
SENATE BILL 5211

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias and Trudeau; by request of Office of the Governor

Prefiled 01/06/23.

1 AN ACT Relating to enhancing requirements for the purchase or
2 transfer of firearms by requiring a permit to purchase firearms,
3 firearms safety training, and a 10-day waiting period, prohibiting
4 firearms transfers prior to completion of a background check, and
5 updating and creating consistency in firearms transfer and background
6 check procedures; amending RCW 9.41.090, 43.43.590, 9.41.047,
7 9.41.049, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110,
8 9.41.1135, 9.41.345, 9.41.270, 9.41.280, 9.41.282, 9.41.284,
9 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815, 7.105.305,
10 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570, 10.31.100,
11 10.99.033, 10.99.040, 11.130.257, 26.09.060, 71.05.182, and
12 72.23.080; reenacting and amending RCW 7.105.310 and 10.99.030;
13 adding new sections to chapter 9.41 RCW; adding a new section to
14 chapter 43.43 RCW; repealing 2019 c 244 s 1; and providing an
15 effective date.

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

17 **Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read
18 as follows:

19 (1) In addition to the other requirements of this chapter, no
20 dealer may deliver a (~~pistol~~) firearm to the purchaser thereof
21 until:

1 (a) The purchaser produces a valid (~~concealed pistol license and~~
2 ~~the dealer has recorded the purchaser's name, license number, and~~
3 ~~issuing agency, such record to be made in triplicate and processed as~~
4 ~~provided in subsection (6) of this section. For purposes of this~~
5 ~~subsection (1) (a), a "valid concealed pistol license" does not~~
6 ~~include a temporary emergency license, and does not include any~~
7 ~~license issued before July 1, 1996, unless the issuing agency~~
8 ~~conducted a records search for disqualifying crimes under RCW~~
9 ~~9.41.070 at the time of issuance)) permit to purchase firearms issued
10 under section 2 of this act;~~

11 (b) The dealer is notified (~~in writing by (i) the chief of~~
12 ~~police or the sheriff of the jurisdiction in which the purchaser~~
13 ~~resides that the purchaser is eligible to possess a pistol under RCW~~
14 ~~9.41.040 and that the application to purchase is approved by the~~
15 ~~chief of police or sheriff; or (ii) the state)) by the Washington
16 state patrol firearms background check program that the purchaser is
17 eligible to possess a firearm under RCW 9.41.040 (~~, as provided in~~
18 ~~subsection (3) (b) of this section; or~~); and~~

19 (c) The requirements (~~or~~) and time periods in RCW 9.41.092 have
20 been satisfied.

21 (2) (~~In addition to the other requirements of this chapter, no~~
22 ~~dealer may deliver a semiautomatic assault rifle to the purchaser~~
23 ~~thereof until:~~

24 ~~(a) The purchaser provides proof that he or she has completed a~~
25 ~~recognized firearm safety training program within the last five years~~
26 ~~that, at a minimum, includes instruction on:~~

27 ~~(i) Basic firearms safety rules;~~

28 ~~(ii) Firearms and children, including secure gun storage and~~
29 ~~talking to children about gun safety;~~

30 ~~(iii) Firearms and suicide prevention;~~

31 ~~(iv) Secure gun storage to prevent unauthorized access and use;~~

32 ~~(v) Safe handling of firearms; and~~

33 ~~(vi) State and federal firearms laws, including prohibited~~
34 ~~firearms transfers.~~

35 The training must be sponsored by a federal, state, county, or
36 municipal law enforcement agency, a college or university, a
37 nationally recognized organization that customarily offers firearms
38 training, or a firearms training school with instructors certified by
39 a nationally recognized organization that customarily offers firearms
40 training. The proof of training shall be in the form of a

1 ~~certification that states under the penalty of perjury the training~~
2 ~~included the minimum requirements; and~~

3 ~~(b) The dealer is notified in writing by (i) the chief of police~~
4 ~~or the sheriff of the jurisdiction in which the purchaser resides~~
5 ~~that the purchaser is eligible to possess a firearm under~~
6 ~~RCW 9.41.040 and that the application to purchase is approved by the~~
7 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~
8 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~
9 ~~subsection (3) (b) of this section; or~~

10 ~~(c) The requirements or time periods in RCW 9.41.092 have been~~
11 ~~satisfied.~~

12 ~~(3) (a) Except as provided in (b) of this subsection, in)) In~~
13 ~~determining whether the purchaser meets the requirements of RCW~~
14 ~~9.41.040, the ((chief of police or sheriff, or the designee of~~
15 ~~either,)) Washington state patrol firearms background check program~~
16 ~~shall check with the ((national crime information center, including~~
17 ~~the)) national instant criminal background check system, provided for~~
18 ~~by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et~~
19 ~~seq.), the Washington state patrol electronic database, the health~~
20 ~~care authority electronic database, the administrative office of the~~
21 ~~courts, LInX-NW, and with other agencies or resources as appropriate,~~
22 ~~to determine whether the applicant is ineligible under RCW 9.41.040~~
23 ~~to possess a firearm.~~

24 ~~((b) The state, through the legislature or initiative process,~~
25 ~~may enact a statewide firearms background check system equivalent to,~~
26 ~~or more comprehensive than, the check required by (a) of this~~
27 ~~subsection to determine that a purchaser is eligible to possess a~~
28 ~~firearm under RCW 9.41.040. Once a state system is established, a~~
29 ~~dealer shall use the state system and national instant criminal~~
30 ~~background check system, provided for by the Brady handgun violence~~
31 ~~prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal~~
32 ~~background checks of applicants to purchase firearms.~~

33 ~~(4) In any case under this section where the applicant has an~~
34 ~~outstanding warrant for his or her arrest from any court of competent~~
35 ~~jurisdiction for a felony or misdemeanor, the dealer shall hold the~~
36 ~~delivery of the pistol or semiautomatic assault rifle until the~~
37 ~~warrant for arrest is served and satisfied by appropriate court~~
38 ~~appearance. The local jurisdiction for purposes of the sale, or the~~
39 ~~state pursuant to subsection (3) (b) of this section, shall confirm~~
40 ~~the existence of outstanding warrants within seventy-two hours after~~

1 notification of the application to purchase a pistol or semiautomatic
2 assault rifle is received. The local jurisdiction shall also
3 immediately confirm the satisfaction of the warrant on request of the
4 dealer so that the hold may be released if the warrant was for an
5 offense other than an offense making a person ineligible under RCW
6 9.41.040 to possess a firearm.

7 (5) In any case where the chief or sheriff of the local
8 jurisdiction, or the state pursuant to subsection (3) (b) of this
9 section, has reasonable grounds based on the following circumstances:

10 (a) Open criminal charges, (b) pending criminal proceedings, (c)
11 pending commitment proceedings, (d) an outstanding warrant for an
12 offense making a person ineligible under RCW 9.41.040 to possess a
13 firearm, or (e) an arrest for an offense making a person ineligible
14 under RCW 9.41.040 to possess a firearm, if the records of
15 disposition have not yet been reported or entered sufficiently to
16 determine eligibility to purchase a firearm, the local jurisdiction
17 or the state may hold the sale and delivery of the pistol or
18 semiautomatic assault rifle up to thirty days in order to confirm
19 existing records in this state or elsewhere. After thirty days, the
20 hold will be lifted unless an extension of the thirty days is
21 approved by a local district court, superior court, or municipal
22 court for good cause shown. A dealer shall be notified of each hold
23 placed on the sale by local law enforcement or the state and of any
24 application to the court for additional hold period to confirm
25 records or confirm the identity of the applicant.

26 (6)) (3)(a) At the time of applying for the purchase of a
27 ((pistol or semiautomatic assault rifle)) firearm, the purchaser
28 shall sign ((in triplicate)) and deliver to the dealer an application
29 containing:

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

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

33 (iii) The applicant's driver's license number or state
34 identification card number;

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

37 (v) A description of the ((pistol or semiautomatic assault
38 rifle)) firearm including the make, model, caliber and manufacturer's
39 number if available at the time of applying for the purchase of ((a
40 pistol or semiautomatic assault rifle)) the firearm. If the

1 manufacturer's number is not available at the time of applying for
2 the purchase of a (~~(pistol or semiautomatic assault rifle)~~) firearm,
3 the application may be processed, but delivery of the (~~(pistol or~~
4 ~~semiautomatic assault rifle)~~) firearm to the purchaser may not occur
5 unless the manufacturer's number is recorded on the application by
6 the dealer and transmitted to the (~~(chief of police of the~~
7 ~~municipality or the sheriff of the county in which the purchaser~~
8 ~~resides, or the state pursuant to subsection (3)(b) of this section)~~)
9 Washington state patrol firearms background check program; and

10 (~~(v)~~) (vi) A statement that the purchaser is eligible to
11 purchase and possess a firearm under state and federal law(~~(; and~~
12 ~~(vi) If purchasing a semiautomatic assault rifle, a statement by~~
13 ~~the applicant under penalty of perjury that the applicant has~~
14 ~~completed a recognized firearm safety training program within the~~
15 ~~last five years, as required by subsection (2) of this section)).~~

16 (b) The (~~(application)~~) dealer shall (~~(contain)~~) provide the
17 applicant with information that contains two warnings substantially
18 stated as follows:

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

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

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

31 (c) The dealer shall, by the end of the business day, (~~(sign and~~
32 ~~attach his or her address and deliver a copy of the application and~~
33 ~~such other documentation as required under subsections (1) and (2) of~~
34 ~~this section to the chief of police of the municipality or the~~
35 ~~sheriff of the county of which the purchaser is a resident, or the~~
36 ~~state pursuant to subsection (3)(b) of this section)~~) transmit the
37 information from the application through secure automated firearms e-
38 check (SAFE) to the Washington state patrol firearms background check

1 program. The (~~(triplicate)~~) original application shall be retained by
2 the dealer for six years.

3 (d) The dealer shall deliver the (~~(pistol or semiautomatic~~
4 ~~assault rifle)~~) firearm to the purchaser (~~(following)~~) once the
5 requirements and period of time specified in this chapter (~~(unless~~
6 ~~the dealer is notified of an investigative hold under subsection (5)~~
7 ~~of this section in writing by the chief of police of the~~
8 ~~municipality, the sheriff of the county, or the state, whichever is~~
9 ~~applicable, or of the denial of the purchaser's application to~~
10 ~~purchase and the grounds thereof)~~) are satisfied. The application
11 shall not be denied unless the purchaser is not eligible to purchase
12 or possess the firearm under state or federal law or does not have a
13 valid permit to purchase firearms issued under section 2 of this act.

14 (~~(d)~~) (e) The (~~(chief of police of the municipality or the~~
15 ~~sheriff of the county, or the state pursuant to subsection (3)(b) of~~
16 ~~this section,~~) Washington state patrol firearms background check
17 program shall retain or destroy applications to purchase a (~~(pistol~~
18 ~~or semiautomatic assault rifle)~~) firearm in accordance with the
19 requirements of 18 U.S.C. Sec. 922.

20 (~~(7)(a)~~) ~~To help offset the administrative costs of implementing~~
21 ~~this section as it relates to new requirements for semiautomatic~~
22 ~~assault rifles, the department of licensing may require the dealer to~~
23 ~~charge each semiautomatic assault rifle purchaser or transferee a fee~~
24 ~~not to exceed twenty-five dollars, except that the fee may be~~
25 ~~adjusted at the beginning of each biennium to levels not to exceed~~
26 ~~the percentage increase in the consumer price index for all urban~~
27 ~~consumers, CPI-W, or a successor index, for the previous biennium as~~
28 ~~calculated by the United States department of labor.~~

29 ~~(b) The fee under (a) of this subsection shall be no more than is~~
30 ~~necessary to fund the following:~~

31 ~~(i) The state for the cost of meeting its obligations under this~~
32 ~~section;~~

33 ~~(ii) The health care authority, mental health institutions, and~~
34 ~~other health care facilities for state-mandated costs resulting from~~
35 ~~the reporting requirements imposed by RCW 9.41.097(1); and~~

36 ~~(iii) Local law enforcement agencies for state-mandated local~~
37 ~~costs resulting from the requirements set forth under RCW 9.41.090~~
38 ~~and this section.~~

1 ~~(8))~~ (4) A person who knowingly makes a false statement
2 regarding identity or eligibility requirements on the application to
3 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

4 ~~((9))~~ (5) This section does not apply to sales to licensed
5 dealers for resale or to the sale of antique firearms.

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

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

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

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

14 (b) A complete set of fingerprints taken by the local law
15 enforcement agency in the jurisdiction in which the applicant
16 resides;

17 (c) A certificate of completion of a certified firearms safety
18 training program within the last five years, or proof that the
19 applicant is exempt from the training requirement, as provided in
20 section 3 of this act; and

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

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

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

26 (b) Residential address and mailing address if different from the
27 residential address;

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

29 (d) Physical description;

30 (e) Race and gender;

31 (f) Telephone number and email address, at the option of the
32 applicant; and

33 (g) Signature.

34 (4) The application must contain questions about the applicant's
35 eligibility to possess firearms under state and federal law and
36 whether the applicant is a United States citizen. If the applicant is
37 not a United States citizen, the applicant must provide the
38 applicant's country of citizenship, United States-issued alien number
39 or admission number, and the basis on which the applicant claims to

1 be exempt from federal prohibitions on firearm possession by aliens.
2 The applicant shall not be required to produce a birth certificate or
3 other evidence of citizenship. A person who is not a citizen of the
4 United States shall, if applicable, meet the additional requirements
5 of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173
6 upon application.

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

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

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

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

24 (ii) Is subject to a court order or injunction regarding firearms
25 pursuant to chapter 7.105 RCW, or RCW 9A.44.210, 9A.46.080,
26 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or
27 26.26A.470, or any of the former RCW 10.14.080, 26.10.115, 26.50.060,
28 and 26.50.070, or local law enforcement reasonably believes based on
29 open cases or investigations that the applicant may soon be subject
30 to a court order or injunction regarding firearms identified in this
31 subsection;

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

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

36 (v) Has failed to produce a certificate of completion of a
37 certified firearms safety training program within the last five
38 years, or proof that the applicant is exempt from the training
39 requirement.

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

8 (8) In determining whether the applicant is eligible for a permit
9 to purchase firearms, the Washington state patrol firearms background
10 check program shall check with the national instant criminal
11 background check system, the Washington state patrol electronic
12 database, the health care authority electronic database, the
13 administrative office of the courts, LInX-NW, local law enforcement
14 in the jurisdiction where the individual resides to ensure there are
15 no active cases or open investigations regarding the applicant that
16 may result in the entry of a court order or injunction regarding
17 firearms as specified in subsection (7)(a)(ii) of this section, and
18 with other agencies or resources as appropriate.

19 (9) The Washington state patrol firearms background check program
20 shall develop procedures to verify on an annual basis that persons
21 who have been issued a permit to purchase firearms remain eligible to
22 possess firearms under state and federal law and continue to meet
23 other eligibility requirements for issuance of a permit to possess
24 firearms. If a person is determined to be ineligible, the Washington
25 state patrol firearms background check program shall revoke the
26 permit under subsection (14) of this section.

27 (10) The permit to purchase firearms must be in a form prescribed
28 by the Washington state patrol firearms background check program and
29 must contain a unique permit number, expiration date, and the name,
30 date of birth, residential address, brief description, and signature
31 of the licensee.

32 (11)(a) A permit to purchase firearms is valid for a period of
33 five years. A person may renew a permit to purchase firearms by
34 applying for renewal in accordance with the requirements of this
35 section within 90 days before or after the expiration date of the
36 permit. A set of fingerprints is not required for a renewal
37 application if the original set has been retained by the Washington
38 state patrol firearms background check program. A renewed permit to
39 purchase firearms takes effect on the expiration date of the prior
40 permit to purchase firearms and is valid for a period of five years.

1 (b) (i) The Washington state patrol firearms background check
2 program shall establish fees for applications for original and
3 renewal permits to purchase firearms, and a late penalty for late
4 renewal of a permit to purchase firearms. The fees shall be set in an
5 amount that will cover the costs incurred in administering the permit
6 to purchase firearms program, but shall not exceed \$25. The
7 Washington state patrol firearms background check program shall
8 transmit the fees collected to the state treasurer for deposit in the
9 state firearms background check system account created in RCW
10 43.43.590.

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

17 (iii) In addition to the permit application fee, an applicant for
18 an original permit must pay the fingerprint processing fee under RCW
19 43.43.742.

20 (12) The Washington state patrol firearms background check
21 program shall mail a renewal notice to the holder of a permit to
22 purchase firearms approximately 90 days before the expiration date of
23 the permit at the address listed on the application, or to the permit
24 holder's new address if the permit holder has notified the Washington
25 state patrol firearms background check program of a change of
26 address. If the permit holder provides an email address at the time
27 of application, the Washington state patrol firearms background check
28 program may send the renewal notice to the permit holder's email
29 address. The notice must contain the date the permit to purchase
30 firearms will expire, the amount of the renewal fee, the penalty for
31 late renewal, and instructions on how to renew the permit to purchase
32 firearms.

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

35 (14) The Washington state patrol firearms background check
36 program shall revoke a permit to purchase firearms on the occurrence
37 of any act or condition that would prevent the issuance of a permit
38 to purchase firearms. The Washington state patrol firearms background
39 check program shall send the permit holder a written notice of the
40 revocation stating the specific grounds on which the permit is

1 revoked and that the person must surrender his or her permit to
2 purchase firearms to the Washington state patrol within 48 hours of
3 receipt of the notification.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.41 RCW
5 to read as follows:

6 (1) An applicant for a permit to purchase firearms must provide a
7 certificate of completion of a certified firearms safety training
8 program within the last five years that, at a minimum, includes
9 instruction on:

- 10 (a) Basic firearms safety rules;
- 11 (b) Firearms and children, including secure gun storage and
12 talking to children about gun safety;
- 13 (c) Firearms and suicide prevention;
- 14 (d) Secure gun storage to prevent unauthorized access and use;
- 15 (e) Safe handling of firearms;
- 16 (f) State and federal firearms laws, including prohibited
17 firearms transfers and locations where firearms are prohibited;
- 18 (g) State laws pertaining to the use of deadly force for self-
19 defense;
- 20 (h) Techniques for avoiding a criminal attack and how to manage a
21 violent confrontation, including conflict resolution; and
- 22 (i) Live-fire shooting exercises on a firing range that include a
23 demonstration by the applicant of the safe handling of, and shooting
24 proficiency with, firearms.

25 (2) The training must be sponsored by a federal, state, county,
26 or municipal law enforcement agency, a college or university, a
27 nationally recognized organization that customarily offers firearms
28 training, or a firearms training school with instructors certified by
29 a nationally recognized organization that customarily offers firearms
30 training. The certificate of training shall be in the form and manner
31 of documentation developed by the Washington state patrol under
32 section 5 of this act.

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

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

1 (a) A person who is a peace officer certified in accordance with
2 RCW 43.101.095(1); or

3 (b) A person who is an active duty member of the armed forces of
4 the United States, an active member of the national guard, or an
5 active member of the armed forces reserves who, as part of the
6 applicant's service, has completed, within the last five years, a
7 course of training in firearms proficiency or familiarization that
8 included training on the safe handling and shooting proficiency with
9 firearms.

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

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

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.43
24 RCW to read as follows:

25 The Washington state patrol shall establish a program to provide
26 certifications for firearms safety training programs that meet the
27 requirements of section 3 of this act. The Washington state patrol
28 shall develop the form and manner of documentation for applicants for
29 permits to purchase firearms to provide proof of completion of a
30 certified firearms safety training program, and for use as proof of
31 qualifying for an exemption from the firearms safety training
32 requirement.

33 **Sec. 6.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to
34 read as follows:

35 (1)(a) At the time a person is convicted or found not guilty by
36 reason of insanity of an offense making the person ineligible to
37 possess a firearm, or at the time a person is committed by court

1 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
2 chapter 10.77 RCW for mental health treatment, or at the time that
3 charges are dismissed based on incompetency to stand trial under RCW
4 10.77.088 and the court makes a finding that the person has a history
5 of one or more violent acts, the convicting or committing court, or
6 court that dismisses charges, shall notify the person, orally and in
7 writing, that the person must immediately surrender any concealed
8 pistol license or permit to purchase firearms and that the person may
9 not possess a firearm unless his or her right to do so is restored by
10 a court of record. For purposes of this section a convicting court
11 includes a court in which a person has been found not guilty by
12 reason of insanity.

13 (b) The court shall forward within three judicial days after
14 conviction, entry of the commitment order, or dismissal of charges, a
15 copy of the person's driver's license or identicard, or comparable
16 information such as their name, address, and date of birth, along
17 with the date of conviction or commitment, or date charges are
18 dismissed, to the department of licensing and to the Washington state
19 patrol firearms background check program. When a person is committed
20 by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
21 or chapter 10.77 RCW, for mental health treatment, or when a person's
22 charges are dismissed based on incompetency to stand trial under RCW
23 10.77.088 and the court makes a finding that the person has a history
24 of one or more violent acts, the court also shall forward, within
25 three judicial days after entry of the commitment order, or dismissal
26 of charges, a copy of the person's driver's license, or comparable
27 information, along with the date of commitment or date charges are
28 dismissed, to the national instant criminal background check system
29 index, denied persons file, created by the federal Brady handgun
30 violence prevention act (P.L. 103-159). The petitioning party shall
31 provide the court with the information required. If more than one
32 commitment order is entered under one cause number, only one
33 notification to the department of licensing, the Washington state
34 patrol firearms background check program, and the national instant
35 criminal background check system is required.

36 (2)(a) Upon receipt of the information provided for by subsection
37 (1) of this section, the department of licensing shall determine if
38 the convicted or committed person, or the person whose charges are
39 dismissed based on incompetency to stand trial, has a concealed
40 pistol license. If the person does have a concealed pistol license,

1 the department of licensing shall immediately notify the license-
2 issuing authority which, upon receipt of such notification, shall
3 immediately revoke the license.

4 (b) Upon receipt of the information provided for by subsection
5 (1) of this section, the Washington state patrol firearms background
6 check program shall determine if the convicted or committed person,
7 or the person whose charges are dismissed based on incompetency to
8 stand trial, has a permit to purchase firearms. If the person does
9 have a permit to purchase firearms, the Washington state patrol
10 firearms background check program shall immediately revoke the
11 permit.

12 (3)(a) A person who is prohibited from possessing a firearm, by
13 reason of having been involuntarily committed for mental health
14 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
15 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
16 by reason of having been detained under RCW 71.05.150 or 71.05.153,
17 or because the person's charges were dismissed based on incompetency
18 to stand trial under RCW 10.77.088 and the court made a finding that
19 the person has a history of one or more violent acts, may, upon
20 discharge, petition the superior court to have his or her right to
21 possess a firearm restored.

22 (b) The petition must be brought in the superior court that
23 ordered the involuntary commitment or dismissed the charges based on
24 incompetency to stand trial or the superior court of the county in
25 which the petitioner resides.

26 (c) Except as provided in (d) and (e) of this subsection, the
27 court shall restore the petitioner's right to possess a firearm if
28 the petitioner proves by a preponderance of the evidence that:

29 (i) The petitioner is no longer required to participate in court-
30 ordered inpatient or outpatient treatment;

31 (ii) The petitioner has successfully managed the condition
32 related to the commitment or detention or incompetency;

33 (iii) The petitioner no longer presents a substantial danger to
34 himself or herself, or the public; and

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

37 (d) If a preponderance of the evidence in the record supports a
38 finding that the person petitioning the court has engaged in violence
39 and that it is more likely than not that the person will engage in
40 violence after his or her right to possess a firearm is restored, the

1 person shall bear the burden of proving by clear, cogent, and
2 convincing evidence that he or she does not present a substantial
3 danger to the safety of others.

4 (e) If the petitioner seeks restoration after having been
5 detained under RCW 71.05.150 or 71.05.153, the state shall bear the
6 burden of proof to show, by a preponderance of the evidence, that the
7 petitioner does not meet the restoration criteria in (c) of this
8 subsection.

9 (f) When a person's right to possess a firearm has been restored
10 under this subsection, the court shall forward, within three judicial
11 days after entry of the restoration order, notification that the
12 person's right to possess a firearm has been restored to the
13 department of licensing and the Washington state patrol firearms
14 background check program, with a copy of the person's driver's
15 license or identicard, or comparable identification such as their
16 name, address, and date of birth, and to the health care authority,
17 and the national instant criminal background check system index,
18 denied persons file. In the case of a person whose right to possess a
19 firearm has been suspended for six months as provided in RCW
20 71.05.182, the Washington state patrol firearms background check
21 program shall lift the suspension and restore the person's permit to
22 purchase firearms, and the department of licensing shall forward
23 notification of the restoration order to the licensing authority,
24 which, upon receipt of such notification, shall immediately lift the
25 suspension, restoring the person's concealed pistol license.

26 (4) No person who has been found not guilty by reason of insanity
27 may petition a court for restoration of the right to possess a
28 firearm unless the person meets the requirements for the restoration
29 of the right to possess a firearm under RCW 9.41.040(4).

30 **Sec. 7.** RCW 9.41.049 and 2020 c 302 s 61 are each amended to
31 read as follows:

32 (1) When a designated crisis responder files a petition for
33 initial detention under RCW 71.05.150 or 71.05.153 on the grounds
34 that the person presents a likelihood of serious harm, the petition
35 shall include a copy of the person's driver's license or identicard
36 or comparable information such as their name, address, and date of
37 birth. If the person is not subsequently committed for involuntary
38 treatment under RCW 71.05.240, the court shall forward within three
39 business days of the probable cause hearing a copy of the person's

1 driver's license or identicard, or comparable information, along with
2 the date of release from the facility, to the department of licensing
3 and to the state patrol, who shall forward the information to the
4 national instant criminal background check system index, denied
5 persons file, created by the federal Brady handgun violence
6 prevention act (P.L. 103-159). Upon expiration of the six-month
7 period during which the person's right to possess a firearm is
8 suspended as provided in RCW 71.05.182, the Washington state patrol
9 shall forward to the national instant criminal background check
10 system index, denied persons file, notice that the person's right to
11 possess a firearm has been restored.

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

20 (b) Upon receipt of the information provided for by subsection
21 (1) of this section, the Washington state patrol firearms background
22 check program shall determine if the detained person has a permit to
23 purchase firearms. If the person does have a permit to purchase
24 firearms, the Washington state patrol firearms background check
25 program shall immediately suspend the permit for a period of six
26 months from the date of the person's release from the facility.

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

32 **Sec. 8.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read
33 as follows:

34 ~~((1))~~ Except as otherwise provided in this chapter ~~((and except~~
35 ~~for semiautomatic assault rifles under subsection (2) of this~~
36 ~~section)),~~ a licensed dealer may not deliver any firearm to a
37 purchaser or transferee until the earlier of:

38 ~~((a))~~ (1) The results of all required background checks are
39 known and the purchaser or transferee ~~((i))~~ (a) is not prohibited

1 from owning or possessing a firearm under federal or state law and
2 ~~((i))~~ (b) does not have a voluntary waiver of firearm rights
3 currently in effect; ~~((e))~~ and

4 ~~((b))~~ (2) Ten business days have elapsed from the date the
5 licensed dealer requested the background check. ~~((However, for sales
6 and transfers of pistols if the purchaser or transferee does not have
7 a valid permanent Washington driver's license or state identification
8 card or has not been a resident of the state for the previous
9 consecutive ninety days, then the time period in this subsection
10 shall be extended from ten business days to sixty days.~~

11 ~~(2) Except as otherwise provided in this chapter, a licensed
12 dealer may not deliver a semiautomatic assault rifle to a purchaser
13 or transferee until ten business days have elapsed from the date of
14 the purchase application or, in the case of a transfer, ten business
15 days have elapsed from the date a background check is initiated.)~~

16 **Sec. 9.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read
17 as follows:

18 A signed application to purchase a ~~((pistol or semiautomatic
19 assault rifle))~~ firearm shall constitute a waiver of confidentiality
20 and written request that the health care authority, mental health
21 institutions, and other health care facilities release ~~((, to an
22 inquiring court or law enforcement agency,))~~ information relevant to
23 the applicant's eligibility to purchase a ~~((pistol or semiautomatic
24 assault rifle))~~ firearm to an inquiring court or ~~((law enforcement
25 agency))~~ the Washington state patrol firearms background check
26 program.

27 **Sec. 10.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read
28 as follows:

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

37 (2) Mental health information received by: (a) The department of
38 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing

1 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
2 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law
3 enforcement agency pursuant to subsection (1) of this section; or (e)
4 the Washington state patrol firearms background check program
5 pursuant to RCW 9.41.090 or section 2 of this act, shall not be
6 disclosed except as provided in RCW 42.56.240(4).

7 **Sec. 11.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read
8 as follows:

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

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

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

17 (c) For issuing a concealed pistol license, permit to purchase
18 firearms, or alien firearm license to a person ineligible for such a
19 license;

20 (d) For failing to issue a concealed pistol license, permit to
21 purchase firearms, or alien firearm license to a person eligible for
22 such a license;

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

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

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

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

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

35 (a) Directing an issuing agency to issue a concealed pistol
36 license, permit to purchase firearms, or alien firearm license
37 wrongfully refused;

38 (b) Directing (~~a law enforcement agency~~) the Washington state
39 patrol firearms background check program to approve an application to

1 purchase a (~~pistol or semiautomatic assault rifle~~) firearm
2 wrongfully denied;

3 (c) Directing that erroneous information resulting either in the
4 wrongful refusal to issue a concealed pistol license, permit to
5 purchase firearms, or alien firearm license or in the wrongful denial
6 of a purchase application for a (~~pistol or semiautomatic assault~~
7 ~~rifle~~) firearm be corrected; or

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

10 The application for the writ may be made in the county in which
11 the application for a concealed pistol license, permit to purchase
12 firearms, or alien firearm license or an application to purchase a
13 (~~pistol or semiautomatic assault rifle~~) firearm was made, or in
14 Thurston county, at the discretion of the petitioner. A court shall
15 provide an expedited hearing for an application brought under this
16 subsection (2) for a writ of mandamus. A person granted a writ of
17 mandamus under this subsection (2) shall be awarded reasonable
18 attorneys' fees and costs.

19 **Sec. 12.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read
20 as follows:

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

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

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

33 (4) The duly constituted licensing authorities of any city, town,
34 or political subdivision of this state shall grant licenses in forms
35 prescribed by the director of licensing effective for not more than
36 one year from the date of issue permitting the licensee to sell
37 firearms within this state subject to the following conditions, for
38 breach of any of which the license shall be forfeited and the
39 licensee subject to punishment as provided in (~~RCW 9.41.010 through~~

1 ~~9.41.810~~) this chapter. A licensing authority shall forward a copy
2 of each license granted to the department of licensing. The
3 department of licensing shall notify the department of revenue of the
4 name and address of each dealer licensed under this section.

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

19 (b) A dealer shall require every employee who may sell a firearm
20 in the course of his or her employment to undergo fingerprinting and
21 a background check. An employee must be eligible to possess a
22 firearm, and must not have been convicted of a crime that would make
23 the person ineligible for a concealed pistol license or permit to
24 purchase firearms, before being permitted to sell a firearm. Every
25 employee shall comply with requirements concerning purchase
26 applications and restrictions on delivery of (~~pistols or~~
27 ~~semiautomatic assault rifles~~) firearms that are applicable to
28 dealers.

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

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

1 In conducting business temporarily at a location other than the
2 building designated in the license, the dealer shall comply with all
3 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
4 this section. The license of a dealer who fails to comply with the
5 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
6 section while conducting business at a temporary location shall be
7 revoked, and the dealer shall be permanently ineligible for a
8 dealer's license.

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

13 (8) (a) No (~~(pistol or semiautomatic assault rifle)~~) firearm may
14 be sold: (i) In violation of any provisions of (~~(RCW 9.41.010 through~~
15 ~~9.41.810)~~) this chapter; nor (ii) (~~(may a pistol or semiautomatic~~
16 ~~assault rifle be sold)~~) under any circumstances unless the purchaser
17 is personally known to the dealer or shall present clear evidence of
18 his or her identity.

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

24 (c) The license fee for pistols shall be one hundred twenty-five
25 dollars. The license fee for firearms other than pistols shall be one
26 hundred twenty-five dollars. The license fee for ammunition shall be
27 one hundred twenty-five dollars. Any dealer who obtains any license
28 under subsection (1), (2), or (3) of this section may also obtain the
29 remaining licenses without payment of any fee. The fees received
30 under this section shall be deposited in the state general fund.

31 (9) (a) A true record (~~(in triplicate)~~) shall be made of every
32 (~~(pistol or semiautomatic assault rifle)~~) firearm sold, in a book
33 kept for the purpose, the form of which may be prescribed by the
34 director of licensing and shall be personally signed by the purchaser
35 and by the person effecting the sale, each in the presence of the
36 other, and shall contain the date of sale, the caliber, make, model
37 and manufacturer's number of the weapon, the name, address,
38 occupation, and place of birth of the purchaser, the identification
39 number of the purchaser's permit to purchase firearms, and a

1 statement signed by the purchaser that he or she is not ineligible
2 under state or federal law to possess a firearm.

3 ~~(b) ((One copy shall within six hours be sent by certified mail
4 to the chief of police of the municipality or the sheriff of the
5 county of which the purchaser is a resident, or the state pursuant to
6 RCW 9.41.090; the duplicate the dealer shall within seven days send
7 to the director of licensing; the triplicate the dealer shall
8 retain))~~ The dealer shall transmit the information from the
9 application through secure automated firearms e-check (SAFE) to the
10 Washington state patrol firearms background check program. The
11 Washington state patrol firearms background check program shall
12 transmit the application information to the director of licensing
13 daily. The original application shall be retained by the dealer for
14 six years.

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

17 (11) The dealer's licenses authorized to be issued by this
18 section are general licenses covering all sales by the licensee
19 within the effective period of the licenses. The department shall
20 provide a single application form for dealer's licenses and a single
21 license form which shall indicate the type or types of licenses
22 granted.

23 (12) Except as otherwise provided in ~~((RCW 9.41.090))~~ this
24 chapter, every city, town, and political subdivision of this state is
25 prohibited from requiring the purchaser to secure a permit to
26 purchase or from requiring the dealer to secure an individual permit
27 for each sale.

28 **Sec. 13.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to
29 read as follows:

30 (1) Beginning on the date that is thirty days after the
31 Washington state patrol issues a notification to dealers that a state
32 firearms background check system is established within the Washington
33 state patrol under RCW 43.43.580, a dealer shall use the Washington
34 state patrol firearms background check ~~((system))~~ program to conduct
35 background checks for all firearms transfers. A dealer may not sell
36 or transfer a firearm to an individual unless the dealer first
37 contacts the Washington state patrol firearms background check
38 program for a background check to determine the eligibility of the
39 purchaser or transferee to possess a firearm under state and federal

1 law and the requirements and time periods established in RCW 9.41.090
2 and 9.41.092 have been satisfied. (~~When an applicant applies for the~~
3 ~~purchase or transfer of a pistol or semiautomatic assault rifle, a~~
4 ~~dealer shall comply with all requirements of this chapter that apply~~
5 ~~to the sale or transfer of a pistol or semiautomatic rifle. The~~
6 ~~purchase or transfer of a firearm that is not a pistol or~~
7 ~~semiautomatic assault rifle must be processed in the same manner and~~
8 ~~under the same requirements of this chapter that apply to the sale or~~
9 ~~transfer of a pistol, except that the provisions of RCW 9.41.129, and~~
10 ~~the requirement in RCW 9.41.110(9)(b) concerning transmitting~~
11 ~~application records to the director of licensing, shall not apply to~~
12 ~~these transactions.))~~

13 (2) A dealer shall charge a purchaser or transferee a background
14 check fee in an amount determined by the Washington state patrol and
15 remit the proceeds from the fee to the Washington state patrol on a
16 monthly basis. The background check fee does not apply to any
17 background check conducted in connection with a pawnbroker's receipt
18 of a pawned firearm or the redemption of a pawned firearm.

19 (3) This section does not apply to sales or transfers to licensed
20 dealers or to the sale or transfer of an antique firearm.

21 **Sec. 14.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read
22 as follows:

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

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

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

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

32 (d) Ensure that twenty-four hours have elapsed from the time the
33 firearm was obtained by law enforcement, unless the firearm was
34 seized in connection with a domestic violence call pursuant to RCW
35 10.99.030, in which case the law enforcement agency must ensure that
36 five business days have elapsed from the time the firearm was
37 obtained.

38 (2)(a) Once the requirements in subsections (1) and (3) of this
39 section have been met, a law enforcement agency must release a

1 firearm to the individual from whom it was obtained or an authorized
2 representative of that person upon request without unnecessary delay.

3 (b) (i) If a firearm cannot be returned because it is required to
4 be held in custody or is otherwise prohibited from being released, a
5 law enforcement agency must provide written notice to the individual
6 from whom it was obtained within five business days of the individual
7 requesting return of his or her firearm and specify the reason the
8 firearm must be held in custody.

9 (ii) Notification may be made via email, text message, mail
10 service, or personal service. For methods other than personal
11 service, service shall be considered complete once the notification
12 is sent.

13 (3) If a family or household member or intimate partner has
14 requested to be notified pursuant to RCW 9.41.340, a law enforcement
15 agency must:

16 (a) Provide notice to the family or household member or intimate
17 partner within one business day of verifying that the requirements in
18 subsection (1) of this section have been met; and

19 (b) Hold the firearm in custody for seventy-two hours from the
20 time notification has been provided.

21 (4) (a) A law enforcement agency may not return a concealed pistol
22 license or permit to purchase firearms that has been surrendered to,
23 or impounded by, the law enforcement agency for any reason to the
24 licensee or permittee until the law enforcement agency determines the
25 licensee or permittee is eligible to possess a firearm under state
26 and federal law and meets the other eligibility requirements for a
27 concealed pistol license under RCW 9.41.070 or a permit to purchase
28 firearms under section 2 of this act.

29 (b) A law enforcement agency must release a concealed pistol
30 license or permit to purchase firearms to the licensee or permittee
31 without unnecessary delay, and in no case longer than five business
32 days, after the law enforcement agency determines the requirements of
33 (a) of this subsection have been met.

34 (5) The provisions of chapter 130, Laws of 2015 and subsection
35 (4) of this section shall not apply to circumstances where a law
36 enforcement officer has momentarily obtained a firearm ~~((\oplus))~~,
37 concealed pistol license, or permit to purchase firearms from an
38 individual and would otherwise immediately return the firearm ~~((\oplus))~~,
39 concealed pistol license, or permit to purchase firearms to the
40 individual during the same interaction.

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

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

9 (2) Any person violating the provisions of subsection (1) above
10 shall be guilty of a gross misdemeanor. If any person is convicted of
11 a violation of subsection (1) of this section, the person shall lose
12 his or her concealed pistol license and permit to purchase firearms,
13 if any. The court shall send notice of the required revocation of any
14 concealed pistol license to the department of licensing, and the
15 city, town, or county which issued the license, and notice of the
16 required revocation of any permit to purchase firearms to the
17 Washington state patrol firearms background check program.

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

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

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

26 (c) Any person acting for the purpose of protecting himself or
27 herself against the use of presently threatened unlawful force by
28 another, or for the purpose of protecting another against the use of
29 such unlawful force by a third person;

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

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

34 **Sec. 16.** RCW 9.41.280 and 2022 c 106 s 1 are each amended to
35 read as follows:

36 (1) It is unlawful for a person to knowingly carry onto, or to
37 possess on, public or private elementary or secondary school
38 premises, school-provided transportation, areas of facilities while
39 being used exclusively by public or private schools, or areas of

1 facilities while being used for official meetings of a school
2 district board of directors:

3 (a) Any firearm;

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

5 (c) Any device commonly known as "nun-chu-ka sticks," consisting
6 of two or more lengths of wood, metal, plastic, or similar substance
7 connected with wire, rope, or other means;

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

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

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

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

22 (2) Any such person violating subsection (1) of this section is
23 guilty of a misdemeanor. Second and subsequent violations of
24 subsection (1) of this section are a gross misdemeanor. If any person
25 is convicted of a violation of subsection (1)(a) of this section, the
26 person shall have his or her concealed pistol license and permit to
27 purchase firearms, if any, revoked for a period of three years.
28 Anyone convicted under this subsection is prohibited from applying
29 for a concealed pistol license or permit to purchase firearms for a
30 period of three years. The court shall send notice of the required
31 revocation of any concealed pistol license to the department of
32 licensing, and the city, town, or county which issued the license,
33 and notice of the required revocation of any permit to purchase
34 firearms to the Washington state patrol firearms background check
35 program.

36 Any violation of subsection (1) of this section by elementary or
37 secondary school students constitutes grounds for expulsion from the
38 state's public schools in accordance with RCW 28A.600.010. An
39 appropriate school authority shall promptly notify law enforcement

1 and the student's parent or guardian regarding any allegation or
2 indication of such violation.

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

11 Within twenty-four hours of the arrest, the arresting law
12 enforcement agency shall refer the person to the designated crisis
13 responder for examination and evaluation under chapter 71.05 or 71.34
14 RCW and inform a parent or guardian of the person of the arrest,
15 detention, and examination. The designated crisis responder shall
16 examine and evaluate the person subject to the provisions of chapter
17 71.05 or 71.34 RCW. The examination shall occur at the facility in
18 which the person is detained or confined. If the person has been
19 released on probation, bond, or bail, the examination shall occur
20 wherever is appropriate.

21 Upon completion of any examination by the designated crisis
22 responder, the results of the examination shall be sent to the court,
23 and the court shall consider those results in making any
24 determination about the person.

25 The designated crisis responder shall, to the extent permitted by
26 law, notify a parent or guardian of the person that an examination
27 and evaluation has taken place and the results of the examination.
28 Nothing in this subsection prohibits the delivery of additional,
29 appropriate mental health examinations to the person while the person
30 is detained or confined.

31 If the designated crisis responder determines it is appropriate,
32 the designated crisis responder may refer the person to the local
33 behavioral health administrative services organization for follow-up
34 services or other community providers for other services to the
35 family and individual.

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

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

39 (b) Any person engaged in military, law enforcement, or school
40 district security activities. However, a person who is not a

1 commissioned law enforcement officer and who provides school security
2 services under the direction of a school administrator may not
3 possess a device listed in subsection (1)(f) of this section unless
4 he or she has successfully completed training in the use of such
5 devices that is equivalent to the training received by commissioned
6 law enforcement officers;

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

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

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

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

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

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

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

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

28 (4) Subsections (1)(c) and (d) of this section do not apply to
29 any person who possesses nun-chu-ka sticks, throwing stars, or other
30 dangerous weapons to be used in martial arts classes authorized to be
31 conducted on the school premises.

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

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

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

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

8 **Sec. 17.** RCW 9.41.282 and 2020 c 189 s 1 are each amended to
9 read as follows:

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

14 (a) Any firearm;

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

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

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

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

27 (2) A person who violates subsection (1) of this section is
28 guilty of a gross misdemeanor. If a person is convicted of a
29 violation of subsection (1)(a) of this section, the person shall have
30 his or her concealed pistol license and permit to purchase firearms,
31 if any, revoked for a period of three years. Anyone convicted under
32 subsection (1)(a) of this section is prohibited from applying for a
33 concealed pistol license or permit to purchase firearms for a period
34 of three years from the date of conviction. The court shall order the
35 person to immediately surrender any concealed pistol license and
36 permit to purchase firearms, and within three business days
37 (~~notify~~) provide written notification to the department of
38 licensing (~~in writing~~) of the required revocation of any concealed
39 pistol license held by the person and to the Washington state patrol

1 firearms background check program of the required revocation of any
2 permit to purchase firearms. Upon receipt of the notification by the
3 court, the department of licensing shall determine if the person has
4 a concealed pistol license. If the person does have a concealed
5 pistol license, the department of licensing shall immediately notify
6 the license-issuing authority which, upon receipt of the
7 notification, shall immediately revoke the license.

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

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

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

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

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

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

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

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

29 **Sec. 18.** RCW 9.41.284 and 2022 c 106 s 3 are each amended to
30 read as follows:

31 (1) Except as provided in subsections (3) and (4) of this
32 section, it is unlawful for a person to knowingly carry onto, or to
33 possess in, a ballot counting center, a voting center, a student
34 engagement hub, or the county elections and voter registration
35 office, or areas of facilities while being used as a ballot counting
36 center, a voting center, a student engagement hub, or the county
37 elections and voter registration office:

38 (a) Any firearm;

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

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

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

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

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

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

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

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

37 (b) Any security personnel hired by a county and engaged in
38 security specifically for a counting center, a voting center, a
39 student engagement hub, or the county elections and voter
40 registration office or areas of facilities used for such purposes.

1 However, a person who is not a commissioned law enforcement officer
2 and who provides elections and voter registration security services
3 under the direction of a county may not possess a firearm or device
4 listed in subsection (1)(d) of this section unless he or she has
5 successfully completed training in the use of firearms or such
6 devices that is equivalent to the training received by commissioned
7 law enforcement officers.

8 (4) Subsection (1) of this section does not prohibit concealed
9 carry of a pistol, by a person licensed to carry a concealed pistol
10 pursuant to RCW 9.41.070, in any voting center, student engagement
11 hub, county elections and voter registration office, or areas of
12 facilities while being used as a voting center, student engagement
13 hub, or county elections and voter registration office. However, no
14 weapon restricted by this section, whether concealed or openly
15 carried, may be possessed in any ballot counting center or areas of
16 facilities while being used as a ballot counting center.

17 (5) Elections officers and officials must post signs providing
18 notice of the restriction on possession of firearms and other weapons
19 at each counting center, voting center, student engagement hub, or
20 county elections and voter registration office, or areas of
21 facilities while being used as a counting center, a voting center, a
22 student engagement hub, or the county elections and voter
23 registration office.

24 (6) For the purposes of this section:

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

27 (b) "Voting center" means a voting center as described in RCW
28 29A.40.160; and

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

31 **Sec. 19.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to
32 read as follows:

33 (1) Any court when entering an order authorized under chapter
34 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
35 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of
36 the evidence, that a party has: Used, displayed, or threatened to use
37 a firearm or other dangerous weapon in a felony, or is ineligible to
38 possess a 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 in his or her
7 custody or control, possessing, purchasing, receiving, or attempting
8 to purchase or 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 in his or her
5 custody or control, possessing, purchasing, receiving, or attempting
6 to purchase or 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 his or her immediate possession or
25 control or subject to his or her immediate possession or control, and
26 any concealed pistol license issued under RCW 9.41.070 and permit to
27 purchase firearms issued under section 2 of this act, to the local
28 law enforcement agency. Law enforcement officers shall use law
29 enforcement databases to assist in locating the party in situations
30 where the protected person does not know where the party lives or
31 where there is evidence that the party is trying to evade service.

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

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

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

1 ((and)), a concealed pistol license, and a permit to purchase
2 firearms.

3 **Sec. 20.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to
4 read as follows:

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

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

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

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

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

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

37 (a) The firearm or dangerous weapon is removed from the
38 respondent's access, custody, control, or possession and the lawful
39 owner agrees by written document signed under penalty of perjury to
40 store the firearm or dangerous weapon in a manner such that the

1 respondent does not have access to or control of the firearm or
2 dangerous weapon;

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

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

6 (6) Courts shall develop procedures to verify timely and complete
7 compliance with orders to surrender and prohibit weapons under RCW
8 9.41.800, including compliance review hearings to be held as soon as
9 possible upon receipt from law enforcement of proof of service. A
10 compliance review hearing is not required if the court can otherwise
11 enter findings on the record or enter written findings that the proof
12 of surrender or declaration of nonsurrender attested to by the person
13 subject to the order, along with verification from law enforcement
14 and any other relevant evidence, makes a sufficient showing that the
15 person has timely and completely surrendered all firearms and
16 dangerous weapons in the person's custody, control, or possession,
17 and any concealed pistol license (~~((issued under RCW 9.41.070))~~) and
18 permit to purchase firearms, to a law enforcement agency. If the
19 court does not have a sufficient record before it on which to make
20 such a finding, the court must set a review hearing to occur as soon
21 as possible at which the respondent must be present and provide proof
22 of compliance with the court's order. Courts shall make available
23 forms that petitioners may complete and submit to the court in
24 response to a respondent's declaration of whether the respondent has
25 surrendered weapons.

26 (7) (a) If a court finds at the compliance review hearing, or any
27 other hearing where compliance with the order to surrender and
28 prohibit weapons is addressed, that there is probable cause to
29 believe the respondent was aware of and failed to fully comply with
30 the order, failed to appear at the compliance review hearing, or
31 violated the order after the court entered findings of compliance,
32 pursuant to its authority under chapter 7.21 RCW, the court may
33 initiate a contempt proceeding to impose remedial sanctions on its
34 own motion, or upon the motion of the prosecutor, city attorney, or
35 the petitioner's counsel, and issue an order requiring the respondent
36 to appear, provide proof of compliance with the order, and show cause
37 why the respondent should not be held in contempt of court.

38 (b) If the respondent is not present in court at the compliance
39 review hearing or if the court issues an order to appear and show
40 cause after a compliance review hearing, the clerk of the court shall

1 electronically transmit a copy of the order to show cause to the law
2 enforcement agency where the respondent resides for personal service
3 or service in the manner provided in the civil rules of superior
4 court or applicable statute. Law enforcement shall also serve a copy
5 of the order to show cause on the petitioner, either electronically
6 or in person, at no cost.

7 (c) The order to show cause served upon the respondent shall
8 state the date, time, and location of the hearing and shall include a
9 warning that the respondent may be held in contempt of court if the
10 respondent fails to promptly comply with the terms of the order to
11 surrender and prohibit weapons and a warning that an arrest warrant
12 could be issued if the respondent fails to appear on the date and
13 time provided in the order.

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

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

23 (A) Provide the court with a complete list of firearms and other
24 dangerous weapons surrendered by the respondent or otherwise
25 belonging to the respondent that are in the possession of the law
26 enforcement agency; and

27 (B) Provide the court with verification that any concealed pistol
28 license or permit to purchase firearms issued to the respondent has
29 been surrendered and the agency with authority to revoke the license
30 has been notified.

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

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

39 (f) The court may order a respondent found in contempt of the
40 order to surrender and prohibit weapons to pay for any losses

1 incurred by a party in connection with the contempt proceeding,
2 including reasonable attorneys' fees, service fees, and other costs.
3 The costs of the proceeding shall not be borne by the petitioner.

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

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

16 (9) (a) An order to surrender and prohibit weapons issued pursuant
17 to RCW 9.41.800 must state that the act of voluntarily surrendering
18 firearms or weapons, or providing testimony relating to the surrender
19 of firearms or weapons, pursuant to such an order, may not be used
20 against the respondent in any criminal prosecution under this
21 chapter, chapter 7.105 RCW, or RCW 9A.56.310.

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

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

36 (11) The administrative office of the courts shall create a
37 statewide pattern form to assist the courts in ensuring timely and
38 complete compliance in a consistent manner with orders issued under
39 this chapter. The administrative office of the courts shall report
40 annually on the number of orders issued under this chapter by each

1 court, the degree of compliance, and the number of firearms obtained,
2 and may make recommendations regarding additional procedures to
3 enhance compliance and victim safety.

4 **Sec. 21.** RCW 9.41.802 and 2014 c 111 s 4 are each amended to
5 read as follows:

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

15 **Sec. 22.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to
16 read as follows:

17 A party ordered to surrender firearms, dangerous weapons, and his
18 or her concealed pistol license and permit to purchase firearms under
19 RCW 9.41.800 must file with the clerk of the court a proof of
20 surrender and receipt form or a declaration of nonsurrender form
21 within five judicial days of the entry of the order.

22 **Sec. 23.** RCW 9.41.815 and 2021 c 215 s 76 are each amended to
23 read as follows:

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

- 34 (1) Determining whether a person is ineligible to possess
35 firearms;
- 36 (2) Determining a person's firearms purchase history; and

1 (3) Determining whether a person has or previously had a
2 concealed pistol license or permit to purchase firearms, or has
3 applied for a concealed pistol license or permit to purchase
4 firearms.

5 **Sec. 24.** RCW 7.105.305 and 2022 c 268 s 16 are each amended to
6 read as follows:

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

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

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

1 (4) If a full hearing is set on a petition that is filed before
2 close of business on a judicial day, the hearing must be set not
3 later than 14 days from the date of the filing of the petition. If a
4 full hearing is set on a petition that is submitted after close of
5 business on a judicial day or is submitted on a nonjudicial day, the
6 hearing must be set not later than 14 days from the first judicial
7 day after the petition is filed, which may be extended for good
8 cause.

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

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

21 **Sec. 25.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9
22 are each reenacted and amended to read as follows:

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

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

35 (b) Restrain the respondent from making any attempts to have
36 contact, including nonphysical contact, with the petitioner or the
37 petitioner's family or household members who are minors or other
38 members of the petitioner's household, either directly, indirectly,

1 or through third parties regardless of whether those third parties
2 know of the order;

3 (c) Exclude the respondent from the residence that the parties
4 share;

5 (d) Exclude the respondent from the residence, workplace, or
6 school of the petitioner; or from the day care or school of a minor
7 child;

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

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

26 (g) Order the respondent to participate in a state-certified
27 domestic violence perpetrator treatment program approved under RCW
28 43.20A.735 or a state-certified sex offender treatment program
29 approved under RCW 18.155.070;

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

39 (i) In cases where the petitioner and the respondent are students
40 who attend the same public or private elementary, middle, or high

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

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

30 (k) Restrain the respondent from harassing, following,
31 monitoring, keeping under physical or electronic surveillance, cyber
32 harassment as defined in RCW 9A.90.120, and using telephonic,
33 audiovisual, or other electronic means to monitor the actions,
34 location, or communication of the petitioner or the petitioner's
35 family or household members who are minors or other members of the
36 petitioner's household. For the purposes of this subsection,
37 "communication" includes both "wire communication" and "electronic
38 communication" as defined in RCW 9.73.260;

39 (l) Other than for respondents who are minors, require the
40 respondent to submit to electronic monitoring. The order must specify

1 who shall provide the electronic monitoring services and the terms
2 under which the monitoring must be performed. The order also may
3 include a requirement that the respondent pay the costs of the
4 monitoring. The court shall consider the ability of the respondent to
5 pay for electronic monitoring;

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

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

23 (o) Order use of a vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) The court shall not issue a full protection order to any
2 party except upon notice to the respondent and the opportunity for a
3 hearing pursuant to a petition or counter-petition filed and served
4 by the party seeking relief in accordance with this chapter. Except
5 as provided in RCW 7.105.210, the court shall not issue a temporary
6 protection order to any party unless the party has filed a petition
7 or counter-petition for a protection order seeking relief in
8 accordance with this chapter.

9 (c) Under no circumstances shall the court deny the petitioner
10 the type of protection order sought in the petition on the grounds
11 that the court finds that a different type of protection order would
12 have a less severe impact on the respondent.

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

20 **Sec. 26.** RCW 7.105.330 and 2021 c 215 s 43 are each amended to
21 read as follows:

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

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

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

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

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

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

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

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

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

1 (g) The following statement: "To the subject of this protection
2 order: This order is valid until the date and time noted above. You
3 are required to surrender all firearms in your custody, control, or
4 possession. You may not have in your custody or control, access,
5 possess, purchase, receive, or attempt to purchase or receive, a
6 firearm, or a concealed pistol license or permit to purchase
7 firearms, while this order is in effect. You must surrender to the
8 (insert name of local law enforcement agency) all firearms in your
9 custody, control, or possession, and any concealed pistol license
10 issued to you under RCW 9.41.070 and permit to purchase firearms
11 issued to you under section 2 of this act, immediately. A hearing
12 will be held on the date and at the time noted above to determine if
13 an extreme risk protection order should be issued. Failure to appear
14 at that hearing may result in a court making an order against you
15 that is valid for one year. You may seek the advice of an attorney as
16 to any matter connected with this order."

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

20 (5) A temporary extreme risk protection order must be served by a
21 law enforcement officer in the same manner as provided for in RCW
22 7.105.155 for service of the notice of hearing and petition, and must
23 be served concurrently with the notice of hearing and petition.

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

27 **Sec. 27.** RCW 7.105.335 and 2021 c 215 s 44 are each amended to
28 read as follows:

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

31 (a) A statement of the grounds supporting the issuance of the
32 order;

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

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

35 (d) Whether a behavioral health evaluation of the respondent is
36 required;

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

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

3 (g) The following statement: "To the subject of this protection
4 order: This order will last until the date and time noted above. If
5 you have not done so already, you must surrender to the (insert name
6 of local law enforcement agency) all firearms in your custody,
7 control, or possession, and any concealed pistol license issued to
8 you under RCW 9.41.070 and permit to purchase firearms issued to you
9 under section 2 of this act, immediately. You may not have in your
10 custody or control, access, possess, purchase, receive, or attempt to
11 purchase or receive, a firearm, or a concealed pistol license or
12 permit to purchase firearms, while this order is in effect. You have
13 the right to request one hearing to terminate this order every 12-
14 month period that this order is in effect, starting from the date of
15 this order and continuing through any renewals. You may seek the
16 advice of an attorney as to any matter connected with this order."

17 (2) When the court issues an extreme risk protection order, the
18 court shall inform the respondent that the respondent is entitled to
19 request termination of the order in the manner prescribed by RCW
20 7.105.505. The court shall provide the respondent with a form to
21 request a termination hearing.

22 **Sec. 28.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to
23 read as follows:

24 (1) Upon the issuance of any extreme risk protection order under
25 this chapter, including a temporary extreme risk protection order,
26 the court shall:

27 (a) Order the respondent to surrender to the local law
28 enforcement agency all firearms in the respondent's custody, control,
29 or possession, and any concealed pistol license issued under RCW
30 9.41.070 and permit to purchase firearms issued under section 2 of
31 this act; and

32 (b) Other than for ex parte temporary protection orders, direct
33 law enforcement to revoke any concealed pistol license issued to the
34 respondent and the Washington state patrol firearms background check
35 program to revoke any permit to purchase firearms issued to the
36 respondent.

37 (2) The law enforcement officer serving any extreme risk
38 protection order under this chapter, including a temporary extreme
39 risk protection order, shall request that the respondent immediately

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

32 (3) At the time of surrender, a law enforcement officer taking
33 possession of a firearm (~~(or)~~), concealed pistol license, or permit
34 to purchase firearms shall issue a receipt identifying all firearms
35 that have been surrendered and provide a copy of the receipt to the
36 respondent. Within 72 hours after service of the order, the officer
37 serving the order shall file the original receipt with the court and
38 shall ensure that his or her law enforcement agency retains a copy of
39 the receipt. The law enforcement agency shall transfer a surrendered

1 permit to purchase firearms to the Washington state patrol firearms
2 background check program.

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

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

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

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

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

27 (6) Upon the issuance of a one-year extreme risk protection
28 order, the court shall order a new compliance review hearing date and
29 require the respondent to appear not later than three judicial days
30 from the issuance of the order. The court shall require a showing
31 that the respondent has surrendered any firearms in the respondent's
32 custody, control, or possession, and any concealed pistol license
33 issued under RCW 9.41.070 and permit to purchase firearms issued
34 under section 2 of this act, to a law enforcement agency. The
35 compliance review hearing is not required upon a satisfactory showing
36 on which the court can otherwise enter findings on the record that
37 the respondent has timely and completely surrendered all firearms in
38 the respondent's custody, control, or possession, and any concealed
39 pistol license issued under RCW 9.41.070 and permit to purchase
40 firearms issued under section 2 of this act, to a law enforcement

1 agency, and is in compliance with the order. If the court does not
2 have a sufficient record before it on which to make such a finding,
3 the court must set a review hearing to occur as soon as possible, at
4 which the respondent must be present and provide proof of compliance
5 with the court's order.

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

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

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

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

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

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

5 (B) Provide the court with verification that any concealed pistol
6 license and permit to purchase firearms issued to the respondent has
7 been surrendered, and that a law enforcement agency with authority to
8 revoke the concealed pistol license has been notified, and that the
9 Washington state patrol firearms background check program has been
10 notified of the surrender of a permit to purchase firearms.

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

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

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

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

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

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

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

5 (10) All law enforcement agencies must develop and implement
6 policies and procedures regarding the acceptance, storage, and return
7 of firearms required to be surrendered under this chapter. Any
8 surrendered firearms must be handled and stored properly to prevent
9 damage or degradation in appearance or function, and the condition of
10 the surrendered firearms documented, including by digital photograph.
11 A law enforcement agency holding any surrendered firearm or concealed
12 pistol license shall comply with the provisions of RCW 9.41.340 and
13 9.41.345 before the return of the firearm or concealed pistol license
14 to the owner or individual from whom it was obtained.

15 **Sec. 29.** RCW 7.105.350 and 2021 c 215 s 47 are each amended to
16 read as follows:

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

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

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

5 (4) If a law enforcement agency receives a protection order for
6 entry or service, but the order falls outside the agency's
7 jurisdiction, the agency may enter and serve the order or may
8 immediately forward it to the appropriate law enforcement agency for
9 entry and service, and shall provide documentation back to the court
10 verifying which law enforcement agency has entered and will serve the
11 order.

12 (5) The issuing court shall, within three judicial days after the
13 issuance of any extreme risk protection order, including a temporary
14 extreme risk protection order, forward a copy of the respondent's
15 driver's license or identicard, or comparable information, along with
16 the date of order issuance, to the department of licensing and the
17 Washington state patrol firearms background check program. Upon
18 receipt of the information, the department of licensing shall
19 determine if the respondent has a concealed pistol license. If the
20 respondent does have a concealed pistol license, the department of
21 licensing shall immediately notify a law enforcement agency that the
22 court has directed the revocation of the license. The law enforcement
23 agency, upon receipt of such notification, shall immediately revoke
24 the license. Upon receipt of the information, the Washington state
25 patrol firearms background check program shall determine if the
26 respondent has a permit to purchase firearms. If the respondent does
27 have a permit to purchase firearms, the Washington state patrol
28 firearms background check program shall immediately revoke the
29 permit.

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

37 **Sec. 30.** RCW 7.105.570 and 2021 c 215 s 69 are each amended to
38 read as follows:

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

5 **Sec. 31.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
6 read as follows:

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

14 (1) Any police officer having probable cause to believe that a
15 person has committed or is committing a misdemeanor or gross
16 misdemeanor, involving physical harm or threats of harm to any person
17 or property or the unlawful taking of property or involving the use
18 or possession of cannabis, or involving the acquisition, possession,
19 or consumption of alcohol by a person under the age of twenty-one
20 years under RCW 66.44.270, or involving criminal trespass under RCW
21 9A.52.070 or 9A.52.080, shall have the authority to arrest the
22 person.

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

27 (a) A domestic violence protection order, a sexual assault
28 protection order, a stalking protection order, or a vulnerable adult
29 protection order has been issued, of which the person has knowledge,
30 under chapter 7.105 RCW, or an order has been issued, of which the
31 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
32 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 74.34 RCW, or any of
33 the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person
34 and the person has violated the terms of the order restraining the
35 person from acts or threats of violence, or restraining the person
36 from going onto the grounds of, or entering, a residence, workplace,
37 school, or day care, or prohibiting the person from knowingly coming
38 within, or knowingly remaining within, a specified distance of a
39 location, a protected party's person, or a protected party's vehicle,

1 or, in the case of an order issued under RCW 26.44.063, imposing any
2 other restrictions or conditions upon the person;

3 (b) An extreme risk protection order has been issued against the
4 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
5 knowledge of the order, and the person has violated the terms of the
6 order prohibiting the person from having in his or her custody or
7 control, purchasing, possessing, accessing, or receiving a firearm
8 (~~(or)~~), concealed pistol license, or permit to purchase firearms;

9 (c) A foreign protection order, as defined in RCW 26.52.010, or a
10 Canadian domestic violence protection order, as defined in RCW
11 26.55.010, has been issued of which the person under restraint has
12 knowledge and the person under restraint has violated a provision of
13 the foreign protection order or the Canadian domestic violence
14 protection order prohibiting the person under restraint from
15 contacting or communicating with another person, or excluding the
16 person under restraint from a residence, workplace, school, or day
17 care, or prohibiting the person from knowingly coming within, or
18 knowingly remaining within, a specified distance of a location, a
19 protected party's person, or a protected party's vehicle, or a
20 violation of any provision for which the foreign protection order or
21 the Canadian domestic violence protection order specifically
22 indicates that a violation will be a crime; or

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

1 each person involved, including whether the conduct was part of an
2 ongoing pattern of abuse.

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

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

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

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

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

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

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

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

20 (4) A law enforcement officer investigating at the scene of a
21 motor vehicle accident may arrest the driver of a motor vehicle
22 involved in the accident if the officer has probable cause to believe
23 that the driver has committed, in connection with the accident, a
24 violation of any traffic law or regulation.

25 (5) (a) A law enforcement officer investigating at the scene of a
26 motor vessel accident may arrest the operator of a motor vessel
27 involved in the accident if the officer has probable cause to believe
28 that the operator has committed, in connection with the accident, a
29 criminal violation of chapter 79A.60 RCW.

30 (b) A law enforcement officer investigating at the scene of a
31 motor vessel accident may issue a citation for an infraction to the
32 operator of a motor vessel involved in the accident if the officer
33 has probable cause to believe that the operator has committed, in
34 connection with the accident, a violation of any boating safety law
35 of chapter 79A.60 RCW.

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

39 (7) An officer may act upon the request of a law enforcement
40 officer, in whose presence a traffic infraction was committed, to

1 stop, detain, arrest, or issue a notice of traffic infraction to the
2 driver who is believed to have committed the infraction. The request
3 by the witnessing officer shall give an officer the authority to take
4 appropriate action under the laws of the state of Washington.

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

8 (9) A police officer may arrest and take into custody, pending
9 release on bail, personal recognizance, or court order, a person
10 without a warrant when the officer has probable cause to believe that
11 an antiharassment protection order has been issued of which the
12 person has knowledge under chapter 7.105 RCW or former chapter 10.14
13 RCW and the person has violated the terms of that order.

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

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

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

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

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

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

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

37 (16)(a) Except as provided in (b) of this subsection, a police
38 officer shall arrest and keep in custody, until release by a judicial
39 officer on bail, personal recognizance, or court order, a person
40 without a warrant when the officer has probable cause to believe that

1 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
2 local ordinance and the police officer: (i) Has knowledge that the
3 person has a prior offense as defined in RCW 46.61.5055 within ten
4 years; or (ii) has knowledge, based on a review of the information
5 available to the officer at the time of arrest, that the person is
6 charged with or is awaiting arraignment for an offense that would
7 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
8 conviction.

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

12 **Sec. 32.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2 are
13 each reenacted and amended to read as follows:

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

17 (2)(a) When a peace officer responds to a domestic violence call
18 and has probable cause to believe that a crime has been committed,
19 the peace officer shall exercise arrest powers with reference to the
20 criteria in RCW 10.31.100. The officer shall notify the victim of the
21 victim's right to initiate a criminal proceeding in all cases where
22 the officer has not exercised arrest powers or decided to initiate
23 criminal proceedings by citation or otherwise. The parties in such
24 cases shall also be advised of the importance of preserving evidence.

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

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

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

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

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

1 (b) The peace officer shall separate the parties and then inquire
2 of the victim: (i) If there are any firearms or ammunition in the
3 home that are owned or possessed by either party; (ii) if the alleged
4 abuser has access to any other firearms located off-site; and (iii)
5 whether the alleged abuser has an active concealed pistol license or
6 permit to purchase firearms, so that there is a complete record for
7 future court proceedings. The inquiry should make clear to the victim
8 that the peace officer is not asking only about whether a firearm was
9 used at the time of the incident but also under other circumstances,
10 such as whether the alleged abuser has kept a firearm in plain sight
11 in a manner that is coercive, has threatened use of firearms in the
12 past, or has additional firearms in a vehicle or other location. Law
13 enforcement personnel may use a pictorial display of common firearms
14 to assist the victim in identifying firearms.

15 (c) The peace officer shall document all information about
16 firearms (~~and~~), concealed pistol licenses, and permits to purchase
17 firearms in the incident report. The incident report must be coded to
18 indicate the presence of or access to firearms so that personal
19 recognizance screeners, prosecutors, and judicial officers address
20 the heightened risk to victim, family, and peace officer safety due
21 to the alleged abuser's access to firearms.

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

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

27 (a) The officer shall advise victims of all reasonable means to
28 prevent further abuse, including advising each person of the
29 availability of a shelter or other services in the community, and
30 giving each person immediate notice of the legal rights and remedies
31 available. The notice shall include handing each person a copy of the
32 following statement:

33 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
34 city or county prosecuting attorney to file a criminal
35 complaint. You also have the right to file a petition in
36 superior, district, or municipal court requesting an order
37 for protection from domestic abuse which could include any of
38 the following: (a) An order restraining your abuser from
39 further acts of abuse; (b) an order directing your abuser to

1 leave your household; (c) an order preventing your abuser
2 from entering your residence, school, business, or place of
3 employment; (d) an order awarding you or the other parent
4 custody of or visitation with your minor child or children;
5 (e) an order restraining your abuser from molesting or
6 interfering with minor children in your custody; and (f) an
7 order requiring your abuser to turn in any firearms (~~and~~),
8 concealed pistol license, and permit to purchase firearms in
9 the abuser's possession or control to law enforcement and
10 prohibiting the abuser from possessing or accessing firearms
11 or a concealed pistol license or permit to purchase firearms
12 for the duration of the civil order. The forms you need to
13 obtain a protection order are available in any municipal,
14 district, or superior court.

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

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

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

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

32 **Sec. 33.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
33 read as follows:

34 (1) All training relating to the handling of domestic violence
35 complaints by law enforcement officers must stress enforcement of
36 criminal laws in domestic situations, availability of community
37 resources, and protection of the victim. Law enforcement agencies and

1 community organizations with expertise in the issue of domestic
2 violence shall cooperate in all aspects of such training.

3 (2) The criminal justice training commission shall implement by
4 July 28, 2019, a course of instruction for the training of law
5 enforcement officers in Washington in the handling of domestic
6 violence complaints. The basic law enforcement curriculum of the
7 criminal justice training commission must include at least twenty
8 hours of basic training instruction on the law enforcement response
9 to domestic violence. The course of instruction, the learning and
10 performance objectives, and the standards for the training must be
11 developed by the commission and focus on enforcing the criminal laws,
12 safety of the victim, and holding the perpetrator accountable for the
13 violence. The curriculum must include training on the extent and
14 prevalence of domestic violence, the importance of criminal justice
15 intervention, techniques for responding to incidents that minimize
16 the likelihood of officer injury and that promote victim safety,
17 investigation and interviewing skills, evidence gathering and report
18 writing, assistance to and services for victims and children,
19 understanding the risks of traumatic brain injury posed by domestic
20 violence, verification and enforcement of court orders, liability,
21 and any additional provisions that are necessary to carry out the
22 intention of this subsection.

23 (3) The criminal justice training commission shall develop and
24 update annually an in-service training program to familiarize law
25 enforcement officers with domestic violence laws. The program must
26 include techniques for handling incidents of domestic violence that
27 minimize the likelihood of injury to the officer and that promote the
28 safety of all parties. The commission shall make the training program
29 available to all law enforcement agencies in the state.

30 (4) Development of the training in subsections (2) and (3) of
31 this section must be conducted in conjunction with agencies having a
32 primary responsibility for serving victims of domestic violence with
33 emergency shelter and other services, and representatives to the
34 statewide organization providing training and education to these
35 organizations and to the general public.

36 **Sec. 34.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to
37 read as follows:

38 (1) Because of the serious nature of domestic violence, the court
39 in domestic violence actions:

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

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

5 (c) Shall waive any requirement that the victim's location be
6 disclosed to any person, other than the attorney of a criminal
7 defendant, upon a showing that there is a possibility of further
8 violence: PROVIDED, That the court may order a criminal defense
9 attorney not to disclose to his or her client the victim's location;
10 and

11 (d) Shall identify by any reasonable means on docket sheets those
12 criminal actions arising from acts of domestic violence.

13 (2)(a) Because of the likelihood of repeated violence directed at
14 those who have been victims of domestic violence in the past, when
15 any person charged with or arrested for a crime involving domestic
16 violence is released from custody before arraignment or trial on bail
17 or personal recognizance, the court authorizing the release may
18 prohibit that person from having any contact with the victim. The
19 jurisdiction authorizing the release shall determine whether that
20 person should be prohibited from having any contact with the victim.
21 If there is no outstanding restraining or protective order
22 prohibiting that person from having contact with the victim, the
23 court authorizing release may issue, by telephone, a no-contact order
24 prohibiting the person charged or arrested from having contact with
25 the victim or from knowingly coming within, or knowingly remaining
26 within, a specified distance of a location.

27 (b) In issuing the order, the court shall consider the provisions
28 of RCW 9.41.800, and shall order the defendant to surrender, and
29 prohibit the person from possessing, all firearms, dangerous weapons,
30 and any concealed pistol license and permit to purchase firearms as
31 required in RCW 9.41.800.

32 (c) The no-contact order shall also be issued in writing as soon
33 as possible, and shall state that it may be extended as provided in
34 subsection (3) of this section. By January 1, 2011, the
35 administrative office of the courts shall develop a pattern form for
36 all no-contact orders issued under this chapter. A no-contact order
37 issued under this chapter must substantially comply with the pattern
38 form developed by the administrative office of the courts.

39 (3)(a) At the time of arraignment the court shall determine
40 whether a no-contact order shall be issued or extended. So long as

1 the court finds probable cause, the court may issue or extend a no-
2 contact order even if the defendant fails to appear at arraignment.
3 The no-contact order shall terminate if the defendant is acquitted or
4 the charges are dismissed.

5 (b) In issuing the order, the court shall consider all
6 information documented in the incident report concerning the person's
7 possession of and access to firearms and whether law enforcement took
8 temporary custody of firearms at the time of the arrest. The court
9 may as a condition of release prohibit the defendant from possessing
10 or accessing firearms and order the defendant to immediately
11 surrender all firearms and any concealed pistol license and permit to
12 purchase firearms to a law enforcement agency upon release.

13 (c) If a no-contact order is issued or extended, the court may
14 also include in the conditions of release a requirement that the
15 defendant submit to electronic monitoring as defined in RCW
16 9.94A.030. If electronic monitoring is ordered, the court shall
17 specify who shall provide the monitoring services, and the terms
18 under which the monitoring shall be performed. Upon conviction, the
19 court may require as a condition of the sentence that the defendant
20 reimburse the providing agency for the costs of the electronic
21 monitoring.

22 (4) (a) Willful violation of a court order issued under subsection
23 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

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

33 (c) A certified copy of the order shall be provided to the
34 victim.

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

38 (6) Whenever a no-contact order is issued, modified, or
39 terminated under subsection (2) or (3) of this section, the clerk of
40 the court shall forward a copy of the order on or before the next

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

14 (7) All courts shall develop policies and procedures by January
15 1, 2011, to grant victims a process to modify or rescind a no-contact
16 order issued under this chapter. The administrative office of the
17 courts shall develop a model policy to assist the courts in
18 implementing the requirements of this subsection.

19 **Sec. 35.** RCW 11.130.257 and 2021 c 215 s 125 are each amended to
20 read as follows:

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

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

29 (a) Molesting or disturbing the peace of the other party or of
30 any child;

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

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

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

36 (3) Either party may request a domestic violence protection order
37 or an antiharassment protection order under chapter 7.105 RCW on a
38 temporary basis by filing an appropriate separate civil cause of
39 action. The petitioner shall inform the court of the existence of the

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

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

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

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

27 (7) A temporary order, temporary restraining order, or
28 preliminary injunction:

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

31 (b) May be revoked or modified;

32 (c) Terminates when the final order is entered or when the motion
33 is dismissed;

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

36 (8) A support debt owed to the state for public assistance
37 expenditures which has been charged against a party pursuant to RCW
38 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
39 extinguished by, the final decree or order, unless the office of
40 support enforcement has been given notice of the final proceeding and

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

12 **Sec. 36.** RCW 26.09.060 and 2021 c 215 s 133 are each amended to
13 read as follows:

14 (1) In a proceeding for:

15 (a) Dissolution of marriage or domestic partnership, legal
16 separation, or a declaration of invalidity; or

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

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

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

34 (b) Molesting or disturbing the peace of the other party or of
35 any child;

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

1 (d) Knowingly coming within, or knowingly remaining within, a
2 specified distance from a specified location, a protected party's
3 person, or a protected party's vehicle; and

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

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

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

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

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

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

39 (8) The court shall order that any temporary restraining order
40 bearing a criminal offense legend, any domestic violence protection

1 order, or any antiharassment protection order granted under this
2 section be forwarded by the clerk of the court on or before the next
3 judicial day to the appropriate law enforcement agency specified in
4 the order. Upon receipt of the order, the law enforcement agency
5 shall enter the order into any computer-based criminal intelligence
6 information system available in this state used by law enforcement
7 agencies to list outstanding warrants. Entry into the computer-based
8 criminal intelligence information system constitutes notice to all
9 law enforcement agencies of the existence of the order. The order is
10 fully enforceable in any county in the state.

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

17 (10) A temporary order, temporary restraining order, or
18 preliminary injunction:

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

21 (b) May be revoked or modified;

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

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

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

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

36 (b) The temporary order directs the obligor to make support
37 payments to the office of support enforcement or the Washington state
38 support registry.

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

3 (1) A person who under RCW 71.05.150 or 71.05.153 has been
4 detained at a facility for a period of not more than one hundred
5 twenty hours for the purpose of evaluation and treatment on the
6 grounds that the person presents a likelihood of serious harm, but
7 who has not been subsequently committed for involuntary treatment
8 under RCW 71.05.240, may not have in his or her possession or control
9 any firearm for a period of six months after the date that the person
10 is detained.

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

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

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

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

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

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

35 (4) A law enforcement agency holding any firearm that has been
36 surrendered pursuant to this section shall, upon the request of the
37 person from whom it was obtained, return the firearm at the
38 expiration of the six-month suspension period, or prior to the
39 expiration of the six-month period if the person's right to possess
40 firearms has been restored by the court under RCW 9.41.047. The law

1 enforcement agency, prior to returning the firearm, shall verify with
2 the prosecuting attorney's office or designated crisis responders
3 that the person has not been previously or subsequently committed for
4 involuntary treatment under RCW 71.05.240. The law enforcement agency
5 must comply with the provisions of RCW 9.41.345 when returning a
6 firearm pursuant to this section.

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

11 **Sec. 38.** RCW 72.23.080 and 1994 sp.s. c 7 s 442 are each amended
12 to read as follows:

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

25 NEW SECTION. **Sec. 39.** 2019 c 244 s 1 is repealed.

26 NEW SECTION. **Sec. 40.** This act takes effect July 1, 2024.

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