.0975, 9.41.110, 9.41.270, 9.41.280, 9.41.282, 9.41.284,
7 9.41.345, 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815,
8 7.105.305, 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570,
9 10.31.100, 10.99.030, 11.130.257, 26.09.060, 71.05.182, and
10 72.23.080; reenacting and amending RCW 9.41.047, 7.105.310, and
11 10.99.040; adding new sections to chapter 9.41 RCW; adding a new
12 section to chapter 43.43 RCW; and providing an effective date.

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

14 **Sec. 1.** RCW 9.41.090 and 2023 c 161 s 1 are each amended to read
15 as follows:

16 (1) In addition to the other requirements of this chapter, no
17 dealer may deliver a firearm to the purchaser thereof until:

18 (a) The purchaser (~~provides proof of completion of a recognized~~
19 ~~firearm safety training program within the last five years that~~
20 ~~complies with the requirements in RCW 9.41.1132, or proof that the~~

1 ~~purchaser is exempt from the training requirement))~~ produces a valid
2 permit to purchase firearms under section 2 of this act;

3 (b) The dealer is notified by the Washington state patrol
4 firearms background check program that the purchaser is eligible to
5 possess a firearm under state and federal law; and

6 (c) The requirements and time periods in RCW 9.41.092 have been
7 satisfied.

8 (2) In determining whether the purchaser is eligible to possess a
9 firearm, the Washington state patrol firearms background check
10 program shall check with the national instant criminal background
11 check system, provided for by the Brady handgun violence prevention
12 act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol
13 electronic database, the health care authority electronic database,
14 the administrative office of the courts, LInX-NW, and with other
15 agencies or resources as appropriate, to determine whether the
16 applicant is ineligible under RCW 9.41.040 to possess a firearm.

17 (3) (a) In any case where the applicant has an outstanding warrant
18 for his or her arrest from any court of competent jurisdiction for a
19 felony or misdemeanor, the Washington state patrol firearms
20 background check program shall advise the dealer that the delivery of
21 the firearm is delayed. The Washington state patrol firearms
22 background check program shall confirm the existence of outstanding
23 warrants after notification of the application to purchase a firearm
24 is received. Upon confirming that the warrant is valid, the
25 Washington state patrol firearms background check program will advise
26 the dealer that transfer of the firearm is denied.

27 (b) In any case where the Washington state patrol firearms
28 background check program has reasonable grounds based on the
29 following circumstances: (i) Open criminal charges, (ii) pending
30 criminal proceedings, (iii) pending commitment proceedings, or (iv)
31 an arrest for an offense making a person ineligible under RCW
32 9.41.040 to possess a firearm, if the records of disposition have not
33 yet been reported or entered sufficiently to determine eligibility to
34 purchase a firearm, the Washington state patrol firearms background
35 check program shall notify the dealer that delivery of the firearm is
36 delayed in order to confirm existing records in this state or
37 elsewhere or to confirm the identity of the applicant.

38 (4) (a) At the time of applying for the purchase of a firearm, the
39 purchaser shall sign and deliver to the dealer an application
40 containing:

1 (i) His or her full name, residential address, date and place of
2 birth, race, and gender;

3 (ii) The date and hour of the application;

4 (iii) The applicant's driver's license number or state
5 identification card number;

6 (iv) The identification number of the applicant's permit to
7 purchase firearms;

8 (v) A description of the firearm including the make, model,
9 caliber and manufacturer's number if available at the time of
10 applying for the purchase of the firearm. If the manufacturer's
11 number is not available at the time of applying for the purchase of a
12 firearm, the application may be processed, but delivery of the
13 firearm to the purchaser may not occur unless the manufacturer's
14 number is recorded on the application by the dealer and transmitted
15 to the Washington state patrol firearms background check program; and

16 (~~(v)~~) (vi) A statement that the purchaser is eligible to
17 purchase and possess a firearm under state and federal law.

18 (b) The dealer shall provide the applicant with information that
19 contains two warnings substantially stated as follows:

20 (i) CAUTION: Although state and local laws do not differ, federal
21 law and state law on the possession of firearms differ. If you are
22 prohibited by federal law from possessing a firearm, you may be
23 prosecuted in federal court. State permission to purchase a firearm
24 is not a defense to a federal prosecution; and

25 (ii) CAUTION: The presence of a firearm in the home has been
26 associated with an increased risk of death to self and others,
27 including an increased risk of suicide, death during domestic
28 violence incidents, and unintentional deaths to children and others.

29 The purchaser shall be given a copy of the department of fish and
30 wildlife pamphlet on the legal limits of the use of firearms and
31 firearms safety.

32 (c) The dealer shall, by the end of the business day, transmit
33 the information from the application through secure automated
34 firearms e-check (SAFE) to the Washington state patrol firearms
35 background check program. The original application shall be retained
36 by the dealer for six years.

37 (d) The dealer shall deliver the firearm to the purchaser once
38 the requirements and period of time specified in this chapter are
39 satisfied. The application shall not be denied unless the purchaser

1 is not eligible to purchase or possess the firearm under state or
2 federal law or has not complied with the requirements of this
3 section.

4 (e) The Washington state patrol firearms background check program
5 shall retain or destroy applications to purchase a firearm in
6 accordance with the requirements of 18 U.S.C. Sec. 922.

7 ~~((4))~~ (5) A person who knowingly makes a false statement
8 regarding identity or eligibility requirements on the application to
9 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

10 ~~((5))~~ (6) This section does not apply to sales to licensed
11 dealers for resale or to the sale of antique firearms.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
13 to read as follows:

14 (1) A person may apply for a permit to purchase firearms with the
15 Washington state patrol firearms background check program.

16 (2) An applicant for a permit to purchase firearms must submit to
17 the Washington state patrol firearms background check program:

18 (a) A completed permit application as provided in subsection (3)
19 of this section;

20 (b) A complete set of fingerprints taken by the local law
21 enforcement agency in the jurisdiction in which the applicant
22 resides;

23 (c) A certificate of completion of a certified firearms safety
24 training program within the last five years, or proof that the
25 applicant is exempt from the training requirement, as provided in RCW
26 9.41.1132; and

27 (d) The permit application fee as provided in subsection (11) of
28 this section.

29 (3) An application for a permit to purchase firearms must include
30 the applicant's:

31 (a) Full name and place and date of birth;

32 (b) Residential address and mailing address if different from the
33 residential address;

34 (c) Driver's license number or state identification card number;

35 (d) Physical description;

36 (e) Race and gender;

37 (f) Telephone number and email address, at the option of the
38 applicant; and

39 (g) Signature.

1 (4) The application must contain questions about the applicant's
2 eligibility to possess firearms under state and federal law and
3 whether the applicant is a United States citizen. If the applicant is
4 not a United States citizen, the applicant must provide the
5 applicant's country of citizenship, United States-issued alien number
6 or admission number, and the basis on which the applicant claims to
7 be exempt from federal prohibitions on firearm possession by aliens.
8 The applicant shall not be required to produce a birth certificate or
9 other evidence of citizenship. A person who is not a citizen of the
10 United States shall, if applicable, meet the additional requirements
11 of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173
12 upon application.

13 (5) A signed application for a permit to purchase firearms shall
14 constitute a waiver of confidentiality and written request that the
15 health care authority, mental health institutions, and other health
16 care facilities release information relevant to the applicant's
17 eligibility for a permit to purchase firearms to an inquiring court
18 or the Washington state patrol firearms background check program.

19 (6) The Washington state patrol firearms background check program
20 shall issue a permit to purchase firearms to an eligible applicant,
21 or deny the application, within 30 days of the date the application
22 was filed, or within 60 days of when the application was filed if the
23 applicant does not have a valid permanent Washington driver's license
24 or Washington state identification card or has not been a resident of
25 the state for the previous consecutive 90 days.

26 (7) (a) An application for a permit to purchase firearms shall not
27 be denied unless the applicant:

28 (i) Is prohibited from purchasing or possessing a firearm under
29 state or federal law;

30 (ii) Is subject to a court order or injunction regarding firearms
31 pursuant to chapter 7.105 RCW, or RCW 9A.44.210, 9A.46.080,
32 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or
33 26.26A.470, or any of the former RCW 10.14.080, 26.10.115, 26.50.060,
34 and 26.50.070;

35 (iii) Is free on bond or personal recognizance pending trial,
36 appeal, or sentencing for a felony offense;

37 (iv) Has an outstanding warrant for his or her arrest from any
38 court of competent jurisdiction for a felony or misdemeanor; or

39 (v) Has failed to produce a certificate of completion of a
40 certified firearms safety training program within the last five

1 years, or proof that the applicant is exempt from the training
2 requirement.

3 (b) If an application for a permit to purchase firearms is
4 denied, the Washington state patrol firearms background check program
5 shall send the applicant a written notice of the denial stating the
6 specific grounds on which the permit to purchase firearms is denied.
7 If the applicant provides an email address at the time of
8 application, the Washington state patrol firearms background check
9 program may send the denial notice to the applicant's email address.

10 (8)(a) In determining whether the applicant is eligible for a
11 permit to purchase firearms, the Washington state patrol firearms
12 background check program shall check with the national instant
13 criminal background check system, the Washington state patrol
14 electronic database, the health care authority electronic database,
15 the administrative office of the courts, LInX-NW, and with other
16 agencies or resources as appropriate.

17 (b) A background check for an original permit must be conducted
18 through the Washington state patrol criminal records division and
19 shall include a national check from the federal bureau of
20 investigation through the submission of fingerprints. The results
21 will be returned to the Washington state patrol firearms background
22 check program. The applicant may request and receive a copy of the
23 results of the background check from the firearms background check
24 program. If the applicant seeks to amend or correct their record, the
25 applicant must contact the Washington state patrol for a Washington
26 state record or the federal bureau of investigation for records from
27 other jurisdictions.

28 (9) The Washington state patrol firearms background check program
29 shall develop procedures to verify on an annual basis that persons
30 who have been issued a permit to purchase firearms remain eligible to
31 possess firearms under state and federal law and continue to meet
32 other eligibility requirements for issuance of a permit to possess
33 firearms. If a person is determined to be ineligible, the Washington
34 state patrol firearms background check program shall revoke the
35 permit under subsection (14) of this section.

36 (10) The permit to purchase firearms must be in a form prescribed
37 by the Washington state patrol firearms background check program and
38 must contain a unique permit number, expiration date, and the name,
39 date of birth, residential address, brief description, and signature
40 of the licensee.

1 (11)(a) A permit to purchase firearms is valid for a period of
2 five years. A person may renew a permit to purchase firearms by
3 applying for renewal in accordance with the requirements of this
4 section within 90 days before or after the expiration date of the
5 permit. A set of fingerprints is not required for a renewal
6 application if the original set has been retained by the Washington
7 state patrol firearms background check program. A renewed permit to
8 purchase firearms takes effect on the expiration date of the prior
9 permit to purchase firearms and is valid for a period of five years.

10 (b)(i) The fee for an application for an original or renewal
11 permit to purchase firearms is \$28, which may be adjusted by the
12 Washington state patrol firearms background check program to an
13 amount necessary to cover the costs incurred in administering the
14 permit to purchase firearms program. The Washington state patrol
15 firearms background check program shall establish a late penalty for
16 late renewal of a permit to purchase firearms. The Washington state
17 patrol firearms background check program shall transmit the fees
18 collected to the state treasurer for deposit in the state firearms
19 background check system account created in RCW 43.43.590.

20 (ii) Beginning five years after the effective date of this
21 section, permit fees under this subsection may be adjusted on a
22 biennial basis in an amount that does not exceed the average biennial
23 increase in the cost of providing the service based on a biennial
24 cost study performed by the Washington state patrol firearms
25 background check program.

26 (iii) In addition to the permit application fee, an applicant for
27 an original permit must pay the fingerprint processing fee under RCW
28 43.43.742.

29 (12) The Washington state patrol firearms background check
30 program shall mail a renewal notice to the holder of a permit to
31 purchase firearms approximately 90 days before the expiration date of
32 the permit at the address listed on the application, or to the permit
33 holder's new address if the permit holder has notified the Washington
34 state patrol firearms background check program of a change of
35 address. If the permit holder provides an email address at the time
36 of application, the Washington state patrol firearms background check
37 program may send the renewal notice to the permit holder's email
38 address. The notice must contain the date the permit to purchase
39 firearms will expire, the amount of the renewal fee, the penalty for

1 late renewal, and instructions on how to renew the permit to purchase
2 firearms.

3 (13) A permit to purchase firearms issued under this section does
4 not authorize the holder of the permit to carry a concealed pistol.

5 (14) The Washington state patrol firearms background check
6 program shall revoke a permit to purchase firearms on the occurrence
7 of any act or condition that would prevent the issuance of a permit
8 to purchase firearms. The Washington state patrol firearms background
9 check program shall send the permit holder a written notice of the
10 revocation stating the specific grounds on which the permit is
11 revoked and that the person must surrender his or her permit to
12 purchase firearms to the Washington state patrol within 48 hours of
13 receipt of the notification.

14 **Sec. 3.** RCW 9.41.1132 and 2023 c 161 s 2 are each amended to
15 read as follows:

16 (1) A person applying for ~~((the purchase or transfer of a~~
17 ~~firearm))~~ a permit to purchase firearms must provide ~~((proof))~~ a
18 certificate of completion of a ~~((recognized))~~ certified firearms
19 safety training program within the last five years that, at a
20 minimum, includes instruction on:

21 (a) Basic firearms safety rules;

22 (b) Firearms and children, including secure gun storage and
23 talking to children about gun safety;

24 (c) Firearms and suicide prevention;

25 (d) Secure gun storage to prevent unauthorized access and use;

26 (e) Safe handling of firearms;

27 (f) State and federal firearms laws, including prohibited
28 firearms transfers and locations where firearms are prohibited;

29 (g) State laws pertaining to the use of deadly force for self-
30 defense; ~~((and))~~

31 (h) Techniques for avoiding a criminal attack and how to manage a
32 violent confrontation, including conflict resolution; and

33 (i) Live-fire shooting exercises on a firing range that include a
34 demonstration by the applicant of the safe handling of, and shooting
35 proficiency with, firearms.

36 (2) The training must be sponsored by a federal, state, county,
37 or municipal law enforcement agency, a college or university, a
38 nationally recognized organization that customarily offers firearms
39 training, or a firearms training school with instructors certified by

1 a nationally recognized organization that customarily offers firearms
2 training. The (~~proof~~) certificate of training shall be in the form
3 (~~of a certification that states under the penalty of perjury that~~
4 ~~the training included the minimum requirements~~) and manner of
5 documentation developed by the Washington state patrol under section
6 4 of this act.

7 (3) The training may include stories provided by individuals with
8 lived experience in the topics listed in subsection (1)(a) through
9 (g) of this section or an understanding of the legal and social
10 impacts of discharging a firearm.

11 (4) The firearms safety training requirement of this section does
12 not apply to:

13 (a) A person who is a:

14 (i) General authority Washington peace officer as defined in RCW
15 10.93.020;

16 (ii) Limited authority Washington peace officer as defined in RCW
17 10.93.020 who as a normal part of their duties has arrest powers and
18 carries a firearm;

19 (iii) Specially commissioned Washington peace officer as defined
20 in RCW 10.93.020 who as a normal part of their duties has arrest
21 powers and carries a firearm; or

22 (iv) Federal peace officer as defined in RCW 10.93.020 who as a
23 normal part of their duties has arrest powers and carries a firearm;
24 or

25 (b) A person who is an active duty member of the armed forces of
26 the United States, an active member of the national guard, or an
27 active member of the armed forces reserves who, as part of the
28 applicant's service, has completed, within the last five years, a
29 course of training in firearms proficiency or familiarization that
30 included training on the safe handling and shooting proficiency with
31 firearms.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43
33 RCW to read as follows:

34 The Washington state patrol shall establish a program to provide
35 certifications for firearms safety training programs that meet the
36 requirements of RCW 9.41.1132, and to require certified firearms
37 safety programs to apply for recertification every five years. The
38 Washington state patrol shall develop the form and manner of
39 documentation for applicants for permits to purchase firearms to

1 provide proof of completion of a certified firearms safety training
2 program, and for use as proof of qualifying for an exemption from the
3 firearms safety training requirement.

4 **Sec. 5.** RCW 43.43.590 and 2020 c 28 s 3 are each amended to read
5 as follows:

6 The state firearms background check system account is created in
7 the custody of the state treasurer. All receipts under RCW 43.43.580
8 and section 2 of this act must be deposited into the account.
9 Expenditures from the account may be used only for the creation,
10 operation, and maintenance of the automated firearms background check
11 system under RCW 43.43.580, and for costs incurred in administering
12 the permit to purchase firearms program under section 2 of this act.
13 Only the chief of the Washington state patrol or the chief's designee
14 may authorize expenditures from the account. The account is subject
15 to allotment procedures under chapter 43.88 RCW, but an appropriation
16 is not required for expenditures.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.41 RCW
18 to read as follows:

19 A local law enforcement agency taking fingerprints pursuant to
20 section 2 of this act may charge a reasonable fee to recover as
21 nearly as practicable the direct and indirect costs to the local law
22 enforcement agency of taking and transmitting the fingerprints.

23 **Sec. 7.** RCW 9.41.047 and 2023 c 295 s 5 and 2023 c 161 s 3 are
24 each reenacted and amended to read as follows:

25 (1)(a) At the time a person is convicted or found not guilty by
26 reason of insanity of an offense making the person ineligible to
27 possess a firearm under state or federal law, including if the person
28 was convicted of possession under RCW 69.50.4011, 69.50.4013,
29 69.50.4014, or 69.41.030, or at the time a person is committed by
30 court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
31 chapter 10.77 RCW for treatment for a mental disorder, or at the time
32 that charges are dismissed based on incompetency to stand trial under
33 RCW 10.77.088 and the court makes a finding that the person has a
34 history of one or more violent acts, the court shall notify the
35 person, orally and in writing, that the person must immediately
36 surrender all firearms and any concealed pistol license or permit to
37 purchase firearms and that the person may not possess a firearm

1 unless the person's right to do so is restored by the superior court
2 that issued the order.

3 (b) The court shall forward within three judicial days after
4 conviction, finding of not guilty by reason of insanity, entry of the
5 commitment order, or dismissal of charges, a copy of the person's
6 driver's license or identicard, or comparable information such as the
7 person's name, address, and date of birth, along with the date of
8 conviction or commitment, or date charges are dismissed, to the
9 department of licensing and to the Washington state patrol firearms
10 background check program. When a person is committed by court order
11 under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter
12 10.77 RCW, for treatment for a mental disorder, or when a person's
13 charges are dismissed based on incompetency to stand trial under RCW
14 10.77.088 and the court makes a finding that the person has a history
15 of one or more violent acts, the court also shall forward, within
16 three judicial days after entry of the commitment order, or dismissal
17 of charges, a copy of the person's driver's license, or comparable
18 information, along with the date of commitment or date charges are
19 dismissed, to the national instant criminal background check system
20 index, denied persons file, created by the federal Brady handgun
21 violence prevention act (P.L. 103-159) and to the Washington state
22 patrol. The petitioning party shall provide the court with the
23 information required. If more than one commitment order is entered
24 under one cause number, only one notification to the department of
25 licensing, the Washington state patrol firearms background check
26 program, and the national instant criminal background check system is
27 required.

28 (2) (a) Upon receipt of the information provided for by subsection
29 (1) of this section, the department of licensing shall determine if
30 the person has a concealed pistol license. If the person has a
31 concealed pistol license, the department of licensing shall
32 immediately notify the license-issuing authority which, upon receipt
33 of such notification, shall immediately revoke the license.

34 (b) Upon receipt of the information provided in subsection (1) of
35 this section, the Washington state patrol firearms background check
36 program shall determine if the convicted or committed person, or the
37 person whose charges are dismissed based on incompetency to stand
38 trial, has a permit to purchase firearms. If the person does have a
39 permit to purchase firearms, the Washington state patrol firearms
40 background check program shall immediately revoke the permit.

1 (3) (a) A person who is prohibited from possessing a firearm, by
2 reason of having been involuntarily committed for treatment for a
3 mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
4 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
5 by reason of having been detained under RCW 71.05.150 or 71.05.153,
6 or because the person's charges were dismissed based on incompetency
7 to stand trial under RCW 10.77.088 and the court made a finding that
8 the person has a history of one or more violent acts, may, upon
9 discharge, petition the superior court to have his or her right to
10 possess a firearm restored, except that a person found not guilty by
11 reason of insanity may not petition for restoration of the right to
12 possess a firearm until one year after discharge.

13 (b) The petition must be brought in the superior court that
14 ordered the involuntary commitment or dismissed the charges based on
15 incompetency to stand trial or the superior court of the county in
16 which the petitioner resides.

17 (c) Except as provided in (d) and (e) of this subsection, firearm
18 rights shall be restored if the person petitioning for restoration of
19 firearm rights proves by a preponderance of the evidence that:

20 (i) The person petitioning for restoration of firearm rights is
21 no longer required to participate in court-ordered inpatient or
22 outpatient treatment;

23 (ii) The person petitioning for restoration of firearm rights has
24 successfully managed the condition related to the commitment or
25 detention or incompetency;

26 (iii) The person petitioning for restoration of firearm rights no
27 longer presents a substantial danger to self or to the public; and

28 (iv) The symptoms related to the commitment or detention or
29 incompetency are not reasonably likely to recur.

30 (d) If a preponderance of the evidence in the record supports a
31 finding that the person petitioning for restoration of firearm rights
32 has engaged in violence and that it is more likely than not that the
33 person will engage in violence after the person's right to possess a
34 firearm is restored, the person petitioning for restoration of
35 firearm rights shall bear the burden of proving by clear, cogent, and
36 convincing evidence that the person does not present a substantial
37 danger to the safety of others.

38 (e) If the person seeking restoration of firearm rights seeks
39 restoration after having been detained under RCW 71.05.150 or
40 71.05.153, the state shall bear the burden of proof to show, by a

1 preponderance of the evidence, that the person does not meet the
2 restoration criteria in (c) of this subsection.

3 (f) When a person's right to possess a firearm has been restored
4 under this subsection, the court shall forward, within three judicial
5 days after entry of the restoration order, notification that the
6 person's right to possess a firearm has been restored to the
7 department of licensing and the Washington state patrol criminal
8 records division, with a copy of the person's driver's license or
9 identicard, or comparable identification such as the person's name,
10 address, and date of birth, and to the health care authority, and the
11 national instant criminal background check system index, denied
12 persons file. In the case of a person whose right to possess a
13 firearm has been suspended for six months as provided in RCW
14 71.05.182, the Washington state patrol firearms background check
15 program shall lift the suspension and restore the person's permit to
16 purchase firearms, and the department of licensing shall forward
17 notification of the restoration order to the licensing authority,
18 which, upon receipt of such notification, shall immediately lift the
19 suspension, restoring the person's concealed pistol license.

20 (4) No person who has been found not guilty by reason of insanity
21 may petition a court for restoration of the right to possess a
22 firearm unless the person meets the requirements for the restoration
23 of the right to possess a firearm under RCW 9.41.041.

24 **Sec. 8.** RCW 9.41.049 and 2020 c 302 s 61 are each amended to
25 read as follows:

26 (1) When a designated crisis responder files a petition for
27 initial detention under RCW 71.05.150 or 71.05.153 on the grounds
28 that the person presents a likelihood of serious harm, the petition
29 shall include a copy of the person's driver's license or identicard
30 or comparable information such as their name, address, and date of
31 birth. If the person is not subsequently committed for involuntary
32 treatment under RCW 71.05.240, the court shall forward within three
33 business days of the probable cause hearing a copy of the person's
34 driver's license or identicard, or comparable information, along with
35 the date of release from the facility, to the department of licensing
36 and to the state patrol, who shall forward the information to the
37 national instant criminal background check system index, denied
38 persons file, created by the federal Brady handgun violence
39 prevention act (P.L. 103-159). Upon expiration of the six-month

1 period during which the person's right to possess a firearm is
2 suspended as provided in RCW 71.05.182, the Washington state patrol
3 shall forward to the national instant criminal background check
4 system index, denied persons file, notice that the person's right to
5 possess a firearm has been restored.

6 (2) (a) Upon receipt of the information provided for by subsection
7 (1) of this section, the department of licensing shall determine if
8 the detained person has a concealed pistol license. If the person
9 does have a concealed pistol license, the department of licensing
10 shall immediately notify the license-issuing authority, which, upon
11 receipt of such notification, shall immediately suspend the license
12 for a period of six months from the date of the person's release from
13 the facility.

14 (b) Upon receipt of the information provided in subsection (1) of
15 this section, the Washington state patrol firearms background check
16 program shall determine if the detained person has a permit to
17 purchase firearms. If the person does have a permit to purchase
18 firearms, the Washington state patrol firearms background check
19 program shall immediately suspend the permit for a period of six
20 months from the date of the person's release from the facility.

21 (3) A person who is prohibited from possessing a firearm by
22 reason of having been detained under RCW 71.05.150 or 71.05.153 may,
23 upon discharge, petition the superior court to have his or her right
24 to possess a firearm restored before the six-month suspension period
25 has elapsed by following the procedures provided in RCW 9.41.047(3).

26 **Sec. 9.** RCW 9.41.097 and 2023 c 161 s 6 are each amended to read
27 as follows:

28 (1) The health care authority, mental health institutions, and
29 other health care facilities shall, upon request of a court, law
30 enforcement agency, or the state, supply such relevant information as
31 is necessary to determine the eligibility of a person to possess a
32 firearm, to be issued a concealed pistol license under RCW 9.41.070
33 or a permit to purchase firearms under section 2 of this act, or to
34 purchase a firearm under RCW 9.41.090.

35 (2) Mental health information received by: (a) The department of
36 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing
37 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
38 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law
39 enforcement agency pursuant to subsection (1) of this section; or (e)

1 the Washington state patrol firearms background check program
2 pursuant to RCW 9.41.090, shall not be disclosed except as provided
3 in RCW 42.56.240(4).

4 **Sec. 10.** RCW 9.41.0975 and 2023 c 161 s 7 are each amended to
5 read as follows:

6 (1) The state, local governmental entities, any public or private
7 agency, and the employees of any state or local governmental entity
8 or public or private agency, acting in good faith, are immune from
9 liability:

10 (a) For failure to prevent the sale or transfer of a firearm to a
11 person whose receipt or possession of the firearm is unlawful;

12 (b) For preventing the sale or transfer of a firearm to a person
13 who may lawfully receive or possess a firearm;

14 (c) For issuing a concealed pistol license, permit to purchase
15 firearms, or alien firearm license to a person ineligible for such a
16 license;

17 (d) For failing to issue a concealed pistol license, permit to
18 purchase firearms, or alien firearm license to a person eligible for
19 such a license;

20 (e) For revoking or failing to revoke an issued concealed pistol
21 license, permit to purchase firearms, or alien firearm license;

22 (f) For errors in preparing or transmitting information as part
23 of determining a person's eligibility to receive or possess a
24 firearm, or eligibility for a concealed pistol license, permit to
25 purchase firearms, or alien firearm license;

26 (g) For issuing a dealer's license to a person ineligible for
27 such a license; or

28 (h) For failing to issue a dealer's license to a person eligible
29 for such a license.

30 (2) An application may be made to a court of competent
31 jurisdiction for a writ of mandamus:

32 (a) Directing an issuing agency to issue a concealed pistol
33 license, permit to purchase firearms, or alien firearm license
34 wrongfully refused;

35 (b) Directing the Washington state patrol firearms background
36 check program to approve an application to purchase a firearm
37 wrongfully denied;

38 (c) Directing that erroneous information resulting either in the
39 wrongful refusal to issue a concealed pistol license, permit to

1 purchase firearms, or alien firearm license or in the wrongful denial
2 of a purchase application for a firearm be corrected; or

3 (d) Directing a law enforcement agency to approve a dealer's
4 license wrongfully denied.

5 The application for the writ may be made in the county in which
6 the application for a concealed pistol license, permit to purchase
7 firearms, or alien firearm license or an application to purchase a
8 firearm was made, or in Thurston county, at the discretion of the
9 petitioner. A court shall provide an expedited hearing for an
10 application brought under this subsection (2) for a writ of mandamus.
11 A person granted a writ of mandamus under this subsection (2) shall
12 be awarded reasonable attorneys' fees and costs.

13 **Sec. 11.** RCW 9.41.110 and 2023 c 161 s 8 are each amended to
14 read as follows:

15 (1) No dealer may sell or otherwise transfer, or expose for sale
16 or transfer, or have in his or her possession with intent to sell, or
17 otherwise transfer, any pistol without being licensed as provided in
18 this section.

19 (2) No dealer may sell or otherwise transfer, or expose for sale
20 or transfer, or have in his or her possession with intent to sell, or
21 otherwise transfer, any firearm other than a pistol without being
22 licensed as provided in this section.

23 (3) No dealer may sell or otherwise transfer, or expose for sale
24 or transfer, or have in his or her possession with intent to sell, or
25 otherwise transfer, any ammunition without being licensed as provided
26 in this section.

27 (4) The duly constituted licensing authorities of any city, town,
28 or political subdivision of this state shall grant licenses in forms
29 prescribed by the director of licensing effective for not more than
30 one year from the date of issue permitting the licensee to sell
31 firearms within this state subject to the following conditions, for
32 breach of any of which the license shall be forfeited and the
33 licensee subject to punishment as provided in this chapter. A
34 licensing authority shall forward a copy of each license granted to
35 the department of licensing. The department of licensing shall notify
36 the department of revenue of the name and address of each dealer
37 licensed under this section.

38 (5)(a) A licensing authority shall, within thirty days after the
39 filing of an application of any person for a dealer's license,

1 determine whether to grant the license. However, if the applicant
2 does not have a valid permanent Washington driver's license or
3 Washington state identification card, or has not been a resident of
4 the state for the previous consecutive ninety days, the licensing
5 authority shall have up to sixty days to determine whether to issue a
6 license. No person shall qualify for a license under this section
7 without first receiving a federal firearms license and undergoing
8 fingerprinting and a background check. In addition, no person
9 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
10 a concealed pistol license under RCW 9.41.070 or permit to purchase
11 firearms under section 2 of this act shall qualify for a dealer's
12 license.

13 (b) A dealer shall require every employee who may sell a firearm
14 in the course of his or her employment to undergo fingerprinting and
15 a background check. An employee must be eligible to possess a
16 firearm, and must not have been convicted of a crime that would make
17 the person ineligible for a concealed pistol license or permit to
18 purchase firearms, before being permitted to sell a firearm. Every
19 employee shall comply with requirements concerning purchase
20 applications and restrictions on delivery of firearms that are
21 applicable to dealers.

22 (6)(a) Except as otherwise provided in (b) of this subsection,
23 the business shall be carried on only in the building designated in
24 the license. For the purpose of this section, advertising firearms
25 for sale shall not be considered the carrying on of business.

26 (b) A dealer may conduct business temporarily at a location other
27 than the building designated in the license, if the temporary
28 location is within Washington state and is the location of a gun show
29 sponsored by a national, state, or local organization, or an
30 affiliate of any such organization, devoted to the collection,
31 competitive use, or other sporting use of firearms in the community.
32 Nothing in this subsection (6)(b) authorizes a dealer to conduct
33 business in or from a motorized or towed vehicle.

34 In conducting business temporarily at a location other than the
35 building designated in the license, the dealer shall comply with all
36 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
37 this section. The license of a dealer who fails to comply with the
38 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
39 section while conducting business at a temporary location shall be

1 revoked, and the dealer shall be permanently ineligible for a
2 dealer's license.

3 (7) The license or a copy thereof, certified by the issuing
4 authority, shall be displayed on the premises in the area where
5 firearms are sold, or at the temporary location, where it can easily
6 be read.

7 (8) (a) No firearm may be sold: (i) In violation of any provisions
8 of this chapter; nor (ii) under any circumstances unless the
9 purchaser is personally known to the dealer or shall present clear
10 evidence of his or her identity.

11 (b) A dealer who sells or delivers any firearm in violation of
12 RCW 9.41.080 is guilty of a class C felony. In addition to any other
13 penalty provided for by law, the dealer is subject to mandatory
14 permanent revocation of his or her dealer's license and permanent
15 ineligibility for a dealer's license.

16 (c) The license fee for pistols shall be one hundred twenty-five
17 dollars. The license fee for firearms other than pistols shall be one
18 hundred twenty-five dollars. The license fee for ammunition shall be
19 one hundred twenty-five dollars. Any dealer who obtains any license
20 under subsection (1), (2), or (3) of this section may also obtain the
21 remaining licenses without payment of any fee. The fees received
22 under this section shall be deposited in the state general fund.

23 (9) (a) A true record shall be made of every pistol or
24 semiautomatic assault rifle sold, in a book kept for the purpose, the
25 form of which may be prescribed by the director of licensing and
26 shall be personally signed by the purchaser and by the person
27 effecting the sale, each in the presence of the other, and shall
28 contain the date of sale, the caliber, make, model and manufacturer's
29 number of the weapon, the name, address, occupation, and place of
30 birth of the purchaser, the identification number of the purchaser's
31 permit to purchase firearms, and a statement signed by the purchaser
32 that he or she is not ineligible under state or federal law to
33 possess a firearm. The dealer shall retain the transfer record for
34 six years.

35 (b) The dealer shall transmit the information from the firearm
36 transfer application through secure automated firearms e-check (SAFE)
37 to the Washington state patrol firearms background check program. The
38 Washington state patrol firearms background check program shall
39 transmit the application information for pistol and semiautomatic
40 assault rifle transfer applications to the director of licensing

1 daily. The original application shall be retained by the dealer for
2 six years.

3 (10) Subsections (2) through (9) of this section shall not apply
4 to sales at wholesale.

5 (11) The dealer's licenses authorized to be issued by this
6 section are general licenses covering all sales by the licensee
7 within the effective period of the licenses. The department shall
8 provide a single application form for dealer's licenses and a single
9 license form which shall indicate the type or types of licenses
10 granted.

11 (12) Except as otherwise provided in this chapter, every city,
12 town, and political subdivision of this state is prohibited from
13 requiring the purchaser to secure a permit to purchase or from
14 requiring the dealer to secure an individual permit for each sale.

15 **Sec. 12.** RCW 9.41.270 and 1994 sp.s. c 7 s 426 are each amended
16 to read as follows:

17 (1) It shall be unlawful for any person to carry, exhibit,
18 display, or draw any firearm, dagger, sword, knife or other cutting
19 or stabbing instrument, club, or any other weapon apparently capable
20 of producing bodily harm, in a manner, under circumstances, and at a
21 time and place that either manifests an intent to intimidate another
22 or that warrants alarm for the safety of other persons.

23 (2) Any person violating the provisions of subsection (1) above
24 shall be guilty of a gross misdemeanor. If any person is convicted of
25 a violation of subsection (1) of this section, the person shall lose
26 his or her concealed pistol license and permit to purchase firearms,
27 if any. The court shall send notice of the required revocation of any
28 concealed pistol license to the department of licensing, and the
29 city, town, or county which issued the license, and notice of the
30 required revocation of any permit to purchase firearms to the
31 Washington state patrol firearms background check program.

32 (3) Subsection (1) of this section shall not apply to or affect
33 the following:

34 (a) Any act committed by a person while in his or her place of
35 abode or fixed place of business;

36 (b) Any person who by virtue of his or her office or public
37 employment is vested by law with a duty to preserve public safety,
38 maintain public order, or to make arrests for offenses, while in the
39 performance of such duty;

1 (c) Any person acting for the purpose of protecting himself or
2 herself against the use of presently threatened unlawful force by
3 another, or for the purpose of protecting another against the use of
4 such unlawful force by a third person;

5 (d) Any person making or assisting in making a lawful arrest for
6 the commission of a felony; or

7 (e) Any person engaged in military activities sponsored by the
8 federal or state governments.

9 **Sec. 13.** RCW 9.41.280 and 2023 c 470 s 3004 are each amended to
10 read as follows:

11 (1) It is unlawful for a person to knowingly carry onto, or to
12 possess on, public or private elementary or secondary school
13 premises, school-provided transportation, areas of facilities while
14 being used exclusively by public or private schools, or areas of
15 facilities while being used for official meetings of a school
16 district board of directors:

17 (a) Any firearm;

18 (b) Any other dangerous weapon as defined in RCW 9.41.250;

19 (c) Any device commonly known as "~~((nun-chu-ka—[nunchaku]))~~
20 nunchaku sticks," consisting of two or more lengths of wood, metal,
21 plastic, or similar substance connected with wire, rope, or other
22 means;

23 (d) Any device, commonly known as "throwing stars," which are
24 multipointed, metal objects designed to embed upon impact from any
25 aspect;

26 (e) Any air gun, including any air pistol or air rifle, designed
27 to propel a BB, pellet, or other projectile by the discharge of
28 compressed air, carbon dioxide, or other gas; or

29 (f)(i) Any portable device manufactured to function as a weapon
30 and which is commonly known as a stun gun, including a projectile
31 stun gun which projects wired probes that are attached to the device
32 that emit an electrical charge designed to administer to a person or
33 an animal an electric shock, charge, or impulse; or

34 (ii) Any device, object, or instrument which is used or intended
35 to be used as a weapon with the intent to injure a person by an
36 electric shock, charge, or impulse.

37 (2)(a) Any such person violating subsection (1) of this section
38 is guilty of a misdemeanor.

1 (b) Second and subsequent violations of subsection (1) of this
2 section are a gross misdemeanor.

3 (c) If any person is convicted of a violation of subsection
4 (1)(a) of this section, the person shall have his or her concealed
5 pistol license and permit to purchase firearms, if any, revoked for a
6 period of three years. Anyone convicted under this subsection is
7 prohibited from applying for a concealed pistol license or permit to
8 purchase firearms for a period of three years. The court shall send
9 notice of the required revocation of any concealed pistol license to
10 the department of licensing, and the city, town, or county which
11 issued the license, and notice of the required revocation of any
12 permit to purchase firearms to the Washington state patrol firearms
13 background check program.

14 Any violation of subsection (1) of this section by elementary or
15 secondary school students constitutes grounds for expulsion from the
16 state's public schools in accordance with RCW 28A.600.010. An
17 appropriate school authority shall promptly notify law enforcement
18 and the student's parent or guardian regarding any allegation or
19 indication of such violation.

20 Upon the arrest of a person at least twelve years of age and not
21 more than twenty-one years of age for violating subsection (1)(a) of
22 this section, the person shall be detained or confined in a juvenile
23 or adult facility for up to seventy-two hours. The person shall not
24 be released within the seventy-two hours until after the person has
25 been examined and evaluated by the designated crisis responder unless
26 the court in its discretion releases the person sooner after a
27 determination regarding probable cause or on probation bond or bail.

28 Within twenty-four hours of the arrest, the arresting law
29 enforcement agency shall refer the person to the designated crisis
30 responder for examination and evaluation under chapter 71.05 or 71.34
31 RCW and inform a parent or guardian of the person of the arrest,
32 detention, and examination. The designated crisis responder shall
33 examine and evaluate the person subject to the provisions of chapter
34 71.05 or 71.34 RCW. The examination shall occur at the facility in
35 which the person is detained or confined. If the person has been
36 released on probation, bond, or bail, the examination shall occur
37 wherever is appropriate.

38 Upon completion of any examination by the designated crisis
39 responder, the results of the examination shall be sent to the court,

1 and the court shall consider those results in making any
2 determination about the person.

3 The designated crisis responder shall, to the extent permitted by
4 law, notify a parent or guardian of the person that an examination
5 and evaluation has taken place and the results of the examination.
6 Nothing in this subsection prohibits the delivery of additional,
7 appropriate mental health examinations to the person while the person
8 is detained or confined.

9 If the designated crisis responder determines it is appropriate,
10 the designated crisis responder may refer the person to the local
11 behavioral health administrative services organization for follow-up
12 services or other community providers for other services to the
13 family and individual.

14 (3) Subsection (1) of this section does not apply to:

15 (a) Any student or employee of a private military academy when on
16 the property of the academy;

17 (b) Any person engaged in military, law enforcement, or school
18 district security activities. However, a person who is not a
19 commissioned law enforcement officer and who provides school security
20 services under the direction of a school administrator may not
21 possess a device listed in subsection (1)(f) of this section unless
22 he or she has successfully completed training in the use of such
23 devices that is equivalent to the training received by commissioned
24 law enforcement officers;

25 (c) Any person who is involved in a convention, showing,
26 demonstration, lecture, or firearms safety course authorized by
27 school authorities in which the firearms of collectors or instructors
28 are handled or displayed;

29 (d) Any person while the person is participating in a firearms or
30 air gun competition approved by the school or school district;

31 (e) Any person in possession of a pistol who has been issued a
32 license under RCW 9.41.070, or is exempt from the licensing
33 requirement by RCW 9.41.060, while:

34 (i) Picking up or dropping off a student; or

35 (ii) Attending official meetings of a school district board of
36 directors held off school district-owned or leased property;

37 (f) Any nonstudent at least eighteen years of age legally in
38 possession of a firearm or dangerous weapon that is secured within an
39 attended vehicle or concealed from view within a locked unattended
40 vehicle while conducting legitimate business at the school;

1 (g) Any nonstudent at least eighteen years of age who is in
2 lawful possession of an unloaded firearm, secured in a vehicle while
3 conducting legitimate business at the school; or

4 (h) Any law enforcement officer of the federal, state, or local
5 government agency.

6 (4) Subsections (1)(c) and (d) of this section do not apply to
7 any person who possesses (~~nun-chu-ka~~ [nunchaku]) nunchaku sticks,
8 throwing stars, or other dangerous weapons to be used in martial arts
9 classes authorized to be conducted on the school premises.

10 (5) Subsection (1)(f)(i) of this section does not apply to any
11 person who possesses a device listed in subsection (1)(f)(i) of this
12 section, if the device is possessed and used solely for the purpose
13 approved by a school for use in a school authorized event, lecture,
14 or activity conducted on the school premises.

15 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of
16 this section, firearms are not permitted in a public or private
17 school building.

18 (7) "GUN-FREE ZONE" signs shall be posted around school
19 facilities giving warning of the prohibition of the possession of
20 firearms on school grounds.

21 (8) A school district board of directors must post signs
22 providing notice of the restrictions on possession of firearms and
23 other weapons under this section at facilities being used for
24 official meetings of the school district board of directors.

25 **Sec. 14.** RCW 9.41.282 and 2020 c 189 s 1 are each amended to
26 read as follows:

27 (1) It is unlawful for a person to carry onto, or to possess on,
28 licensed child care center premises, child care center-provided
29 transportation, or areas of facilities while being used exclusively
30 by a child care center:

31 (a) Any firearm;

32 (b) Any other dangerous weapon as described in RCW 9.41.250;

33 (c) Any air gun, including any air pistol or air rifle, designed
34 to propel a BB, pellet, or other projectile by the discharge of
35 compressed air, carbon dioxide, or other gas; or

36 (d)(i) Any portable device manufactured to function as a weapon
37 and which is commonly known as a stun gun, including a projectile
38 stun gun that projects wired probes that are attached to the device

1 that emit an electrical charge designed to administer to a person or
2 an animal an electric shock, charge, or impulse; or

3 (ii) Any device, object, or instrument that is used or intended
4 to be used as a weapon with the intent to injure a person by an
5 electric shock, charge, or impulse.

6 (2) A person who violates subsection (1) of this section is
7 guilty of a gross misdemeanor. If a person is convicted of a
8 violation of subsection (1)(a) of this section, the person shall have
9 his or her concealed pistol license and permit to purchase firearms,
10 if any, revoked for a period of three years. Anyone convicted under
11 subsection (1)(a) of this section is prohibited from applying for a
12 concealed pistol license or permit to purchase firearms for a period
13 of three years from the date of conviction. The court shall order the
14 person to immediately surrender any concealed pistol license and
15 permit to purchase firearms, and within three business days
16 (~~notify~~) provide written notification to the department of
17 licensing (~~in writing~~) of the required revocation of any concealed
18 pistol license held by the person and to the Washington state patrol
19 firearms background check program of the required revocation of any
20 permit to purchase firearms. Upon receipt of the notification by the
21 court, the department of licensing shall determine if the person has
22 a concealed pistol license. If the person does have a concealed
23 pistol license, the department of licensing shall immediately notify
24 the license-issuing authority which, upon receipt of the
25 notification, shall immediately revoke the license.

26 (3) Subsection (1) of this section does not apply to:

27 (a) Family day care provider homes as defined in RCW 43.216.010;

28 (b) Any person in possession of a pistol who has been issued a
29 license under RCW 9.41.070, or is exempt from the licensing
30 requirement by RCW 9.41.060, while picking up or dropping off a child
31 at the child care center;

32 (c) Any person at least eighteen years of age legally in
33 possession of a firearm or dangerous weapon that is secured within an
34 attended vehicle or concealed from view within a locked unattended
35 vehicle while conducting legitimate business at the child care
36 center; or

37 (d) Any law enforcement officer of a federal, state, or local
38 government agency.

1 (4) Child care centers must post "GUN-FREE ZONE" signs giving
2 warning of the prohibition of the possession of firearms on center
3 premises.

4 (5) A child care center that is located on public or private
5 elementary or secondary school premises is subject to the
6 requirements of RCW 9.41.280.

7 (6) For the purposes of this section, child care center has the
8 same meaning as "child day care center" as defined in RCW 43.216.010.

9 **Sec. 15.** RCW 9.41.284 and 2023 c 470 s 3005 are each amended to
10 read as follows:

11 (1) Except as provided in subsections (3) and (4) of this
12 section, it is unlawful for a person to knowingly carry onto, or to
13 possess in, a ballot counting center, a voting center, a student
14 engagement hub, or the county elections and voter registration
15 office, or areas of facilities while being used as a ballot counting
16 center, a voting center, a student engagement hub, or the county
17 elections and voter registration office:

18 (a) Any firearm;

19 (b) Any other dangerous weapon as described in RCW 9.41.250;

20 (c) Any air gun, including any air pistol or air rifle, designed
21 to propel a BB, pellet, or other projectile by the discharge of
22 compressed air, carbon dioxide, or other gas;

23 (d)(i) Any portable device manufactured to function as a weapon
24 and which is commonly known as a stun gun, including a projectile
25 stun gun that projects wired probes that are attached to the device
26 that emit an electrical charge designed to administer to a person or
27 an animal an electric shock, charge, or impulse; or

28 (ii) Any device, object, or instrument that is used or intended
29 to be used as a weapon with the intent to injure a person by an
30 electric shock, charge, or impulse; or

31 (e) Any spring blade knife as defined in RCW 9.41.250.

32 (2)(a) A person who violates subsection (1) of this section is
33 guilty of a misdemeanor.

34 (b) Second and subsequent violations of this section are a gross
35 misdemeanor.

36 (c) If a person is convicted of a violation of subsection (1)(a)
37 of this section, the person shall have his or her concealed pistol
38 license and permit to purchase firearms, if any, revoked for a period
39 of three years. Anyone convicted under subsection (1)(a) of this

1 section is prohibited from applying for a concealed pistol license or
2 permit to purchase firearms for a period of three years from the date
3 of conviction. The court shall order the person to immediately
4 surrender any concealed pistol license and permit to purchase
5 firearms, and within three business days (~~notify~~) provide written
6 notification to the department of licensing (~~in writing~~) of the
7 required revocation of any concealed pistol license held by the
8 person and to the Washington state patrol firearms background check
9 program of the required revocation of any permit to purchase
10 firearms. Upon receipt of the notification by the court, the
11 department of licensing shall determine if the person has a concealed
12 pistol license. If the person does have a concealed pistol license,
13 the department of licensing shall immediately notify the license-
14 issuing authority which, upon receipt of the notification, shall
15 immediately revoke the license.

16 (3) Subsection (1) of this section does not apply to:

17 (a) Any law enforcement officer of a federal, state, or local
18 government agency; or

19 (b) Any security personnel hired by a county and engaged in
20 security specifically for a counting center, a voting center, a
21 student engagement hub, or the county elections and voter
22 registration office or areas of facilities used for such purposes.
23 However, a person who is not a commissioned law enforcement officer
24 and who provides elections and voter registration security services
25 under the direction of a county may not possess a firearm or device
26 listed in subsection (1)(d) of this section unless he or she has
27 successfully completed training in the use of firearms or such
28 devices that is equivalent to the training received by commissioned
29 law enforcement officers.

30 (4) Subsection (1) of this section does not prohibit concealed
31 carry of a pistol, by a person licensed to carry a concealed pistol
32 pursuant to RCW 9.41.070, in any voting center, student engagement
33 hub, county elections and voter registration office, or areas of
34 facilities while being used as a voting center, student engagement
35 hub, or county elections and voter registration office. However, no
36 weapon restricted by this section, whether concealed or openly
37 carried, may be possessed in any ballot counting center or areas of
38 facilities while being used as a ballot counting center.

39 (5) Elections officers and officials must post signs providing
40 notice of the restriction on possession of firearms and other weapons

1 at each counting center, voting center, student engagement hub, or
2 county elections and voter registration office, or areas of
3 facilities while being used as a counting center, a voting center, a
4 student engagement hub, or the county elections and voter
5 registration office.

6 (6) For the purposes of this section:

7 (a) "Ballot counting center" has the same meaning as "counting
8 center" in RCW 29A.04.019;

9 (b) "Voting center" means a voting center as described in RCW
10 29A.40.160; and

11 (c) "Student engagement hub" means a student engagement hub as
12 described in RCW 29A.40.180.

13 **Sec. 16.** RCW 9.41.345 and 2023 c 462 s 402 are each amended to
14 read as follows:

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

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

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

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

24 (d) Ensure that five business days have elapsed from the time the
25 firearm was obtained by law enforcement; and

26 (e) If a family or household member or intimate partner has
27 requested notification under RCW 9.41.340(1)(a)(i), or notification
28 to an identified victim or protected person is required per RCW
29 9.41.340(1)(a)(ii), provide notice to the appropriate person within
30 one business day of verifying that the requirements in (a) through
31 (c) of this subsection have been met.

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

36 (b)(i) If a firearm cannot be returned because it is required to
37 be held in custody or is otherwise prohibited from being released, a
38 law enforcement agency must provide written notice to the individual
39 from whom it was obtained within five business days of the individual

1 requesting return of the firearm and specify the reason the firearm
2 must be held in custody.

3 (ii) Notification may be made via email, text message, mail
4 service, or personal service. For methods other than personal
5 service, service shall be considered complete once the notification
6 is sent.

7 (3) If notification is required under RCW 9.41.340(1)(a) (i) or
8 (ii), a law enforcement agency must hold the firearm in custody for
9 five business days from the time notification has been provided or
10 information has been entered.

11 (4)(a) A law enforcement agency may not return a concealed pistol
12 license or permit to purchase firearms that has been surrendered to,
13 or impounded by, the law enforcement agency for any reason to the
14 licensee or permittee until the law enforcement agency determines the
15 licensee or permittee is eligible to possess a firearm under state
16 and federal law and meets the other eligibility requirements for a
17 concealed pistol license under RCW 9.41.070 or a permit to purchase
18 firearms under section 2 of this act.

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

23 (5) The provisions of chapter 130, Laws of 2015 and subsection
24 (4) of this section shall not apply to circumstances where a law
25 enforcement officer has momentarily obtained a firearm ~~((\oplus))~~,
26 concealed pistol license, or permit to purchase firearms from an
27 individual and would otherwise immediately return the firearm ~~((\oplus))~~,
28 concealed pistol license, or permit to purchase firearms to the
29 individual during the same interaction.

30 **Sec. 17.** RCW 9.41.800 and 2023 c 462 s 503 are each amended to
31 read as follows:

32 (1) Any court when entering an order authorized under chapter
33 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040,
34 10.99.045, 26.09.050, 26.09.060, 26.26B.020, 26.26A.470, or
35 46.61.5055 shall, upon a showing by a preponderance of the evidence,
36 that a party has: Used, displayed, or threatened to use a firearm or
37 other dangerous weapon in a felony, or is ineligible to possess a
38 firearm under the provisions of RCW 9.41.040:

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

3 (b) Require that the party immediately surrender any concealed
4 pistol license issued under RCW 9.41.070 and any permit to purchase
5 firearms under section 2 of this act;

6 (c) Prohibit the party from accessing, having custody or control,
7 possessing, purchasing, receiving, or attempting to purchase or
8 receive, any firearms or other dangerous weapons;

9 (d) Prohibit the party from obtaining or possessing a concealed
10 pistol license or permit to purchase firearms;

11 (e) Other than for ex parte temporary protection orders, unless
12 the ex parte temporary protection order was reissued after the party
13 received noticed and had an opportunity to be heard, direct (~~law~~
14 ~~enforcement~~) the issuing authority to revoke any concealed pistol
15 license and permit to purchase firearms issued to the party.

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

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

24 (b) Restrains the party from harassing, stalking, or threatening
25 an intimate partner of the party, the protected person, or child of
26 the intimate partner, party, or protected person, or engaging in
27 other conduct that would place an intimate partner or protected
28 person in reasonable fear of bodily injury to the intimate partner,
29 protected person, or child; and

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

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

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

1 (B) Require that the party immediately surrender a concealed
2 pistol license issued under RCW 9.41.070 and a permit to purchase
3 firearms issued under section 2 of this act;

4 (C) Prohibit the party from accessing, having custody or control,
5 possessing, purchasing, receiving, or attempting to purchase or
6 receive, any firearms or other dangerous weapons; and

7 (D) Prohibit the party from obtaining or possessing a concealed
8 pistol license or permit to purchase firearms.

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

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

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

23 (6) The court shall require the party to surrender all firearms
24 and other dangerous weapons in the party's custody, control, or
25 possession, or subject to the party's immediate possession or
26 control, and any concealed pistol license issued under RCW 9.41.070
27 and permit to purchase firearms issued under section 2 of this act,
28 to the local law enforcement agency.

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

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

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

1 (c) Law enforcement officers shall use law enforcement databases
2 to assist in locating the party in situations where the protected
3 person does not know where the party lives or where there is evidence
4 that the party is trying to evade service.

5 **Sec. 18.** RCW 9.41.801 and 2023 c 462 s 403 are each amended to
6 read as follows:

7 (1) Because of the heightened risk of lethality to petitioners
8 when respondents to protection orders become aware of court
9 involvement and continue to have access to firearms, and the
10 frequency of noncompliance with court orders prohibiting possession
11 of firearms, law enforcement and judicial processes must emphasize
12 swift and certain compliance with court orders prohibiting access,
13 possession, and ownership of all firearms.

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

1 record. A copy of the order and service shall be transmitted
2 immediately to law enforcement. The respondent must immediately
3 surrender all firearms, dangerous weapons, and any concealed pistol
4 license and permit to purchase firearms in a safe manner to the
5 control of the local law enforcement agency on the day of the hearing
6 at which the respondent was present in person or remotely.
7 Alternatively, if personal service by a law enforcement officer is
8 not possible, and the respondent did not appear in person or remotely
9 at the hearing, the respondent shall surrender the firearms in a safe
10 manner to the control of the local law enforcement agency within 24
11 hours of being served with the order by alternate service.

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

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

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

39 (a) The firearm or dangerous weapon is removed from the
40 respondent's access, custody, control, or possession and the lawful

1 owner agrees by written document signed under penalty of perjury to
2 store the firearm or dangerous weapon in a manner such that the
3 respondent does not have access to or control of the firearm or
4 dangerous weapon;

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

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

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

35 (b) In making its findings regarding compliance, the court should
36 also consider any available department of licensing and Washington
37 state patrol firearm records; for criminal cases, the police report
38 and any documentation of firearms, or their recovery pursuant to RCW
39 10.99.030(3)(a); and for civil protection order cases, the protection
40 order narrative, any sections of the protection order petition that

1 specifically reference or inquire about firearms and other dangerous
2 weapons, any attachments to the protection order petition, any
3 affidavits from law enforcement or the petitioner in response to a
4 respondent's declaration regarding firearm surrender, or other
5 relevant evidence regarding firearms, dangerous weapons, or a
6 concealed pistol license or permit to purchase firearms in the
7 person's custody, control, or possession.

8 (c) If the court is considering waiving or delaying the
9 compliance review hearing, the petitioner, law enforcement, or the
10 state or city attorney may request that the compliance hearing be
11 held, if there is reasonable suspicion to believe that the respondent
12 has not surrendered all firearms, dangerous weapons, and any
13 concealed pistol license and permit to purchase firearms, or is
14 otherwise out of compliance with the court's order.

15 (7)(a) If a court finds at the compliance review hearing, or any
16 other hearing where compliance with the order to surrender and
17 prohibit weapons is addressed, that there is probable cause to
18 believe the respondent was aware of and failed to fully comply with
19 the order, failed to appear at the compliance review hearing, or
20 violated the order after the court entered findings of compliance,
21 pursuant to its authority under chapter 7.21 RCW, the court may issue
22 an arrest warrant and initiate a contempt proceeding to impose
23 remedial sanctions on its own motion, or upon the motion of the
24 prosecutor, city attorney, or the petitioner's counsel, and issue an
25 order requiring the respondent to appear, with additional sanctions
26 for failure to appear, provide proof of compliance with the order,
27 and show cause why the respondent should not be held in contempt of
28 court.

29 (b) If the respondent is not present in court at the compliance
30 review hearing or if the court issues an order to appear and show
31 cause after a compliance review hearing, the clerk of the court shall
32 electronically transmit a copy of the order to show cause to the law
33 enforcement agency where the respondent resides for personal service
34 or service in the manner provided in the civil rules of superior
35 court or applicable statute. Law enforcement shall also serve a copy
36 of the order to show cause on the petitioner, either electronically
37 or in person, at no cost.

38 (c) The order to show cause served upon the respondent shall
39 state the date, time, and location of the hearing and shall include a
40 warning that the respondent may be held in contempt of court if the

1 respondent fails to promptly comply with the terms of the order to
2 surrender and prohibit weapons and a warning that an arrest warrant
3 could be issued if the respondent fails to appear on the date and
4 time provided in the order.

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

9 (ii) The court shall take judicial notice of the receipt filed
10 with the court by the law enforcement agency pursuant to subsection
11 (3) of this section. The court shall also provide sufficient notice
12 to the law enforcement agency of the hearing. Upon receiving notice
13 pursuant to this subsection, a law enforcement agency must:

14 (A) Provide the court with a complete list of firearms and other
15 dangerous weapons surrendered by the respondent or otherwise
16 belonging to the respondent that are in the possession of the law
17 enforcement agency; and

18 (B) Provide the court with verification that any concealed pistol
19 license and permit to purchase firearms issued to the respondent
20 (~~has~~) have been surrendered and an agency with authority to revoke
21 the license has been notified.

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

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

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

35 (8) (a) To help ensure that accurate and comprehensive information
36 about firearms compliance is provided to judicial officers, a
37 representative from either the prosecuting attorney's office or city
38 attorney's office, or both, from the relevant jurisdiction may appear
39 and be heard or submit written information at any hearing that
40 concerns compliance with an order to surrender and prohibit weapons.

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

6 (9) (a) The act of voluntarily surrendering firearms or weapons,
7 providing testimony relating to the surrender of firearms or weapons,
8 or complying with an order to surrender and prohibit weapons issued
9 pursuant to RCW 9.41.800 or 10.99.100, and any information directly
10 or indirectly derived from such act or testimony, may not be used
11 against the person subject to the order in any criminal prosecution
12 under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any
13 criminal prosecution pursuant to which such order to surrender and
14 prohibit weapons was issued, except a prosecution for perjury, giving
15 a false statement, or otherwise failing to comply with the order.
16 Every such order issued subsequent to July 23, 2023, shall contain
17 language consistent with the statutory immunity set forth in this
18 subsection.

19 (b) If a person subject to such an order invokes the privilege
20 against self-incrimination at the time of issuance of the order or at
21 a subsequent hearing, the court may afford the person subject to the
22 order an opportunity to demonstrate that compliance with the
23 surrender provision of the order would expose that person to a
24 realistic threat of self-incrimination in a subsequent or pending
25 criminal proceeding. The court may conduct this portion of the
26 proceeding ex parte or receive evidence in camera, without the
27 presence of the prosecuting attorney, after the court conducts an
28 analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that
29 the courtroom may be closed.

30 (c) If the person subject to the order establishes such a
31 realistic threat of self-incrimination regarding possible criminal
32 prosecution that is not addressed by the immunity from prosecution
33 set forth in (a) of this subsection, the court shall afford the
34 relevant prosecuting attorney an opportunity to offer an immunity
35 agreement tailored specifically to the firearms or weapons implicated
36 by the potential self-incrimination. To achieve the purposes of this
37 section, any immunity offered should be narrowly tailored to address
38 any realistic threat of self-incrimination while ensuring that any
39 other firearms not implicated are surrendered.

1 (d) Any immunity from prosecution beyond the immunity set forth
2 in (a) of this subsection, may only be extended by the prosecuting
3 attorney. If the prosecuting attorney declines to extend immunity
4 such that the person subject to the order cannot fully comply with
5 its surrender provision without facing a realistic threat of self-
6 incrimination, the court's order must provide for the surrender of
7 every firearm, dangerous weapon, ~~((and))~~ concealed pistol license,
8 and permit to purchase firearms that does not implicate a realistic
9 threat of self-incrimination. The order's prohibitions regarding
10 accessing, purchasing, receiving, or attempting to purchase or
11 receive, any firearms or other dangerous weapons, or any concealed
12 pistol license or permit to purchase firearms, remain in effect.

13 (e) Nothing in this section shall be interpreted as diminishing
14 the requirement that the person subject to the order fully comply
15 with the order issued by the court. The burden remains on the person
16 subject to the order to prove compliance.

17 (10) To provide relevant information to the court to determine
18 compliance with the order, the court may allow the prosecuting
19 attorney or city attorney to question the respondent regarding
20 compliance.

21 (11) All law enforcement agencies must have policies and
22 procedures to provide for the acceptance, storage, and return of
23 firearms, dangerous weapons, ~~((and))~~ concealed pistol licenses, and
24 permits to purchase firearms that a court requires must be
25 surrendered under RCW 9.41.800. A law enforcement agency holding any
26 firearm ~~((or))~~, concealed pistol license, or permit to purchase
27 firearms that has been surrendered under RCW 9.41.800 shall comply
28 with the provisions of RCW 9.41.340 and 9.41.345 before the return of
29 the firearm ~~((or))~~, concealed pistol license, or permit to purchase
30 firearms to the owner or individual from whom it was obtained.

31 (12) The administrative office of the courts shall create a
32 statewide pattern form to assist the courts in ensuring timely and
33 complete compliance in a consistent manner with orders issued under
34 this chapter. The administrative office of the courts shall report
35 annually on the number of ex parte and full orders issued under this
36 chapter by each court, and, if available, the type of protection
37 order, no-contact order, restraining order, or criminal charge with
38 which the order was issued, the duration of the order, the period of
39 time from issuance of the order until the court's finding of
40 compliance, any violations, the nature of the violations, any

1 sanctions imposed, the number of firearms obtained pursuant to each
2 order, whether subsequent orders were issued involving the same
3 respondent, and may make recommendations regarding additional
4 procedures, training, or data collection and reporting to enhance
5 compliance and victim safety.

6 **Sec. 19.** RCW 9.41.802 and 2014 c 111 s 4 are each amended to
7 read as follows:

8 By December 1, 2014, the administrative office of the courts
9 shall develop a proof of surrender and receipt pattern form to be
10 used to document that a respondent has complied with a requirement to
11 surrender firearms, dangerous weapons, and his or her concealed
12 pistol license and permit to purchase firearms, as ordered by a court
13 under RCW 9.41.800. The administrative office of the courts must also
14 develop a declaration of nonsurrender pattern form to document
15 compliance when the respondent has no firearms, dangerous weapons,
16 (~~or~~) concealed pistol license, or permit to purchase firearms.

17 **Sec. 20.** RCW 9.41.804 and 2023 c 462 s 404 are each amended to
18 read as follows:

19 (1) To prove full compliance with the court's order to surrender
20 firearms, dangerous weapons, and any concealed pistol license or
21 permit to purchase firearms under RCW 9.41.800, the person subject to
22 the order must file with the clerk of the court: (a) A completed
23 proof of surrender and receipt form; (b) a declaration that the
24 person has no firearms, dangerous weapons, (~~or~~) concealed pistol
25 license, or permit to purchase firearms; or (c) other evidence
26 sufficient to establish full and timely compliance with the order.

27 (2) The verification of compliance required in subsection (1) of
28 this section must be provided to the court within 24 hours of service
29 of the order, unless the order is pursuant to a criminal proceeding.
30 In a criminal proceeding, if the person subject to the order is in
31 custody, proof of compliance must be provided to the court before the
32 person subject to the order is released from custody; otherwise,
33 proof of compliance must be provided before the conclusion of the
34 sentencing hearing. If the court finds that surrender of all
35 firearms, dangerous weapons, and any concealed pistol license or
36 permit to purchase firearms is not possible prior to release or prior
37 to the conclusion of the hearing, then arrangements for surrender
38 shall be made and approved by the court before the person's release

1 from custody or before the conclusion of the sentencing hearing, and
2 the court shall order a law enforcement officer to accompany the
3 person to the location where the firearms, dangerous weapons, ~~((and))~~
4 concealed pistol license, and permit to purchase firearms are located
5 so that they are surrendered directly to the law enforcement officer.
6 Surrender to local law enforcement shall occur in a safe manner and
7 proof of compliance provided by law enforcement to the court within
8 24 hours of either the person's release from custody or the
9 conclusion of the sentencing hearing.

10 (3) By December 30, 2023, the administrative office of the courts
11 shall develop and distribute any new or updated forms necessary to
12 implement subsections (1) and (2) of this section, and other sections
13 of chapter 462, Laws of 2023 where a form needs to be created or
14 updated.

15 **Sec. 21.** RCW 9.41.815 and 2021 c 215 s 76 are each amended to
16 read as follows:

17 For the purpose of assisting courts in ensuring compliance with
18 an order to surrender and prohibit weapons or an extreme risk
19 protection order, the department of licensing, or the agency with
20 responsibility for maintaining that information should it be an
21 agency other than the department of licensing, shall make the
22 following information available to prosecuting attorneys' offices,
23 city attorneys' offices, public defender agency staff, probation
24 services personnel, and judicial officers and staff of municipal,
25 district, and superior courts for the following law enforcement
26 purposes:

27 (1) Determining whether a person is ineligible to possess
28 firearms;

29 (2) Determining a person's firearms purchase history; and

30 (3) Determining whether a person has or previously had a
31 concealed pistol license or permit to purchase firearms, or has
32 applied for a concealed pistol license or permit to purchase
33 firearms.

34 **Sec. 22.** RCW 7.105.305 and 2022 c 268 s 16 are each amended to
35 read as follows:

36 (1) Where it appears from the petition and any additional
37 evidence that the respondent has engaged in conduct against the
38 petitioner that serves as a basis for a protection order under this

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

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

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

31 (4) If a full hearing is set on a petition that is filed before
32 close of business on a judicial day, the hearing must be set not
33 later than 14 days from the date of the filing of the petition. If a
34 full hearing is set on a petition that is submitted after close of
35 business on a judicial day or is submitted on a nonjudicial day, the
36 hearing must be set not later than 14 days from the first judicial
37 day after the petition is filed, which may be extended for good
38 cause.

39 (5) If the court does not set a full hearing, the petitioner may
40 file an amended petition within 14 days of the court's denial. If the

1 court determines the amended petition does not contain prima facie
2 allegations to support the issuance of any type of protection order
3 or if the petitioner fails to file an amended petition within the
4 required time, the court may enter an order dismissing the petition.

5 (6) A petitioner may not obtain an ex parte temporary
6 antiharassment protection order against a respondent if the
7 petitioner has previously obtained two such ex parte orders against
8 the same respondent, but has failed to obtain the issuance of a civil
9 antiharassment protection order, unless good cause for such failure
10 can be shown.

11 **Sec. 23.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9
12 are each reenacted and amended to read as follows:

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

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

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

31 (c) Exclude the respondent from the residence that the parties
32 share;

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

36 (e) Restrain the respondent from knowingly coming within, or
37 knowingly remaining within, a specified distance from a specified
38 location including, but not limited to, a residence, school, day
39 care, workplace, the protected party's person, and the protected

1 party's vehicle. The specified distance shall presumptively be at
2 least 1,000 feet, unless the court for good cause finds that a
3 shorter specified distance is appropriate;

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

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

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

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

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

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

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

28 (l) Other than for respondents who are minors, require the
29 respondent to submit to electronic monitoring. The order must specify
30 who shall provide the electronic monitoring services and the terms
31 under which the monitoring must be performed. The order also may
32 include a requirement that the respondent pay the costs of the
33 monitoring. The court shall consider the ability of the respondent to
34 pay for electronic monitoring;

35 (m) Consider the provisions of RCW 9.41.800, and order the
36 respondent to surrender, and prohibit the respondent from accessing,
37 having in his or her custody or control, possessing, purchasing,
38 attempting to purchase or receive, or receiving, all firearms,
39 dangerous weapons, and any concealed pistol license and permit to
40 purchase firearms, as required in RCW 9.41.800;

1 (n) Order possession and use of essential personal effects. The
2 court shall list the essential personal effects with sufficient
3 specificity to make it clear which property is included. Personal
4 effects may include pets. The court may order that a petitioner be
5 granted the exclusive custody or control of any pet owned, possessed,
6 leased, kept, or held by the petitioner, respondent, or minor child
7 residing with either the petitioner or respondent, and may prohibit
8 the respondent from interfering with the petitioner's efforts to
9 obtain the pet. The court may also prohibit the respondent from
10 knowingly coming within, or knowingly remaining within, a specified
11 distance of specified locations where the pet is regularly found;

12 (o) Order use of a vehicle;

13 (p) Enter an order restricting the respondent from engaging in
14 abusive litigation as set forth in chapter 26.51 RCW or in frivolous
15 filings against the petitioner, making harassing or libelous
16 communications about the petitioner to third parties, or making false
17 reports to investigative agencies. A petitioner may request this
18 relief in the petition or by separate motion. A petitioner may
19 request this relief by separate motion at any time within five years
20 of the date the protection order is entered even if the order has
21 since expired. A stand-alone motion for an order restricting abusive
22 litigation may be brought by a party who meets the requirements of
23 chapter 26.51 RCW regardless of whether the party has previously
24 sought a protection order under this chapter, provided the motion is
25 made within five years of the date the order that made a finding of
26 domestic violence was entered. In cases where a finding of domestic
27 violence was entered pursuant to an order under chapter 26.09, 26.26,
28 or 26.26A RCW, a motion for an order restricting abusive litigation
29 may be brought under the family law case or as a stand-alone action
30 filed under this chapter, when it is not reasonable or practical to
31 file under the family law case;

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

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

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

39 (t) Order financial relief and restrain the transfer of jointly
40 owned assets;

1 (u) Restrain the respondent from possessing or distributing
2 intimate images, as defined in RCW 9A.86.010, depicting the
3 petitioner including, but not limited to, requiring the respondent
4 to: Take down and delete all intimate images and recordings of the
5 petitioner in the respondent's possession or control; and cease any
6 and all disclosure of those intimate images. The court may also
7 inform the respondent that it would be appropriate to ask third
8 parties in possession or control of the intimate images of this
9 protection order to take down and delete the intimate images so that
10 the order may not inadvertently be violated; or

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

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

19 (3) The court in granting a temporary antiharassment protection
20 order or a civil antiharassment protection order shall not prohibit
21 the respondent from exercising constitutionally protected free
22 speech. Nothing in this section prohibits the petitioner from
23 utilizing other civil or criminal remedies to restrain conduct or
24 communications not otherwise constitutionally protected.

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

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

30 (b) The court shall not issue a full protection order to any
31 party except upon notice to the respondent and the opportunity for a
32 hearing pursuant to a petition or counter-petition filed and served
33 by the party seeking relief in accordance with this chapter. Except
34 as provided in RCW 7.105.210, the court shall not issue a temporary
35 protection order to any party unless the party has filed a petition
36 or counter-petition for a protection order seeking relief in
37 accordance with this chapter.

38 (c) Under no circumstances shall the court deny the petitioner
39 the type of protection order sought in the petition on the grounds

1 that the court finds that a different type of protection order would
2 have a less severe impact on the respondent.

3 (5) The order shall specify the date the order expires, if any.
4 For permanent orders, the court shall set the date to expire 99 years
5 from the issuance date. The order shall also state whether the court
6 issued the protection order following personal service, service by
7 electronic means, service by mail, or service by publication, and
8 whether the court has approved service by mail or publication of an
9 order issued under this section.

10 **Sec. 24.** RCW 7.105.330 and 2021 c 215 s 43 are each amended to
11 read as follows:

12 (1) In considering whether to issue a temporary extreme risk
13 protection order, the court shall consider all relevant evidence,
14 including the evidence described in RCW 7.105.215.

15 (2) If a court finds there is reasonable cause to believe that
16 the respondent poses a significant danger of causing personal injury
17 to self or others in the near future by having in the respondent's
18 custody or control, purchasing, possessing, accessing, receiving, or
19 attempting to purchase or receive, a firearm, the court shall issue a
20 temporary extreme risk protection order.

21 (3) A temporary extreme risk protection order must include:

22 (a) A statement of the grounds asserted for the order;

23 (b) The date and time the order was issued;

24 (c) The date and time the order expires;

25 (d) The address of the court in which any responsive pleading
26 should be filed;

27 (e) The date and time of the scheduled hearing;

28 (f) A description of the requirements for the surrender of
29 firearms under RCW 7.105.340; and

30 (g) The following statement: "To the subject of this protection
31 order: This order is valid until the date and time noted above. You
32 are required to surrender all firearms in your custody, control, or
33 possession. You may not have in your custody or control, access,
34 possess, purchase, receive, or attempt to purchase or receive, a
35 firearm, or a concealed pistol license or permit to purchase
36 firearms, while this order is in effect. You must surrender to the
37 (insert name of local law enforcement agency) all firearms in your
38 custody, control, or possession, and any concealed pistol license
39 issued to you under RCW 9.41.070 and permit to purchase firearms

1 issued to you under section 2 of this act, immediately. A hearing
2 will be held on the date and at the time noted above to determine if
3 an extreme risk protection order should be issued. Failure to appear
4 at that hearing may result in a court making an order against you
5 that is valid for one year. You may seek the advice of an attorney as
6 to any matter connected with this order."

7 (4) A temporary extreme risk protection order issued expires upon
8 the full hearing on the petition for an extreme risk protection
9 order, unless reissued by the court.

10 (5) A temporary extreme risk protection order must be served by a
11 law enforcement officer in the same manner as provided for in RCW
12 7.105.155 for service of the notice of hearing and petition, and must
13 be served concurrently with the notice of hearing and petition.

14 (6) If the court declines to issue a temporary extreme risk
15 protection order, the court shall state the particular reasons for
16 the court's denial.

17 **Sec. 25.** RCW 7.105.335 and 2021 c 215 s 44 are each amended to
18 read as follows:

19 (1) An extreme risk protection order issued after notice and a
20 hearing must include:

21 (a) A statement of the grounds supporting the issuance of the
22 order;

23 (b) The date and time the order was issued;

24 (c) The date and time the order expires;

25 (d) Whether a behavioral health evaluation of the respondent is
26 required;

27 (e) The address of the court in which any responsive pleading
28 should be filed;

29 (f) A description of the requirements for the surrender of
30 firearms under RCW 7.105.340; and

31 (g) The following statement: "To the subject of this protection
32 order: This order will last until the date and time noted above. If
33 you have not done so already, you must surrender to the (insert name
34 of local law enforcement agency) all firearms in your custody,
35 control, or possession, and any concealed pistol license issued to
36 you under RCW 9.41.070 and permit to purchase firearms issued to you
37 under section 2 of this act, immediately. You may not have in your
38 custody or control, access, possess, purchase, receive, or attempt to
39 purchase or receive, a firearm, or a concealed pistol license or

1 permit to purchase firearms, while this order is in effect. You have
2 the right to request one hearing to terminate this order every 12-
3 month period that this order is in effect, starting from the date of
4 this order and continuing through any renewals. You may seek the
5 advice of an attorney as to any matter connected with this order."

6 (2) When the court issues an extreme risk protection order, the
7 court shall inform the respondent that the respondent is entitled to
8 request termination of the order in the manner prescribed by RCW
9 7.105.505. The court shall provide the respondent with a form to
10 request a termination hearing.

11 **Sec. 26.** RCW 7.105.340 and 2023 c 462 s 405 are each amended to
12 read as follows:

13 (1) Upon the issuance of any extreme risk protection order under
14 this chapter, including a temporary extreme risk protection order,
15 the court shall:

16 (a) Order the respondent to surrender to the local law
17 enforcement agency all firearms in the respondent's custody, control,
18 or possession, or subject to the respondent's immediate possession or
19 control, and any concealed pistol license issued under RCW 9.41.070
20 and permit to purchase firearms issued under section 2 of this act;
21 and

22 (b) Other than for ex parte temporary protection orders, direct
23 law enforcement to revoke any concealed pistol license issued to the
24 respondent and the Washington state patrol firearms background check
25 program to revoke any permit to purchase firearms issued to the
26 respondent.

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

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

22 (3) At the time of surrender, a law enforcement officer taking
23 possession of a firearm (~~(or)~~), concealed pistol license, or permit
24 to purchase firearms shall issue a receipt identifying all firearms
25 that have been surrendered and provide a copy of the receipt to the
26 respondent. Within 72 hours after service of the order, the officer
27 serving the order shall file the original receipt with the court and
28 shall ensure that the officer's law enforcement agency retains a copy
29 of the receipt. The law enforcement agency shall transfer a
30 surrendered permit to purchase firearms to the Washington state
31 patrol firearms background check program.

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

1 the locations where the firearms are reasonably believed to be and
2 the seizure of any firearms discovered pursuant to such search.

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

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

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

15 (c) The firearm is not otherwise unlawfully possessed by the
16 owner.

17 (6) Upon the issuance of a one-year extreme risk protection
18 order, the court shall order a new compliance review hearing date and
19 require the respondent to appear not later than three judicial days
20 from the issuance of the order. The court shall require a showing
21 that the respondent has surrendered any firearms in the respondent's
22 custody, control, or possession, and any concealed pistol license
23 issued under RCW 9.41.070 and permit to purchase firearms issued
24 under section 2 of this act, to a law enforcement agency. The
25 compliance review hearing is not required upon a satisfactory showing
26 on which the court can otherwise enter findings on the record that
27 the respondent has timely and completely surrendered all firearms in
28 the respondent's custody, control, or possession, and any concealed
29 pistol license issued under RCW 9.41.070 and permit to purchase
30 firearms issued under section 2 of this act, to a law enforcement
31 agency, and is in compliance with the order. If the court does not
32 have a sufficient record before it on which to make such a finding,
33 the court must set a review hearing to occur as soon as possible, at
34 which the respondent must be present and provide proof of compliance
35 with the court's order.

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

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

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

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

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

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

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

34 (B) Provide the court with verification that any concealed pistol
35 license and permit to purchase firearms issued to the respondent has
36 been surrendered and that a law enforcement agency with authority to
37 revoke the license has been notified, and that the Washington state
38 patrol firearms background check program has been notified of the
39 surrender of a permit to purchase firearms.

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

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

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

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

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

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

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

34 (10) All law enforcement agencies must develop and implement
35 policies and procedures regarding the acceptance, storage, and return
36 of firearms required to be surrendered under this chapter. Any
37 surrendered firearms must be handled and stored properly to prevent
38 damage or degradation in appearance or function, and the condition of
39 the surrendered firearms documented, including by digital photograph.
40 A law enforcement agency holding any surrendered firearm ((~~or~~)),

1 concealed pistol license, or permit to purchase firearms shall comply
2 with the provisions of RCW 9.41.340 and 9.41.345 before the return of
3 the firearm (~~(or)~~), concealed pistol license, or permit to purchase
4 firearms to the owner or individual from whom it was obtained.

5 **Sec. 27.** RCW 7.105.350 and 2021 c 215 s 47 are each amended to
6 read as follows:

7 (1) The clerk of the court shall enter any extreme risk
8 protection order, including temporary extreme risk protection orders,
9 issued under this chapter into a statewide judicial information
10 system on the same day such order is issued, if possible, but no
11 later than the next judicial day.

12 (2) A copy of an extreme risk protection order granted under this
13 chapter, including temporary extreme risk protection orders, must be
14 forwarded immediately by the clerk of the court, by electronic means
15 if possible, to the law enforcement agency specified in the order.
16 Upon receipt of the order, the law enforcement agency shall
17 immediately enter the order into the national instant criminal
18 background check system, any other federal or state computer-based
19 systems used by law enforcement or others to identify prohibited
20 purchasers of firearms, and any computer-based criminal intelligence
21 information system available in this state used by law enforcement
22 agencies to list outstanding warrants. The order must remain in each
23 system for the period stated in the order, and the law enforcement
24 agency shall only expunge orders from the systems that have expired
25 or terminated. Entry into the computer-based criminal intelligence
26 information system constitutes notice to all law enforcement agencies
27 of the existence of the order. The order is fully enforceable in any
28 county in the state.

29 (3) The information entered into the computer-based criminal
30 intelligence information system must include notice to law
31 enforcement whether the order was personally served, served by
32 electronic means, served by publication, or served by mail.

33 (4) If a law enforcement agency receives a protection order for
34 entry or service, but the order falls outside the agency's
35 jurisdiction, the agency may enter and serve the order or may
36 immediately forward it to the appropriate law enforcement agency for
37 entry and service, and shall provide documentation back to the court
38 verifying which law enforcement agency has entered and will serve the
39 order.

1 (5) The issuing court shall, within three judicial days after the
2 issuance of any extreme risk protection order, including a temporary
3 extreme risk protection order, forward a copy of the respondent's
4 driver's license or identicard, or comparable information, along with
5 the date of order issuance, to the department of licensing and the
6 Washington state patrol firearms background check program. Upon
7 receipt of the information, the department of licensing shall
8 determine if the respondent has a concealed pistol license. If the
9 respondent does have a concealed pistol license, the department of
10 licensing shall immediately notify a law enforcement agency that the
11 court has directed the revocation of the license. The law enforcement
12 agency, upon receipt of such notification, shall immediately revoke
13 the license. Upon receipt of the information, the Washington state
14 patrol firearms background check program shall determine if the
15 respondent has a permit to purchase firearms. If the respondent does
16 have a permit to purchase firearms, the Washington state patrol
17 firearms background check program shall immediately revoke the
18 permit.

19 (6) If an extreme risk protection order is terminated before its
20 expiration date, the clerk of the court shall forward on the same day
21 a copy of the termination order to the department of licensing and
22 the law enforcement agency specified in the termination order. Upon
23 receipt of the order, the law enforcement agency shall promptly
24 remove the order from any computer-based system in which it was
25 entered pursuant to subsection (2) of this section.

26 **Sec. 28.** RCW 7.105.570 and 2021 c 215 s 69 are each amended to
27 read as follows:

28 This chapter does not affect the ability of a law enforcement
29 officer to remove a firearm ((~~or~~)), concealed pistol license, or
30 permit to purchase firearms from any person or to conduct any search
31 and seizure for firearms pursuant to other lawful authority.

32 **Sec. 29.** RCW 10.31.100 and 2023 c 462 s 702 are each amended to
33 read as follows:

34 A police officer having probable cause to believe that a person
35 has committed or is committing a felony shall have the authority to
36 arrest the person without a warrant. A police officer may arrest a
37 person without a warrant for committing a misdemeanor or gross
38 misdemeanor only when the offense is committed in the presence of an

1 officer, except as provided in subsections (1) through (11) of this
2 section.

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

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

16 (a) A domestic violence protection order, a sexual assault
17 protection order, a stalking protection order, or a vulnerable adult
18 protection order has been issued, of which the person has knowledge,
19 under chapter 7.105 RCW, or an order has been issued, of which the
20 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
21 9A.88, 10.99, 26.09, 26.26A, 26.26B, or 74.34 RCW, or any of the
22 former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and
23 the person has violated the terms of the order restraining the person
24 from acts or threats of violence, or restraining the person from
25 going onto the grounds of, or entering, a residence, workplace,
26 school, or day care, or prohibiting the person from knowingly coming
27 within, or knowingly remaining within, a specified distance of a
28 location, a protected party's person, or a protected party's vehicle,
29 or requiring the person to submit to electronic monitoring, or, in
30 the case of an order issued under RCW 26.44.063, imposing any other
31 restrictions or conditions upon the person;

32 (b) An extreme risk protection order has been issued against the
33 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
34 knowledge of the order, and the person has violated the terms of the
35 order prohibiting the person from having in the person's custody or
36 control, purchasing, possessing, accessing, or receiving a firearm
37 (~~(or)~~), concealed pistol license, or permit to purchase firearms;

38 (c) A foreign protection order, as defined in RCW 26.52.010, or a
39 Canadian domestic violence protection order, as defined in RCW
40 26.55.010, has been issued of which the person under restraint has

1 knowledge and the person under restraint has violated a provision of
2 the foreign protection order or the Canadian domestic violence
3 protection order prohibiting the person under restraint from
4 contacting or communicating with another person, or excluding the
5 person under restraint from a residence, workplace, school, or day
6 care, or prohibiting the person from knowingly coming within, or
7 knowingly remaining within, a specified distance of a location, a
8 protected party's person, or a protected party's vehicle, or a
9 violation of any provision for which the foreign protection order or
10 the Canadian domestic violence protection order specifically
11 indicates that a violation will be a crime; or

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

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

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

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

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

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

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

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

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

9 (4) A law enforcement officer investigating at the scene of a
10 motor vehicle accident may arrest the driver of a motor vehicle
11 involved in the accident if the officer has probable cause to believe
12 that the driver has committed, in connection with the accident, a
13 violation of any traffic law or regulation.

14 (5) (a) A law enforcement officer investigating at the scene of a
15 motor vessel accident may arrest the operator of a motor vessel
16 involved in the accident if the officer has probable cause to believe
17 that the operator has committed, in connection with the accident, a
18 criminal violation of chapter 79A.60 RCW.

19 (b) A law enforcement officer investigating at the scene of a
20 motor vessel accident may issue a citation for an infraction to the
21 operator of a motor vessel involved in the accident if the officer
22 has probable cause to believe that the operator has committed, in
23 connection with the accident, a violation of any boating safety law
24 of chapter 79A.60 RCW.

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

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

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

37 (9) A police officer may arrest and take into custody, pending
38 release on bail, personal recognizance, or court order, a person
39 without a warrant when the officer has probable cause to believe that
40 an antiharassment protection order has been issued of which the

1 person has knowledge under chapter 7.105 RCW or former chapter 10.14
2 RCW and the person has violated the terms of that order.

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

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

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

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

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

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

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

26 (16)(a) Except as provided in (b) of this subsection, a police
27 officer shall arrest and keep in custody, until release by a judicial
28 officer on bail, personal recognizance, or court order, a person
29 without a warrant when the officer has probable cause to believe that
30 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
31 local ordinance and the police officer: (i) Has knowledge that the
32 person has a prior offense as defined in RCW 46.61.5055 within ten
33 years; or (ii) has knowledge, based on a review of the information
34 available to the officer at the time of arrest, that the person is
35 charged with or is awaiting arraignment for an offense that would
36 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
37 conviction.

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

1 **Sec. 30.** RCW 10.99.030 and 2023 c 470 s 1001 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 obtain a protection order are available in any municipal,
2 district, or superior court.

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

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

11 (5) The peace officer may offer, arrange, or facilitate
12 transportation for the victim to a hospital for treatment of injuries
13 or to a place of safety or shelter.

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

20 **Sec. 31.** RCW 10.99.040 and 2023 c 462 s 302 and 2023 c 320 s 1
21 are each reenacted and amended to read as follows:

22 (1) Because of the serious nature of domestic violence, the court
23 in domestic violence actions:

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

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

28 (c) Shall waive any requirement that the victim's location be
29 disclosed to any person, other than the attorney of a criminal
30 defendant, upon a showing that there is a possibility of further
31 violence: PROVIDED, That the court may order a criminal defense
32 attorney not to disclose to the attorney's client the victim's
33 location;

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

36 (e) Shall not deny issuance of a no-contact order based on the
37 existence of an applicable civil protection order preventing the
38 defendant from contacting the victim;

1 (f) When issuing a no-contact order, shall attempt to determine
2 whether there are any other active no-contact orders, protection
3 orders, or restraining orders involving the defendant to assist the
4 court in ensuring that any no-contact order it may impose does not
5 lessen protections imposed by other courts under other such orders;
6 and

7 (g) Shall not deny issuance of a no-contact order based on the
8 existence of an applicable civil protection order preventing the
9 defendant from contacting the victim.

10 (2)(a) Because of the likelihood of repeated violence directed at
11 those who have been victims of domestic violence in the past, when
12 any person charged with or arrested for a crime involving domestic
13 violence is released from custody before arraignment or trial on bail
14 or personal recognizance, the court authorizing the release may
15 prohibit that person from having any contact with the victim and
16 others. The jurisdiction authorizing the release shall determine
17 whether that person should be prohibited from having any contact with
18 the victim. The court authorizing release may issue a no-contact
19 order that:

20 (i) Prohibits the person charged or arrested from making any
21 attempt to contact, including nonphysical contact, the victim or the
22 victim's family or household members, either directly, indirectly, or
23 through a third party;

24 (ii) Excludes the defendant from a residence shared with the
25 victim, or from a workplace, school, or child care;

26 (iii) Prohibits the person from knowingly coming within, or
27 knowingly remaining within, a specified distance of a location or
28 vehicle; and

29 (iv) Includes other related prohibitions to reduce risk of harm.

30 (b) The court shall verify that the requirements of RCW
31 10.99.030(3) have been satisfied, including that a sworn statement of
32 a peace officer has been submitted to the court, documenting that the
33 responding peace officers separated the parties and asked the victim
34 or victims at the scene about firearms, other dangerous weapons, and
35 ammunition that the defendant owns or has access to, and whether the
36 defendant has a concealed pistol license or permit to purchase
37 firearms. If the sworn statement of a peace officer or other
38 information provided to the court indicates there may be a risk of
39 harm if the defendant has access to firearms, dangerous weapons, or
40 an active concealed pistol license or permit to purchase firearms,

1 the court shall verify that peace officers have temporarily removed
2 and secured all the firearms, dangerous weapons, and any concealed
3 pistol license or permit to purchase firearms. The court shall then
4 determine whether an order to surrender and prohibit weapons or an
5 extreme risk protection order should be issued pursuant to RCW
6 9.41.800 or chapter 7.105 RCW, prohibiting the defendant from
7 possessing, purchasing, receiving, having in the defendant's control
8 or custody, accessing, or attempting to purchase or receive, any
9 firearms, dangerous weapons, and any concealed pistol license and
10 permit to purchase firearms, and shall order the defendant to
11 surrender, and prohibit the defendant from possessing, any firearms,
12 dangerous weapons, and any concealed pistol license and permit to
13 purchase firearms, as required in RCW 9.41.800, or shall issue an
14 extreme risk protection order as required by chapter 7.105 RCW. The
15 court may make these determinations on the record or off the record
16 with a written explanation when declining to impose the restrictions
17 authorized in this subsection.

18 (3) (a) At the time of arraignment, the court shall review the
19 defendant's firearms purchase history provided by the prosecutor
20 pursuant to RCW 10.99.045, and any other firearms information
21 provided by law enforcement or court or jail staff, and shall
22 determine whether a no-contact order, an order to surrender and
23 prohibit weapons, or an extreme risk protection order shall be issued
24 or, if previously issued, extended.

25 (b) So long as the court finds probable cause, the court may
26 issue or extend a no-contact order, an order to surrender and
27 prohibit weapons, or an extreme risk protection order, even if the
28 defendant fails to appear at arraignment. The no-contact order shall
29 terminate if the defendant is acquitted or the charges are dismissed.
30 To the extent the court is aware, the court shall advise the
31 defendant of the ongoing requirements of any other no-contact,
32 restraining, or protection order that remains in effect.

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

1 into a deferred prosecution or stipulated order of continuance, the
2 applicable order or agreement may require the defendant pay the costs
3 of the electronic monitoring.

4 (4) (a) Willful violation of a court order issued under this
5 section is punishable as provided under RCW 7.105.450 or
6 7.105.460((~~r~~)) or chapter 9.41 RCW.

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

16 (c) A certified copy of the order shall be provided to the
17 victim.

18 (5) (a) A peace officer may request, on an ex parte basis and
19 before criminal charges or a petition for a protection order or an
20 extreme risk protection order have been filed, an emergency no-
21 contact order, order to surrender and prohibit weapons, or extreme
22 risk protection order from a judicial officer on behalf of and with
23 the consent of the victim of an alleged act involving domestic
24 violence if the victim is able to provide such consent. If the victim
25 is incapacitated as a result of the alleged act of domestic violence,
26 a peace officer may request an emergency no-contact order, order to
27 surrender and prohibit weapons, or extreme risk protection order on
28 his or her behalf. The request shall be made based upon the sworn
29 statement of a peace officer and may be made in person, by telephone,
30 or by electronic means. If the court finds probable cause to believe
31 that the victim is in imminent danger of domestic violence based on
32 an allegation of the recent commission of an act involving domestic
33 violence, the court shall issue an emergency no-contact order and an
34 order to surrender and prohibit weapons or an extreme risk protection
35 order as required by RCW 9.41.800 or chapter 7.105 RCW. An emergency
36 no-contact order issued by a court will remain in effect until either
37 the court terminates the emergency no-contact order, the court finds
38 probable cause for a referred crime, or an ex parte hearing is held
39 on a petition for a protection order or extreme risk protection
40 order.

1 (b) If the court issues an order to surrender and prohibit
2 weapons or an extreme risk protection order, and has not verified
3 that peace officers have temporarily removed and secured all firearms
4 and dangerous weapons, and any concealed pistol license and permit to
5 purchase firearms, all orders issued by the court must be personally
6 served by a peace officer and the peace officer shall take possession
7 of all firearms, dangerous weapons, and any concealed pistol license
8 and permit to purchase firearms belonging to the respondent that are
9 surrendered, in plain sight, or discovered pursuant to a lawful
10 search, as required by RCW 9.41.801.

11 (c) If the court does not issue an order to surrender and
12 prohibit weapons or an extreme risk protection order, or has verified
13 that all firearms, dangerous weapons, and any concealed pistol
14 license and permit to purchase firearms have been temporarily removed
15 by law enforcement, service of the court's orders may be effected
16 electronically. Electronic service must be effected by a law
17 enforcement agency transmitting copies of the petition and any
18 supporting materials filed with the petition, any notice of hearing,
19 and any orders, or relevant materials for motions, to the defendant
20 at the defendant's electronic address or the defendant's electronic
21 account associated with email, text messaging, social media
22 applications, or other technologies. Verification of notice is
23 required and may be accomplished through read-receipt mechanisms, a
24 response, a sworn statement from the person who effected service
25 verifying transmission and any follow-up communications such as email
26 or telephone contact used to further verify, or an appearance by the
27 defendant at a hearing. Sworn proof of service must be filed with the
28 court by the person who effected service.

29 (d) A no-contact order, order to surrender and prohibit weapons,
30 or extreme risk protection order authorized by telephonic or
31 electronic means shall also be issued in writing as soon as possible
32 and shall state that it may be extended as provided in subsection (3)
33 of this section.

34 (6) If a no-contact order has been issued prior to charging, that
35 order shall expire at arraignment or within seventy-two hours if
36 charges are not filed.

37 (7) Whenever an order is issued, modified, or terminated under
38 this section, the clerk of the court shall forward a copy of the
39 order on or before the next judicial day to the appropriate law
40 enforcement agency specified in the order. Upon receipt of the copy

1 of the order the law enforcement agency shall enter the order for one
2 year or until the expiration date specified on the order into any
3 computer-based criminal intelligence information system available in
4 this state used by law enforcement agencies to list outstanding
5 warrants. Entry into the computer-based criminal intelligence
6 information system constitutes notice to all law enforcement agencies
7 of the existence of the order. The order is fully enforceable in any
8 jurisdiction in the state. Upon receipt of notice that an order has
9 been terminated under subsection (3) of this section, the law
10 enforcement agency shall remove the order from the computer-based
11 criminal intelligence information system.

12 (8) For the purposes of this section, and unless context clearly
13 requires otherwise, "emergency no-contact order" means a no-contact
14 order issued by a court of competent jurisdiction before criminal
15 charges have been filed or before a petition for a protection order
16 or extreme risk protection order has been filed.

17 **Sec. 32.** RCW 11.130.257 and 2021 c 215 s 125 are each amended to
18 read as follows:

19 (1) In a proceeding under this chapter either party may file a
20 motion for temporary support of children entitled to support. The
21 motion shall be accompanied by an affidavit setting forth the factual
22 basis for the motion and the amount requested.

23 (2) In a proceeding under this chapter either party may file a
24 motion for a temporary restraining order or preliminary injunction,
25 providing relief proper in the circumstances, and restraining or
26 enjoining another party from:

27 (a) Molesting or disturbing the peace of the other party or of
28 any child;

29 (b) Entering the family home or the home of the other party upon
30 a showing of the necessity therefor;

31 (c) Knowingly coming within, or knowingly remaining within, a
32 specified distance from a specified location; and

33 (d) Removing a child from the jurisdiction of the court.

34 (3) Either party may request a domestic violence protection order
35 or an antiharassment protection order under chapter 7.105 RCW on a
36 temporary basis by filing an appropriate separate civil cause of
37 action. The petitioner shall inform the court of the existence of the
38 action under this title. The court shall set all future protection
39 hearings on the guardianship calendar to be heard concurrent with the

1 action under this title and the clerk shall relate the cases in the
2 case management system. The court may grant any of the relief
3 provided in RCW 7.105.310 except relief pertaining to residential
4 provisions for the children which provisions shall be provided for
5 under this chapter. Ex parte orders issued under this subsection
6 shall be effective for a fixed period not to exceed fourteen days, or
7 upon court order, not to exceed twenty-four days if necessary to
8 ensure that all temporary motions in the case can be heard at the
9 same time.

10 (4) In issuing the order, the court shall consider the provisions
11 of RCW 9.41.800, and shall order the respondent to surrender, and
12 prohibit the respondent from possessing, all firearms, dangerous
13 weapons, and any concealed pistol license and permit to purchase
14 firearms as required in RCW 9.41.800. Such orders may only be made in
15 the civil protection case related to the action under this title.

16 (5) The court may issue a temporary restraining order without
17 requiring notice to the other party only if it finds on the basis of
18 the moving affidavit or other evidence that irreparable injury could
19 result if an order is not issued until the time for responding has
20 elapsed.

21 (6) The court may issue a temporary restraining order or
22 preliminary injunction and an order for temporary support in such
23 amounts and on such terms as are just and proper in the
24 circumstances.

25 (7) A temporary order, temporary restraining order, or
26 preliminary injunction:

27 (a) Does not prejudice the rights of a party or any child which
28 are to be adjudicated at subsequent hearings in the proceeding;

29 (b) May be revoked or modified;

30 (c) Terminates when the final order is entered or when the motion
31 is dismissed;

32 (d) May be entered in a proceeding for the modification of an
33 existing order.

34 (8) A support debt owed to the state for public assistance
35 expenditures which has been charged against a party pursuant to RCW
36 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
37 extinguished by, the final decree or order, unless the office of
38 support enforcement has been given notice of the final proceeding and
39 an opportunity to present its claim for the support debt to the court
40 and has failed to file an affidavit as provided in this subsection.

1 Notice of the proceeding shall be served upon the office of support
2 enforcement personally, or by certified mail, and shall be given no
3 fewer than thirty days prior to the date of the final proceeding. An
4 original copy of the notice shall be filed with the court either
5 before service or within a reasonable time thereafter. The office of
6 support enforcement may present its claim, and thereby preserve the
7 support debt, by filing an affidavit setting forth the amount of the
8 debt with the court, and by mailing a copy of the affidavit to the
9 parties or their attorney prior to the date of the final proceeding.

10 **Sec. 33.** RCW 26.09.060 and 2021 c 215 s 133 are each amended to
11 read as follows:

12 (1) In a proceeding for:

13 (a) Dissolution of marriage or domestic partnership, legal
14 separation, or a declaration of invalidity; or

15 (b) Disposition of property or liabilities, maintenance, or
16 support following dissolution of the marriage or the domestic
17 partnership by a court which lacked personal jurisdiction over the
18 absent spouse or absent domestic partner; either party may move for
19 temporary maintenance or for temporary support of children entitled
20 to support. The motion shall be accompanied by an affidavit setting
21 forth the factual basis for the motion and the amounts requested.

22 (2) As a part of a motion for temporary maintenance or support or
23 by independent motion accompanied by affidavit, either party may
24 request the court to issue a temporary restraining order or
25 preliminary injunction, providing relief proper in the circumstances,
26 and restraining or enjoining any person from:

27 (a) Transferring, removing, encumbering, concealing, or in any
28 way disposing of any property except in the usual course of business
29 or for the necessities of life, and, if so restrained or enjoined,
30 requiring him or her to notify the moving party of any proposed
31 extraordinary expenditures made after the order is issued;

32 (b) Molesting or disturbing the peace of the other party or of
33 any child;

34 (c) Going onto the grounds of or entering the home, workplace, or
35 school of the other party or the day care or school of any child upon
36 a showing of the necessity therefor;

37 (d) Knowingly coming within, or knowingly remaining within, a
38 specified distance from a specified location, a protected party's
39 person, or a protected party's vehicle; and

1 (e) Removing a child from the jurisdiction of the court.

2 (3) Either party may request a domestic violence protection order
3 or an antiharassment protection order under chapter 7.105 RCW on a
4 temporary basis. The court may grant any of the relief provided in
5 RCW 7.105.310 except relief pertaining to residential provisions for
6 the children which provisions shall be provided for under this
7 chapter. Ex parte orders issued under this subsection shall be
8 effective for a fixed period not to exceed fourteen days, or upon
9 court order, not to exceed twenty-four days if necessary to ensure
10 that all temporary motions in the case can be heard at the same time.

11 (4) In issuing the order, the court shall consider the provisions
12 of RCW 9.41.800, and shall order the respondent to surrender, and
13 prohibit the respondent from possessing, all firearms, dangerous
14 weapons, and any concealed pistol license and permit to purchase
15 firearms as required in RCW 9.41.800.

16 (5) The court may issue a temporary restraining order without
17 requiring notice to the other party only if it finds on the basis of
18 the moving affidavit or other evidence that irreparable injury could
19 result if an order is not issued until the time for responding has
20 elapsed.

21 (6) The court may issue a temporary restraining order or
22 preliminary injunction and an order for temporary maintenance or
23 support in such amounts and on such terms as are just and proper in
24 the circumstances. The court may in its discretion waive the filing
25 of the bond or the posting of security.

26 (7) Restraining orders issued under this section restraining the
27 person from molesting or disturbing another party, or from going onto
28 the grounds of or entering the home, workplace, or school of the
29 other party or the day care or school of any child, or prohibiting
30 the person from knowingly coming within, or knowingly remaining
31 within, a specified distance of a location, a protected party's
32 person, or a protected party's vehicle, shall prominently bear on the
33 front page of the order the legend: VIOLATION OF THIS ORDER WITH
34 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 7.105
35 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

36 (8) The court shall order that any temporary restraining order
37 bearing a criminal offense legend, any domestic violence protection
38 order, or any antiharassment protection order granted under this
39 section be forwarded by the clerk of the court on or before the next
40 judicial day to the appropriate law enforcement agency specified in

1 the order. Upon receipt of the order, the law enforcement agency
2 shall enter the order into any computer-based criminal intelligence
3 information system available in this state used by law enforcement
4 agencies to list outstanding warrants. Entry into the computer-based
5 criminal intelligence information system constitutes notice to all
6 law enforcement agencies of the existence of the order. The order is
7 fully enforceable in any county in the state.

8 (9) If a restraining order issued pursuant to this section is
9 modified or terminated, the clerk of the court shall notify the law
10 enforcement agency specified in the order on or before the next
11 judicial day. Upon receipt of notice that an order has been
12 terminated, the law enforcement agency shall remove the order from
13 any computer-based criminal intelligence system.

14 (10) A temporary order, temporary restraining order, or
15 preliminary injunction:

16 (a) Does not prejudice the rights of a party or any child which
17 are to be adjudicated at subsequent hearings in the proceeding;

18 (b) May be revoked or modified;

19 (c) Terminates when the final decree is entered, except as
20 provided under subsection (11) of this section, or when the petition
21 for dissolution, legal separation, or declaration of invalidity is
22 dismissed;

23 (d) May be entered in a proceeding for the modification of an
24 existing decree.

25 (11) Delinquent support payments accrued under an order for
26 temporary support remain collectible and are not extinguished when a
27 final decree is entered unless the decree contains specific language
28 to the contrary. A support debt under a temporary order owed to the
29 state for public assistance expenditures shall not be extinguished by
30 the final decree if:

31 (a) The obligor was given notice of the state's interest under
32 chapter 74.20A RCW; or

33 (b) The temporary order directs the obligor to make support
34 payments to the office of support enforcement or the Washington state
35 support registry.

36 **Sec. 34.** RCW 71.05.182 and 2020 c 302 s 21 are each amended to
37 read as follows:

38 (1) A person who under RCW 71.05.150 or 71.05.153 has been
39 detained at a facility for a period of not more than one hundred

1 twenty hours for the purpose of evaluation and treatment on the
2 grounds that the person presents a likelihood of serious harm, but
3 who has not been subsequently committed for involuntary treatment
4 under RCW 71.05.240, may not have in his or her possession or control
5 any firearm for a period of six months after the date that the person
6 is detained.

7 (2) Before the discharge of a person who has been initially
8 detained under RCW 71.05.150 or 71.05.153 on the grounds that the
9 person presents a likelihood of serious harm, but has not been
10 subsequently committed for involuntary treatment under RCW 71.05.240,
11 the designated crisis responder shall inform the person orally and in
12 writing that:

13 (a) He or she is prohibited from possessing or controlling any
14 firearm for a period of six months;

15 (b) He or she must immediately surrender, for the six-month
16 period, any concealed pistol license and permit to purchase firearms
17 and any firearms that the person possesses or controls to the sheriff
18 of the county or the chief of police of the municipality in which the
19 person is domiciled;

20 (c) After the six-month suspension, the person's right to control
21 or possess any firearm (~~(or)~~), concealed pistol license, or permit to
22 purchase firearms shall be automatically restored, absent further
23 restrictions imposed by other law; and

24 (d) Upon discharge, the person may petition the superior court to
25 have his or her right to possess a firearm restored before the six-
26 month suspension period has elapsed by following the procedures
27 provided in RCW 9.41.047(3).

28 (3) The designated crisis responder shall notify the sheriff of
29 the county or the chief of police of the municipality in which the
30 person is domiciled of the six-month suspension.

31 (4) A law enforcement agency holding any firearm that has been
32 surrendered pursuant to this section shall, upon the request of the
33 person from whom it was obtained, return the firearm at the
34 expiration of the six-month suspension period, or prior to the
35 expiration of the six-month period if the person's right to possess
36 firearms has been restored by the court under RCW 9.41.047. The law
37 enforcement agency, prior to returning the firearm, shall verify with
38 the prosecuting attorney's office or designated crisis responders
39 that the person has not been previously or subsequently committed for
40 involuntary treatment under RCW 71.05.240. The law enforcement agency

1 must comply with the provisions of RCW 9.41.345 when returning a
2 firearm pursuant to this section.

3 (5) Any firearm surrendered pursuant to this section that remains
4 unclaimed by the lawful owner shall be disposed of in accordance with
5 the law enforcement agency's policies and procedures for the disposal
6 of firearms in police custody.

7 **Sec. 35.** RCW 72.23.080 and 1994 sp.s. c 7 s 442 are each amended
8 to read as follows:

9 Any person received and detained in a state hospital under
10 chapter 71.34 RCW is deemed a voluntary patient and, except as
11 chapter 9.41 RCW may limit the right of a person to purchase or
12 possess a firearm or to qualify for a concealed pistol license or
13 permit to purchase firearms, shall not suffer a loss of legal
14 competency by reason of his or her application and admission. Upon
15 the admission of a voluntary patient to a state hospital the
16 superintendent shall immediately forward to the department the record
17 of such patient showing the name, address, sex, date of birth, place
18 of birth, occupation, social security number, date of admission, name
19 of nearest relative, and such other information as the department may
20 from time to time require.

21 NEW SECTION. **Sec. 36.** This act takes effect January 1, 2026.

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