

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 1, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Sharon Shewmake, 42nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

February 26, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5003,
 SUBSTITUTE SENATE BILL NO. 5009,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 5052,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
 ENGROSSED SENATE BILL NO. 5158,
 SUBSTITUTE SENATE BILL NO. 5228,
 SUBSTITUTE SENATE BILL NO. 5258,
 SECOND SUBSTITUTE SENATE BILL NO. 5313,
 SUBSTITUTE SENATE BILL NO. 5325,
 SENATE BILL NO. 5345,
 SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5376,
 SECOND SUBSTITUTE SENATE BILL NO. 5383,
 SECOND SUBSTITUTE SENATE BILL NO. 5396,
 SENATE BILL NO. 5431,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1416, by Representatives Walen and Santos

Concerning the reporting of debt information by insurers to enhance the collection of past-due child support.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1416 was substituted for House Bill No. 1416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1416 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Walen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1416, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Dufault, Eslick, McCaslin, McEntire, Orcutt, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1416.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1105, by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

Concerning arrest protections for the medical use of cannabis.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kloba spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1105.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Harris, Klicker, Klippert, Kraft, Kretz, Leavitt, Maycumber, McCaslin, Mosbrucker, Robertson, Schmick, Sutherland, Vick, Volz, Wilcox and Ybarra.

HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1105.

Representative Jacobsen, 25th District

SECOND READING

HOUSE BILL NO. 1399, by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

Reducing barriers to professional licensure for individuals with previous criminal convictions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1399.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1399, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1399, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1426, by Representatives Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet

Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1426 was substituted for House Bill No. 1426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1426 was read the second time.

Representative Santos moved the adoption of amendment (218):

On page 2, beginning on line 1, after "(4)" strike all material through "align" on line 11 and insert "(a) Except as provided under (b) of this subsection (4), continuing education must be provided by one or more of the following entities, if they are an approved clock hour provider:

(i) The office of the superintendent of public instruction;

(ii) A school district;

(iii) An educational service district;

(iv) A Washington professional educator standards board-approved administrator or teacher preparation program;

(v) The association of Washington school principals; or

(vi) The Washington education association.

(b) Continuing education related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved by the governor's office on Indian affairs in collaboration with the tribal leaders congress on education and the office of native education in the office of the superintendent of public instruction.

(5) Continuing education focused on equity-based school practices must be aligned"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment.

Amendment (218) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1426, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Dye, Gilday, Graham, Hoff, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1365, by Representatives Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells

Procuring and supporting appropriate computers and devices for public school students and instructional staff.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1365 was substituted for House Bill No. 1365 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1365 was read the second time.

With the consent of the House, amendment (235) was withdrawn.

Representative Santos moved the adoption of amendment (244):

On page 2, beginning on line 6, after "Therefore," strike all material through "services to" on line 12 and insert "the purposes of this act are to: (a) Accelerate student access to learning devices and related goods and services; (b) expand training programs and

technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for"

On page 3, line 9, after "district" strike "purchases" and insert "purchasing"

On page 3, line 11, after "technology-related" strike "services and products" and insert "goods and services"

On page 3, line 13, after "selecting" strike "services and products" and insert "goods and services"

Beginning on page 3, line 39, after "to" strike all material through "of" on page 4, line 5 and insert "advance the following objectives:

(a) Attain a universal 1:1 student to learning device ratio;

(b) Expand technical support and training of school and district staff in using technology to support student learning; and

(c) Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support"

On page 4, line 38, after "other" strike "data-related" and insert "data related to"

On page 5, line 2, after "the" strike "goals" and insert "objectives"

On page 5, beginning on line 10, after "accomplishing the" strike all material through "act" on line 11 and insert "following: (i) Accelerate student access to learning devices and related goods and services; (ii) expand training programs and technical assistance on using technology to support student learning; and (iii) build the capacity of schools and districts to support digital navigation services for students and their families"

On page 5, beginning on line 14, after "on" strike all material through "families" on line 22 and insert "innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment.

Amendment (244) was adopted.

Representative Jacobsen moved the adoption of amendment (247):

On page 2, line 38, after "training" insert ", in consultation with teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and"

On page 3, line 24, after "families." insert "The educational service districts must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training."

Representatives Jacobsen and Stonier spoke in favor of the adoption of the amendment.

Amendment (247) was adopted.

Representative Senn moved the adoption of amendment (241):

On page 3, line 30, after "districts." insert "Technology training under this section may also be offered to child care providers."

Representatives Senn and Berg spoke in favor of the adoption of the amendment.

Representative Ybarra spoke against the adoption of the amendment.

Amendment (241) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson, Santos, Stonier and Berg spoke in favor of the passage of the bill.

Representatives Ybarra, Young, Kretz, Walsh, Young (again) and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1365.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1365, and the

bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Calder, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1155, by Representatives Riccelli, Ormsby and Lekanoff

Concerning sales and use tax for emergency communication systems and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1155 was substituted for House Bill No. 1155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1155 was read the second time.

Representative Volz moved the adoption of amendment (141):

On page 2, after line 26, insert the following:

"(c) The provisions of (a) and (b) of this subsection do not apply to any renewal of the tax authorized under this section."

On page 3, after line 3, insert the following:

"(c) The provisions of (a) and (b) of this subsection do not apply to any renewal of the tax authorized under this section."

Representative Volz spoke in favor of the adoption of the amendment.

Representative Riccelli spoke against the adoption of the amendment.

Amendment (141) was not adopted.

Representative Volz moved the adoption of amendment (140):

On page 3, beginning on line 8, after "section," strike all material through "later" on line 13 and insert "then the city or county may invoke binding arbitration on the equitable allocation of the tax authorized under this section by giving written notice to the other party. Notice must request arbitration within 30 days. The city and county each shall select one arbitrator, and the initial two arbitrators shall select a third arbitrator. The decision of a majority of the arbitrators is binding. The arbitrators shall take into consideration public safety impacts, current levels of service, response times, financial efficiencies, and jurisdictional collaboration"

Representative Volz spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (140) was not adopted.

Representative Chase moved the adoption of striking amendment (213):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A study group for the use of sales and use tax for emergency communication systems and facilities for the largest county east of the Cascade mountains is created.

(2) The study group membership must include the following:

(a) The speaker of the house of representatives shall appoint one member from each of the largest caucuses in the house of representatives. The member selected shall come from a legislative district that includes all or part of the largest county east of the Cascade mountains.

(b) The president of the senate shall appoint one member from each of the largest caucuses in the senate. The member selected shall come from a legislative district that includes all or part of the largest county east of the Cascade mountains.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint four elected officials as follows:

(i) One member of the county commission for the largest county east of the Cascade mountains;

(ii) One member from each of the city councils in the two largest cities located in the largest county east of the Cascade mountains; and

(iii) One member from one of the city councils from a small city or town located in the largest county east of the Cascade mountains.

(d) Each member selected pursuant to (c) of this subsection must appoint one citizen member.

(e) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) The county sheriff for the largest county east of the Cascade mountains;

(ii) The chief of the fire department from the largest fire department in the largest county east of the Cascade mountains;

(iii) The chief of a fire department located in the largest county east of the Cascade mountains as selected by the remaining fire departments in the largest county east of the Cascade mountains;

(iv) Two members selected by the largest union representing fire department members in the largest county east of the Cascade mountains;

(v) One member selected by the union representing the members of the sheriff's department for the largest county east of the Cascade mountains;

(vi) One member selected by the union representing the police department members of the largest city located in the largest county east of the Cascade mountains; and

(vii) One member selected by local tribes with a presence in the largest county east of the Cascade mountains.

(f) The members appointed pursuant to (a) through (e) of this subsection must appoint two additional members with expertise on racial equity.

(3) The study group must select a chair and vice chair from among its membership. The members appointed in subsection

(2)(a) and (b) of this section must convene the initial meeting of the study group.

(4) Members appointed pursuant to subsection (2)(a) through (c) of this section may designate an alternate individual to represent them at meetings.

(5) Funding for the study group will be provided on a per capita basis between the two largest cities located in the largest county east of the Cascade mountains and the unincorporated portion of the largest county east of the Cascade mountains. Funds must be held by the county treasurer of the largest county east of the Cascade mountains in a designated account and may only be used for direct costs related to the study group.

(6) The study group must review the following issues related to the sales and use tax for emergency communication systems and facilities:

(a) Public safety impacts;

(b) Current and projected levels of service;

(c) Response times;

(d) Financial efficiencies;

(e) Jurisdictional efficiencies; and

(f) Racial equity impacts.

(7) The study group must issue a report to the legislature addressing, at a minimum, the issues listed in subsection (6) of this section by December 31, 2022.

(8) Legislative members of the study group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) For the purposes of this section, the "largest county east of the Cascade mountains" and "largest cities" in that county must be determined by population.

(10) This section expires January 1, 2023."

Correct the title.

Representatives Chase and Volz spoke in favor of the adoption of the striking amendment.

Representatives Berg and Riccelli spoke against the adoption of the striking amendment.

Striking amendment (213) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Riccelli and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Volz, Graham, Chase, Graham (again) and Volz (again) spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Frame was excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Frame.

SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1320, by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson

Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1320 was read the second time.

Representative Goodman moved the adoption of amendment (224):

Beginning on page 8, line 16, strike all of section 2 and insert the following:

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

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

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

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

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens,

humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

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

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

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

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

(4) "Coercive control" means a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty and is used to cause another to suffer physical or psychological harm. Examples of coercive control include, but are not limited to, unreasonably engaging in any of the following:

(a) Making threats of harm, dependence, isolation, intimidation, and/or physical forms of violence;

(b) Isolating the other party from friends, relatives, or other sources of support;

(c) Depriving the other party of basic necessities or committing other forms of economic abuse;

(d) Controlling, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or access to services;

(e) Compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status such as threats to contact federal agencies, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage;

(f) Using technology, including, but not limited to, cyberstalking, monitoring, surveillance, impersonation, or distribution of intimate images, to harass, stalk, or abuse;

(g) Engaging in vexatious or abusive litigation against a petitioner to harass, coerce, or control the petitioner; to diminish or exhaust the petitioner's financial resources; or to compromise the petitioner's employment or housing;

(h) Engaging in psychological aggression; and

(i) Frightening, humiliating, degrading, or punishing the other party.

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

(6) (a) "Course of conduct" means a pattern of conduct composed of a series

of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

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

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

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

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

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

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

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

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

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

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

(9) "Domestic violence" means:

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

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

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

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

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

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

(14) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial

exploitation" includes, but is not limited to:

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

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

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

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

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

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

(18) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter

72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

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

(20) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(21) (a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

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

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

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

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

(23) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or

normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

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

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

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

(27) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, and contact through third parties.

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

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

(30) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when

there is no actual physical possession, but there is dominion and control over the item.

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

(32) "Sexual conduct" means any of the following:

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

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

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

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

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

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

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

(34) "Stalking" means any of the following:

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

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

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

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

(ii) Serves no lawful purpose; and

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

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

(36) "Unlawful harassment" means:

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

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and

intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(37) "Vulnerable adult" includes a person:

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

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

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

(d) Admitted to any facility; or

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

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

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

On page 31, beginning on line 2, after "(1)" strike all material through "develop" on line 4 and insert "By June 30, 2022, the administrative office of the courts shall:

(a) Develop"

On page 31, line 20, after "(b)" strike all material through "develop" and insert "Develop"

On page 32, line 28, after "(ii)" strike all material through "in" and insert "In"

On page 33, beginning on line 34, after "develop" strike all material through "matters" on line 35 and insert "for the courts"

Beginning on page 50, line 1, strike all of section 28 and insert the following:

"NEW SECTION. Sec. 28. VULNERABLE ADULT PROTECTION ORDER HEARINGS. For vulnerable adult protection order hearings, the following also apply.

(1) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult or the vulnerable adult's guardian,

conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that the vulnerable adult does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any existing vulnerable adult protection order, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary protection order of the vulnerable adult pending a decision after the evidentiary hearing.

(2) Pursuant to subsection (1) of this section, an evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, must be held within 14 days of entry of the temporary protection order. If the court did not enter a temporary protection order, the evidentiary hearing must be held within 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing must be served upon the vulnerable adult and the respondent not less than five judicial days before the hearing. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order must remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing held pursuant to subsection (1) of this section, the court shall give the vulnerable adult, the respondent, the petitioner, and, in the

court's discretion, other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the vulnerable adult continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the vulnerable adult continues to need protection, the court shall order relief consistent with this chapter as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order is governed by the legislative findings contained in section 1 of this act."

On page 88, beginning on line 26, strike all of section 63 and insert the following:

"NEW SECTION. Sec. 63. MODIFICATION OR TERMINATION OF VULNERABLE ADULT PROTECTION ORDERS. This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is subject to a limited guardianship, limited conservatorship, or other protective arrangement under chapter 11.130 RCW, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement, may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with section 39 of this act as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order."

Beginning on page 91, line 26, strike all of sections 72 through 74

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 124, line 18, after "**EFFECTIVE DATE**" strike "**AND EXPIRATION DATE**"

On page 124, line 19, after "**90.**" strike all material through "take" and insert "This act takes"

On page 124, beginning on line 21, strike all of section 91

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 230, line 34, strike all of section 129

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 310, line 29, strike all of section 167

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 322, beginning on line 7, strike all of sections 170 and 171

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (224) was adopted.

Representative Goodman moved the adoption of amendment (223):

On page 26, beginning on line 26, strike all of subsection (1) and insert the following:

"(1)(a) By January 1, 2023, all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be filed either: (i) In person; (ii) remotely through an electronic filing system; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic filing system. The court or clerk must make all electronically filed court documents available for electronic access by judicial officers statewide.

Judicial officers may not be charged for access to such documents. Cities and counties using their own independent systems that are not provided by the state shall ensure this access at their own expense. The electronic filing system must allow for protection orders to be filed at any time of the day. Petitioners and respondents should not be charged for electronic filing for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) return of service upon the respondent has been filed with the court or clerk; and (v) a receipt for the surrender of firearms has been filed with the court or clerk. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification."

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (223) was adopted.

Representative Goodman moved the adoption of amendment (222):

On page 28, line 17, after "for" strike "any type of filing or"

On page 28, line 19, after "chapter." strike "Courts" and insert "Other than the filing fee for antiharassment protection orders, courts"

On page 28, line 21, after "chapter." insert "Upon application of the petitioner, the court shall waive the filing fee for an antiharassment protection order if the court determines the petitioner is not able to pay the costs of filing."

On page 274, beginning on line 21, after "(d)" strike all material through

"(e))" on line 23 and insert "For filing of a petition for (~~unlawful harassment~~) an antiharassment protection order under (~~RCW 10.14.040~~) section 13 of this act a filing fee of fifty-three dollars.

(e) "

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 275, beginning on line 22, after "(2)(b)" strike all material through "(g)" on line 23 and insert ", (d), and (h)"

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (222) was adopted.

Representative Gilday moved the adoption of amendment (208):

On page 58, line 31, after "license," strike "as required in" and insert "if appropriate under"

On page 61, line 34, after "license," strike "as required in" and insert "if appropriate under"

Representatives Gilday and Abbarno spoke in favor of the adoption of the amendment.

Representative Taylor spoke against the adoption of the amendment.

Amendment (208) was not adopted.

Representative Graham moved the adoption of amendment (210):

On page 71, at the beginning of line 29, strike "under this chapter, chapter 9.41 RCW, or RCW 9A.56.310"

On page 71, line 33, after "compliance." insert "This subsection (b) must be narrowly construed and may not be used to infringe on the right against self-incrimination."

On page 115, beginning on line 15, after "prosecution" strike "under this chapter, chapter 9.41 RCW, or RCW 9A.56.310"

On page 115, line 20, after "compliance." insert "This subsection (b) must be narrowly construed and may not be used to infringe on the right against self-incrimination."

Representatives Graham and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (210) was not adopted.

Representative Graham moved the adoption of amendment (209):

On page 87, beginning on line 21, strike all of subsection (5)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Graham, Abbarno and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Taylor and Goodman spoke against the adoption of the amendment.

Amendment (209) was not adopted.

Representative Walsh moved the adoption of striking amendment (206):

Strike everything after the enacting clause and insert the following:

"Sec. 64. RCW 7.90.020 and 2019 c 258 s 2 are each amended to read as follows:

There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit or declaration made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within (~~ninety~~) 90 days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 7.90.180 and

shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge. The filing fee must be waived.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Sec. 65. RCW 7.90.030 and 2007 c 212 s 2 are each amended to read as follows:

(1) A petition for a sexual assault protection order may be filed by a person:

(a) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(b) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration and who does not qualify for a protection order under chapter 26.50 RCW:

(i) A minor child;

(ii) A vulnerable adult as defined in RCW 74.34.020 (~~or 74.34.021~~); or

(iii) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

(2) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 66. RCW 7.90.040 and 2013 c 74 s 1 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

(2) A ((~~person under eighteen years of age who is sixteen~~)) minor 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend. This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under ((~~eighteen~~)) 18 years of age if such respondent is ((~~sixteen~~)) 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

~~(5) ((Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5)).~~

~~(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides)) District courts have jurisdiction over all civil actions and proceedings brought under this chapter, except as provided in subsection (7) of this section.~~

(6) Municipal courts may exercise jurisdiction over all civil actions and proceedings brought under this chapter, except as provided in subsection (7) of this section, by adoption of local court rule.

(7) Only superior courts have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d)

the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in superior court, but the petitioner has not established any ground for superior court jurisdiction under (a) through (d) of this subsection, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may dismiss the petition without prejudice for refiling in an appropriate court. When the jurisdiction of a district court or municipal court is limited to the issuance and enforcement of a temporary order, the district court or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the order for protection.

(8) Enforcement of protection orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

(9) An action under this chapter must be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid acts of sexual assault. In that case, the petitioner may bring the action in the county or municipality of the previous or new household or residence.

Sec. 67. RCW 7.90.050 and 2013 c 74 s 2 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than ~~((fourteen))~~ 14 days from the date ~~((of the order))~~ the petition is received. The court may schedule a hearing in person or by telephone ~~((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting~~

a telephonic hearing. Personal)), video, or electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 7.90.052, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ~~((or service by mail as provided in RCW 7.90.053))~~. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ~~((or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order))~~ unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.

Sec. 68. RCW 7.90.052 and 2013 c 74 s 6 are each amended to read as follows:

(1) ~~((The court may order service by publication instead of personal service under the following circumstances))~~ If the respondent was not personally served with a petition authorized by this chapter, a notice of hearing, and any ex parte protection order before the hearing, the court shall set a new hearing date as provided in RCW 7.90.050 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual

notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

~~((a))~~ (i) The sheriff or municipal peace officer ((files an affidavit stating)) states that the officer was unable to complete personal service upon the respondent((. The affidavit must describe)) and describes the number and type of attempts the officer made to complete service;

~~((b))~~ (ii) The petitioner ((files an affidavit stating)) states that the petitioner believes the respondent is hiding from the server to avoid service((. The petitioner's affidavit must state)) and states the reasons for the belief that the respondent is avoiding service;

~~((c))~~ (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that he or she does not know the respondent's address; and

~~((d))~~ (iv) The court finds reasonable grounds exist to believe the respondent is concealing himself or herself to avoid service, and that

further attempts to personally serve the respondent would be futile or unduly burdensome.

~~(2) ((If the)) The court ((orders service by publication, it)) shall ((also)) reissue the temporary order of protection ((not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order that service by publication be provided)) as provided in RCW 7.90.110 to allow additional service attempts.~~

~~(3) ((The)) Service by publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons must be essentially in the following form:~~

In the court of the state of Washington for the county of

.....
Petitioner

vs. No.

.....
Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year)...., at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the sexual assault protection order act, chapter 7.90 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from

the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court.

(5) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

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

Sec. 69. RCW 7.90.054 and 2013 c 74 s 8 are each amended to read as follows:

Following completion of service by mail, electronic means, or publication as provided in RCW 7.90.052 (~~or service by mail as provided in RCW 7.90.053~~), if the respondent fails to appear at the hearing, the court may issue an order of

protection as provided in RCW 7.90.140. That order must be served pursuant to RCW 7.90.140 and forwarded to the appropriate law enforcement agency pursuant to RCW 7.90.160.

Sec. 70. RCW 7.90.090 and 2019 c 245 s 4 are each amended to read as follows:

(1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of RCW 7.90.110 for ex parte temporary orders or RCW 7.90.120 for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court (~~may provide~~) has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from (~~having any~~) making any attempts to contact the petitioner, including nonphysical contact (~~(, with the petitioner directly, indirectly, or)~~) and contact through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person; and

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(4) In cases where the petitioner and the respondent are under the age of (~~eighteen~~) 18 and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of (~~eighteen~~) 18 protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(5) Denial of a remedy may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(6) Monetary damages are not recoverable as a remedy.

(7) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(8) If the court declines to issue a protection order, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 71. RCW 7.90.110 and 2019 c 245 s 5 are each amended to read as follows:

(1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(3) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify under oath. Any resulting order may be an ex parte temporary order, governed by this section.

(4) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(5) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(6) When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this

chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion must be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 72. RCW 7.90.120 and 2017 c 233 s 1 are each amended to read as follows:

(1)(a) An ex parte temporary sexual assault protection order shall be effective ~~((for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty four days from the date of reissuing the ex parte protection order))~~ until the next hearing date. Except as provided in RCW 7.90.050~~((7))~~ or 7.90.052, ~~((or 7.90.053,))~~ the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW 7.90.150, a final sexual assault protection order shall be effective for a fixed period of time or be permanent.

(3) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

Sec. 73. RCW 7.90.121 and 2017 c 233 s 2 are each amended to read as follows:

(1) Any ~~((ex parte temporary or nonpermanent))~~ final sexual assault protection order may be renewed one or more times, as required.

(2) The petitioner may apply for renewal of the order by filing a motion for renewal at any time within the three months before the order expires. The motion for renewal shall state the reasons why the petitioner seeks to renew the protection order.

(3)(a) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that ~~((there has been a material change in circumstances such that))~~ the respondent is not likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires.

(b) ~~((For purposes of this subsection (3), a court shall determine whether there has been a material change in circumstances by considering only factors which address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof.))~~ The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in ~~((this section.))~~

~~((c) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:~~

~~((i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;~~

~~((ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;~~

~~((iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;~~

~~(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;~~

~~(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in entry of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;~~

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

~~(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of sexual assault may be committed from any distance such as via cybercrime;~~

~~(viii) Other factors relating to a material change in circumstances)) RCW 7.90.120.~~

~~(4) (a) ((If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.~~

~~(b) The)) Upon the filing of a request to renew the order, the court may schedule a hearing in person or by telephone ((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing)), video, or other electronic means with appropriate safeguards as determined by the court.~~

~~((e)) (b) The respondent shall be personally served not less than five court days prior to the hearing, unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ((or service by mail as provided in RCW 7.90.053)). The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((or service by mail)) unless the petitioner requests additional time to~~

attempt personal service. ((If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.

~~(5) Renewals may be granted only in open court)) In cases where personal service cannot be made, the court shall set the next hearing date: (i) Within 14 days from the date of the order; (ii) to an available date mutually agreed to by the parties and accepted by the court; or (iii) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.~~

Sec. 74. RCW 7.90.140 and 2019 c 245 s 6 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Proof of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

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

(7) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by mail, electronic means, or publication under RCW 7.90.052 (~~or service by mail under RCW 7.90.053~~), the court may permit service by mail, electronic means, or publication (~~or service by mail~~) of the order of protection issued under this chapter, except that law enforcement must personally serve a final order requiring the surrender of weapons or requiring vacation of a shared residence. Service by mail, electronic means, or publication must comply with the requirements of RCW 7.90.052 (~~and service by mail must comply with the requirements of RCW 7.90.053~~). The court order must state whether the court permitted service by publication or service by mail.

Sec. 75. RCW 7.90.160 and 2006 c 138 s 17 are each amended to read as follows:

(1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law

enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

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

Sec. 76. RCW 7.90.170 and 2017 c 233 s 3 are each amended to read as follows:

(1) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing sexual assault protection order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(2)(a) A respondent's motion to terminate or modify a sexual assault protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(b) The court may terminate or modify the terms of a sexual assault protection order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the respondent proves by a preponderance of the evidence that there has been a material change in circumstances such that the respondent is not likely to engage in or attempt to engage in physical or nonphysical contact with the persons protected by the protection order if the order is terminated or modified. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(c) A respondent may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(d) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify pursuant to this section, including reasonable attorneys' fees.

(e) The court shall determine whether there has been a material change in circumstances by considering only factors that address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner if the order were modified or terminated. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof. The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in this section.

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

(i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

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

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

(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in the entry of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;

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

(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of

sexual assault may be committed from any distance such as through cybercrime; and

(viii) Other factors relating to a material change in circumstances.

(3) The court shall order that a hearing on the motion for termination or modification of the order be held not later than ~~((fourteen))~~ 14 days from the date of the order. The nonmoving party shall be personally served not less than five days before the hearing, unless waived by the nonmoving party. If timely service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ~~((or service by mail as provided in RCW 7.90.053. If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order))~~. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service cannot be made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(4) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

Sec. 77. RCW 7.92.030 and 2013 c 84 s 3 are each amended to read as follows:

There shall exist an action known as a petition for a stalking protection order.

(1) A petition for relief shall allege the existence of stalking conduct and shall be accompanied by an affidavit or

declaration made under oath stating the specific reasons that have caused the petitioner to become reasonably fearful that the respondent intends to injure the petitioner or another person, or the petitioner's property or the property of another. The petition shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief shall be filed as a separate, stand-alone civil case and a petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Forms and instructional brochures and the necessary number of certified copies shall be provided to the petitioner free of charge. The filing fee must be waived.

(4) A person is not required to post a bond to obtain relief in any proceeding under this section.

(5) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Sec. 78. RCW 7.92.040 and 2013 c 84 s 4 are each amended to read as follows:

(1) A petition for a stalking protection order may be filed by a person:

~~((1))~~ (a) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of stalking conduct; or

~~((2))~~ (b) On behalf of any of the following persons who is a victim of stalking conduct and who does not qualify for a protection order under chapter 26.50 RCW:

~~((a))~~ (i) A minor child, where the petitioner is a parent, a legal custodian, or, where the respondent is not a parent, an adult with whom the child is currently residing; or

~~((b))~~ (ii) A vulnerable adult as defined in RCW 74.34.020 and where the petitioner is an interested person as defined in RCW 74.34.020 ~~((10))~~.

(2) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 79. RCW 7.92.050 and 2013 c 84 s 5 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of stalking conduct committed by the respondent.

(2) A minor ~~((sixteen))~~ 16 years of age or older may seek relief under this chapter and is not required to seek relief through a guardian or next friend. This does not preclude a parent or legal custodian of a victim ~~((sixteen))~~ 16 or ~~((seventeen))~~ 17 years of age from seeking relief on behalf of the minor.

(3) ~~((The district))~~ No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under 18 years of age if such respondent is 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

~~((original))~~ District courts shall have jurisdiction ~~((and cognizance of any))~~ over all civil actions and proceedings brought under this chapter, except ~~((a district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~((4))~~ as provided in subsection (7) of this section.

(6) Municipal courts may exercise jurisdiction ~~((and cognizance of any))~~ over all civil actions and proceedings brought under this chapter, except as

~~provided in subsection (7) of this section, by adoption of local court rule (7, except a municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(5) Superior courts shall have concurrent jurisdiction to receive transfer of stalking petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. The jurisdiction of district and municipal courts is limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders provided for in RCW 7.92.120 if the superior court is exercising jurisdiction over a proceeding under this chapter involving the parties.~~

~~(6) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter if such respondent is sixteen years of age or older).~~

~~(7) ((If a guardian ad litem is appointed for the petitioner or respondent, the petitioner shall not be required to pay any fee associated with such appointment.~~

~~(8)) Only superior courts shall have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases~~

to the superior court. If the superior court determines that a petition has been filed in superior court, but the petitioner has not established any grounds under (a) through (d) of this subsection for superior court jurisdiction, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may transfer the petition to an appropriate court. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the order for protection.

(8) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

(9) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid stalking conduct. In that case, the petitioner may bring an action in the county or municipality of the previous or the new residence or household.

Sec. 80. RCW 7.92.060 and 2013 c 84 s 6 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of stalking conduct by the respondent, the court shall order a hearing which shall be held not later than ((fourteen)) 14 days from the date of the order. The court may schedule a hearing in person or by telephone, ((to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing)) video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 7.92.150, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at

obtaining personal service or other service as permitted under RCW 7.92.150. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.

Sec. 81. RCW 7.92.100 and 2019 c 245 s 7 are each amended to read as follows:

(1)(a) (~~((#))~~) After notice and a hearing, if the court finds by a preponderance of the evidence that the petitioner has been a victim of stalking conduct by the respondent, the court shall issue a stalking protection order.

(b) The petitioner shall not be denied a stalking protection order because the petitioner or the respondent is a minor or because the petitioner did not report the stalking conduct to law enforcement. The court, when determining whether or not to issue a stalking protection order, may not require proof of the respondent's intentions regarding the acts alleged by the petitioner. Modification and extension of prior stalking protection orders shall be in accordance with this chapter.

(2) The court (~~((may provide))~~) shall have broad discretion to grant such relief as the court deems proper, including an order granting relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care, workplace, or school of the petitioner's minor children;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance

from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

(d) Prohibit the respondent from keeping the petitioner and/or the petitioner's minor children under surveillance, to include electronic surveillance;

(e) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner, to include a mental health and/or chemical dependency evaluation; and

(f) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees.

(3) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(4) Unless otherwise stated in the order, when a person is petitioning on behalf of a minor child or vulnerable adult, the relief authorized in this section shall apply only for the protection of the victim, and not the petitioner.

(5) In cases where the petitioner and the respondent attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice

of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(6) If the court declines to issue a protection order, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 82. RCW 7.92.120 and 2019 c 245 s 8 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in stalking conduct and that irreparable injury could result if an order is not issued immediately without prior notice, the court may grant an ex parte temporary order for protection, pending a full hearing and grant such injunctive relief as it deems proper, including the relief as specified under RCW 7.92.100 (2) (a) through (d) and ~~((4))~~ (5).

(2) Irreparable injury under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of stalking conduct against the petitioner.

(3) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(4) The court shall hold an ex parte hearing in person or by telephone, video, or other electronic means, with appropriate safeguards as determined by the court, on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary stalking protection order shall be effective ~~((for a fixed period not to exceed fourteen days or twenty four days if the court has permitted service by publication or mail))~~ until the next hearing. The ex parte order may be reissued. A full hearing ~~((, as provided in this chapter,))~~ shall be set ~~((for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication or by mail is permitted))~~ as provided in RCW 7.92.060. Unless the court has permitted service by mail, electronic means, or publication ~~((or mail))~~, the respondent

shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary stalking protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(8) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(9) When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 83. RCW 7.92.130 and 2013 c 84 s 13 are each amended to read as follows:

(1) Except as otherwise provided in this section or RCW 7.92.160, a final stalking protection order shall be effective for a fixed period of time or be permanent.

(2) Any ~~((ex parte temporary or))~~ final stalking protection order may be renewed one or more times. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. ~~((If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may~~

~~be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.)~~) The court shall grant the petition for renewal unless the respondent opposes the petition for nonrenewal and proves by a preponderance of the evidence that the respondent will not resume acts of stalking conduct against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the stalking protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in RCW 7.92.100.

(3) Any stalking protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a stalking protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

(5) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 84. RCW 7.92.140 and 2013 c 84 s 14 are each amended to read as follows:

(1) Any stalking protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A stalking protection order shall further state the following:

(a) The name of the petitioner that the court finds was the victim of stalking by the respondent;

(b) The date and time the stalking protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that

stalking protection order or for another order of greater duration or scope; and

(d) For each remedy in an ex parte temporary stalking protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given(~~+~~

~~(e) For ex parte temporary stalking protection orders, that the respondent may petition the court, to modify or terminate the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter).~~

(3) A stalking protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this stalking protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

Sec. 85. RCW 7.92.150 and 2019 c 245 s 9 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6), (7), ~~((or (8)))~~ (9), (10), or (11) of this section. The court order must state whether the court issued the protection order following personal service or service by mail, electronic means, or publication, and whether the court has approved service by mail, electronic means, or publication of an order issued under this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be ~~((personally))~~ served by a method authorized by this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ~~((ten))~~ 10 days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared ~~((in person))~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order, except that law enforcement must attempt to personally serve a final order that includes an order to surrender weapons.

(7) If the respondent was not personally served with ~~((the))~~ a petition authorized under this chapter, a notice of hearing, and any ex parte order before the hearing, the court shall ~~((reset the))~~ set a new hearing ~~((for twenty-four days from the date of entry of the order and may))~~ date as provided in RCW 7.92.060 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve

the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer or private process server ~~((files an affidavit stating))~~ states that the officer or private process server was unable to complete personal service upon the respondent ~~((. The affidavit must describe))~~ and describes the number and types of attempts the officer or private process server made to complete service;

~~((b))~~ (ii) The petitioner ~~((files an affidavit stating))~~ states that the petitioner believes that the respondent is hiding from the server to avoid service ~~((. The petitioner's affidavit must state))~~ and states the reasons for the belief that the respondent is avoiding service;

~~((c))~~ (iii) The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

~~((d))~~ (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome ~~((~~

~~))~~ .

(8) The court shall reissue ~~((the))~~ any temporary order of protection ~~((not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and))~~ as provided in RCW 7.92.120 to allow additional service attempts.

~~((f) The))~~ (9) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

, Petitioner

vs. No.

, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the ... day of, 20 ..., at ... a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the stalking protection

order act, chapter 7.92 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order.) A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

~~((8) In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

~~(a) Proof of service under this section shall be consistent with court rules for civil proceedings.~~

~~(b) Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.)~~

(10) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom

it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(11) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 86. RCW 7.92.180 and 2013 c 84 s 18 are each amended to read as follows:

(1) A copy of a stalking protection order or stalking no-contact order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year unless a different expiration date is specified in the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order.

The order is fully enforceable in any county in the state.

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

Sec. 87. RCW 7.92.190 and 2019 c 245 s 10 are each amended to read as follows:

(1) Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing stalking protection order.

(2) A respondent's motion to modify or terminate an existing stalking protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3) The court may not terminate or modify an existing stalking protection order unless the respondent proves by a preponderance of the evidence that there has been a ~~((substantial))~~ material change in circumstances such that the respondent will not resume acts of stalking conduct against the petitioner or those persons protected by the protection order if the order is terminated or modified. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

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

(a) Whether the respondent has committed or threatened stalking conduct or other threatening acts since the protection order was entered;

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

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

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

(e) Whether the respondent has either acknowledged responsibility for stalking conduct that resulted in the entry of the protection order or successfully completed treatment or counseling since the protection order was entered;

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

(g) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that stalking conduct may be committed from any distance such as via cybercrime; and

(h) Other factors relating to a material change in circumstances.

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

~~((45))~~ (6) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify a stalking protection order, including reasonable attorneys' fees.

~~((46))~~ (7) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

Sec. 88. RCW 7.94.040 and 2019 c 246 s 3 are each amended to read as follows:

(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.

(a) ~~The court may schedule a hearing in person or by telephone ((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing)), video, or other electronic means with appropriate safeguards as determined by the court.~~

(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.

(c) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing unless waived by the respondent. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication ((or mail)) as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((or mail)) after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by mail, electronic means, or publication ((or mail)), the court shall set the new hearing date: (i) Within 14 days from the date of the order; (ii) to an available date mutually agreed to by the parties and accepted by the court; or (iii) not later than ((twenty-four)) 24 days from the date of the order ((issue)) upon a showing of good cause to facilitate service.

(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such

ex parte order must be served concurrently with the notice of hearing and petition.

(2) Upon hearing the matter, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an extreme risk protection order for a period of one year.

(3) In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence including, but not limited to, any of the following:

(a) A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(b) A pattern of acts or threats of violence by the respondent within the past twelve months including, but not limited to, acts or threats of violence by the respondent against self or others;

(c) Any behaviors that present an imminent threat of harm to self or others;

(d) A violation by the respondent of a protection order or a no-contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99, 26.50, or 26.52 RCW;

(e) A previous or existing extreme risk protection order issued against the respondent;

(f) A violation of a previous or existing extreme risk protection order issued against the respondent;

(g) A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020;

(h) A conviction of the respondent under RCW 9A.36.080;

(i) The respondent's ownership, access to, or intent to possess firearms;

(j) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(k) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(l) Any prior arrest of the respondent for a felony offense or violent crime;

(m) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and

(n) Evidence of recent acquisition of firearms by the respondent.

(4) The court may:

(a) Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn affidavits of the petitioner, the respondent, and any witnesses they may produce; and

(b) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.

(5) In a hearing under this chapter, the rules of evidence apply to the same extent as in a domestic violence protection order proceeding under chapter 26.50 RCW.

(6) During the hearing, the court shall consider whether a behavioral health evaluation is appropriate, and may order such evaluation if appropriate.

(7) An extreme risk protection order must include:

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

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

(c) The date and time the order expires;

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

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

(f) A description of the requirements for relinquishment of firearms under RCW 7.94.090; and

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

in effect. You have the right to request one hearing to terminate this order every twelve-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(8) When the court issues an extreme risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by RCW 7.94.080. The court shall provide the respondent with a form to request a termination hearing.

(9) If the court declines to issue an extreme risk protection order, the court shall state the particular reasons for the court's denial.

Sec. 89. RCW 7.94.050 and 2017 c 3 s 6 are each amended to read as follows:

(1) A petitioner may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(2) In considering whether to issue an ex parte extreme risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in RCW 7.94.040(3).

(3) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an ex parte extreme risk protection order.

(4) The court shall hold an ex parte extreme risk protection order hearing in person or by telephone, video, or other electronic means, with appropriate safeguards as determined by the court, on the day the petition is filed or on the judicial day immediately following the day the petition is filed.

(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing ~~((within fourteen days of the issuance of an ex parte extreme risk protection order))~~ to determine if a one-year extreme risk protection order should be issued under this chapter.

(6) An ex parte extreme risk protection order shall include:

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

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

(c) The date and time the order expires;

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

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

(f) A description of the requirements for surrender of firearms under RCW 7.94.090; and

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

(7) Any ex parte extreme risk protection order issued expires upon the hearing on the extreme risk protection order.

(8) An ex parte extreme risk protection order shall be served by a law enforcement officer in the same manner as provided for in RCW 7.94.040 for service of the notice of hearing and petition, and shall be served concurrently with the notice of hearing and petition.

(9) If the court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the court's denial.

(10) When an ex parte extreme risk protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 90. RCW 7.94.070 and 2017 c 3 s 8 are each amended to read as follows:

(1) ~~((The court may order service by publication or service by mail under the circumstances permitted for such service in RCW 7.90.052, 7.90.053, 26.50.123, or 26.50.085, except any))~~ If the respondent was not personally served with a petition authorized under this chapter and a notice of hearing, the court shall set a new hearing date as provided in RCW 7.94.040 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under either or both of the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer states that the officer was unable to complete personal service upon the respondent and describes the number and types of attempts the officer made to complete service;

(ii) The petitioner states that the petitioner believes that the respondent is hiding from the server to avoid service and states the reasons for the belief that the respondent is avoiding service;

(iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (2) of this section, the notice of hearing, and the ex parte extreme risk protection order in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

(iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be

considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent, upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte extreme risk protection order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

.....
Petitioner

vs. No.

.....
Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year)...., at a.m./p.m., and respond to the petition. If you fail to respond, an extreme risk protection order may be issued against you pursuant to the provisions of the extreme risk protection order act, chapter 7.94 RCW, for one year from the date you are required to appear. (An ex parte extreme risk protection order has been issued against you, restraining you from having in your custody or control, purchasing, possessing, or receiving any firearms. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 within forty-eight hours. A copy of the notice of hearing, petition, and ex parte extreme risk protection order has been filed with the clerk of this court.) (A copy of the notice of hearing and petition has been filed with the clerk of this court.)

.....

Petitioner

~~((2))~~ (3) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the

case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

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

(5) If the court orders service by mail, electronic means, or publication (~~or mail~~) for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing.

~~((3))~~ (6) Following completion of service by mail, electronic means, or publication (~~or by mail~~) for notice of an extreme risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in RCW 7.94.040. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order. If an order entered by the court recites that the respondent appeared before the court, the necessity

for further service is waived and proof of service of the order is not necessary.

Sec. 91. RCW 7.94.080 and 2017 c 3 s 9 are each amended to read as follows:

(1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every ~~((twelve))~~ 12-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(a) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with RCW 4.28.080. The hearing shall occur no sooner than ~~((fourteen))~~ 14 days and no later than ~~((thirty))~~ 30 days from the date of service of the request upon the petitioner.

(b) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in RCW 7.94.040(3).

(c) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(2) The court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner ~~((one hundred five))~~ 105 calendar days before the date the order expires.

(3) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection order at any time within ~~((one hundred five))~~ 105 calendar days before the expiration of the order.

(a) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than ~~((fourteen))~~ 14 days from the date the order issues.

(i) The court may schedule a hearing by telephone in the manner prescribed by RCW 7.94.040(1)(a).

(ii) The respondent shall be personally served in the same manner prescribed by RCW 7.94.040(1)(b) and (c).

(b) In determining whether to renew an extreme risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in RCW 7.94.040.

(c) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in RCW 7.94.040 continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(d) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in subsection (1) of this section or further renewal by order of the court.

(4) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 92. RCW 10.14.040 and 2002 c 117 s 1 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought or as provided in RCW 10.14.055. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age ~~((eighteen))~~ 18 may petition for an order of protection to restrain a person age ~~((eighteen))~~ 18 years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) A party or parent may petition for an order of protection where the parties do not qualify for a domestic violence protection order under chapter 26.50 RCW, a sexual assault protection order under chapter 7.90 RCW, or stalking protection order under chapter 7.92 RCW.

(8) A minor 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend. This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(9) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under 18 years of age if such respondent is 16 years of age or older.

(10) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

(11) The parent or guardian of a child under the age of ~~((eighteen))~~ 18 may petition in superior court for an order of protection to restrain a person under the age of ~~((eighteen))~~ 18 years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall consider,

among the other facts of the case, the severity of the alleged offense, any continuing physical danger or emotional distress to the alleged victim, and the expense, difficulty, and educational disruption that would be caused by a transfer of the alleged offender to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of ~~((eighteen))~~ 18 years protected by the order. In the event that the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(12) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 93. RCW 10.14.070 and 2013 c 84 s 30 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of harassment, ~~((other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW,))~~ the court shall order a hearing which shall be held not later than ~~((fourteen))~~ 14 days from the date of the order. ~~((If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order.))~~ The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five court days before the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided by RCW 10.14.085. ~~((If the court permits service by~~

~~publication, the))~~ The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than ~~((twenty-four))~~ 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.

Sec. 94. RCW 10.14.080 and 2019 c 245 s 11 and 2019 c 46 s 5011 are each reenacted and amended to read as follows:

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit or declaration which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted. If the court declines to issue an ex parte temporary antiharassment protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(2) An ex parte temporary antiharassment protection order shall be effective ~~((for a fixed period not to exceed fourteen days or twenty four days if the court has permitted service by publication under RCW 10.14.085))~~ until the next hearing date. The ex parte order may be reissued. ~~((A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted.))~~ Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex

parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

(3) ~~((At the))~~ When an ex parte order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

(4) After notice and a hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

~~((4))~~ (5) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. This limitation is not applicable to civil antiharassment protection orders issued under chapter 26.09, ~~((26.10-))~~ 26.26A, or 26.26B RCW.

If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 (~~or 26.10~~) RCW.

~~((5))~~ (6) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than ~~((fourteen))~~ 14 days from the date of the order. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and ~~((shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty four days from the date of the order))~~ address service as provided in RCW 10.14.070 and 10.14.085. If the order expires because timely service cannot be made, the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection ~~((4))~~ (5) of this section.

~~((6))~~ (7) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

(a) Restraining the respondent from making any attempts to contact the petitioner, including nonphysical contact and contact through third parties

regardless of whether those third parties know of the order;

(b) Restraining the respondent from making any attempts to keep the petitioner under surveillance; and

(c) Requiring the respondent to stay a stated distance from ~~((the petitioner's))~~ a specified location including, but not limited to, a residence ~~((and)), school, day care, workplace, and the protected party's person.~~

~~((7))~~ (8) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

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

~~((9))~~ (10) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from the use or enjoyment of real property to which the respondent has a cognizable claim unless that order is issued under chapter 26.09 RCW or under a separate action commenced with a summons and complaint to determine title or possession of real property.

~~((10))~~ (11) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not limit the respondent's right to care, control, or custody of the respondent's minor child, unless that order is issued under chapter 13.32A, 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW.

~~((11))~~ (12) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a

civil antiharassment protection order unless good cause for such failure can be shown.

~~((412))~~ (13) The court order shall specify the date an order issued pursuant to subsections ~~((4) and)~~ (5) and (6) of this section expires, if any. The court order shall also state whether the court issued the protection order following personal service or service by mail, electronic means, or publication and whether the court has approved service by mail, electronic means, or publication of an order issued under this section. Law enforcement shall attempt to serve any order that includes an order to surrender weapons or that requires vacating a shared residence.

(14) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 95. RCW 10.14.085 and 2016 c 202 s 4 are each amended to read as follows:

(1) If the respondent was not personally served with ~~((the))~~ a petition authorized by this chapter, notice of hearing, and any ex parte order before the hearing, the court shall ~~((reset the hearing for twenty-four days from the date of entry of the order and may))~~ set a new hearing date as provided in RCW 10.14.070 and 10.14.080 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under either or both of the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses,

contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer ~~((files an affidavit stating))~~ states that the officer was unable to complete personal service upon the respondent ~~((The affidavit must describe))~~ and describes the number and types of attempts the officer made to complete service;

~~((b))~~ (ii) The petitioner ~~((files an affidavit stating))~~ states that the petitioner believes that the respondent is hiding from the server to avoid service ~~((The petitioner's affidavit must state))~~ and states the reasons for the belief that the respondent is avoiding service;

~~((c))~~ (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

~~((d))~~ (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue ~~((the))~~ any temporary order of protection ~~((not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication))~~ as provided in RCW 10.14.070 and 10.14.080 to allow additional service attempts.

(3) ~~((The))~~ Service by publication shall be made in a newspaper of general

circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

.....,
Petitioner

vs. No.

.....,
Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of chapter 10.14 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last

known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(5) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition. Even where alternate service has been authorized to commence the lawsuit, for reasons of safety, law enforcement shall attempt to serve any order that includes an order to surrender weapons or that requires vacating a shared residence.

Sec. 96. RCW 10.14.100 and 2019 c 245 s 12 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section or otherwise authorized pursuant to RCW 10.14.085.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ~~((ten))~~ 10 days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(5) If an order entered by the court recites that the respondent appeared ~~((in person))~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been ~~((personally))~~ served with the temporary order.

(6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(7) If the court previously entered an order allowing service by mail, electronic means, or publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by mail, electronic means, or publication of the order of protection issued under RCW 10.14.080 ~~((Service by publication must comply with the requirements of RCW 10.14.085))~~, except that law enforcement must personally serve a final order that includes an order to surrender weapons or that requires vacating a shared residence.

Sec. 97. RCW 10.14.105 and 1992 c 143 s 13 are each amended to read as follows:

Following completion of service ~~((by publication))~~ as provided in RCW 10.14.085, if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 10.14.080. That order must be served pursuant to RCW 10.14.100, and

forwarded to the appropriate law enforcement agency pursuant to RCW 10.14.110.

Sec. 98. RCW 10.14.110 and 1992 c 143 s 16 are each amended to read as follows:

(1) A copy of an antiharassment protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The law enforcement agency shall expunge expired orders from the computer system. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based system shall include notice to law enforcement whether the order was ~~((personally))~~ served ~~((or served))~~ personally, by publication, by mail, or by electronic means.

Sec. 99. RCW 10.14.130 and 2006 c 138 s 22 are each amended to read as follows:

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.90, 7.92, 10.99, or 26.50 RCW.

Sec. 100. RCW 10.14.150 and 2019 c 216 s 1 are each amended to read as follows:

(1) ~~((The district))~~ District courts shall have ~~((original))~~ jurisdiction ~~((and cognizance of any))~~ over all civil actions and proceedings brought under this chapter, except ~~((the district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's~~

~~minor child)) as provided in subsection (3) of this section.~~

~~(2) Municipal courts may exercise jurisdiction ((and cognizance of any)) over all civil actions and proceedings brought under this chapter, except as provided in subsection (3) of this section, by adoption of local court rule ((, except the municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(3) The civil jurisdiction of district and municipal courts under this chapter is limited to the issuance and enforcement of temporary orders for protection in cases that require transfer to superior court under subsections (1) and (2) of this section. The district or municipal court shall transfer the case to superior court after the temporary order is entered.~~

~~(4) Superior courts shall have concurrent jurisdiction to receive transfer of antiharassment petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer.~~

~~(5) The municipal and district courts shall have jurisdiction and cognizance of any criminal actions brought under RCW 10.14.120 and 10.14.170).~~

(3) Only superior courts have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts shall have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in

superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in or transferred to the superior court, but the petitioner has not established any grounds under (a) through (d) of this subsection for superior court jurisdiction, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may transfer the petition to an appropriate court. When the jurisdiction of a district or municipal court is limited and the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(4) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

Sec. 101. RCW 10.14.160 and 2005 c 196 s 2 are each amended to read as follows:

~~((For the purposes of this chapter an)) An action ((may be brought in:~~

~~(1) The judicial district of the county in which the alleged acts of unlawful harassment occurred;~~

~~(2) The judicial district of the county where any respondent resides at the time the petition is filed;~~

~~(3) The judicial district of the county where a respondent may be served if it is the same county or judicial district where a respondent resides;~~

~~(4) The municipality in which the alleged acts of unlawful harassment occurred;~~

~~(5) The municipality where any respondent resides at the time the petition is filed; or~~

(6) The municipality where a respondent may be served if it is the same county or judicial district where a respondent resides)) under this chapter must be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid harassment. In that case, the petitioner may bring the action in the county or municipality of the previous or new household or residence.

Sec. 102. RCW 26.50.010 and 2019 c 263 s 204 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Court" includes the superior, district, and municipal courts of the state of Washington.

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

(3) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

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

(5) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes but is not limited to clothing, cribs, bedding, documents, medications, and personal hygiene items.

(6) "Family or household members" means: (a) Adult persons related by blood or marriage; (b) ~~((adult))~~ persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(7) "Intimate partner" means: (a) Spouses, or domestic partners; (b) former spouses, or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons ~~((sixteen))~~ 16 years of age or

older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; and (f) persons ~~((sixteen))~~ 16 years of age or older with whom a person ~~((sixteen))~~ 16 years of age or older has or has had a dating relationship.

(8) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

Sec. 103. RCW 26.50.020 and 2019 c 263 s 205 are each amended to read as follows:

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person ~~((thirteen))~~ 13 years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is ~~((sixteen))~~ 16 years of age or older.

~~((a))~~ A ~~((person under eighteen years of age))~~ minor who is ~~((sixteen))~~ 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

~~((b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.))~~ This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under ~~((eighteen))~~ 18 years of age if such respondent is ~~((sixteen))~~ 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Any petition filed under this chapter must specify whether the victim and respondent of the alleged domestic violence are intimate partners or family or household members within the meaning of RCW 26.50.010.

(6) The courts defined in RCW 26.50.010 have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(7) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(8) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

(9) For the purposes of this section "next friend" means any competent individual, over ~~((eighteen))~~ 18 years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

(10) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

Sec. 104. RCW 26.50.025 and 2019 c 46 s 5036 are each amended to read as follows:

(1) Any order available under this chapter may be issued in actions under chapter 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW. If an order for protection is issued in such an action ~~((under chapter 26.09, 26.10, 26.26A, or 26.26B RCW))~~, the order shall be issued on the forms mandated by RCW 26.50.035(1). An order issued in accordance with this subsection is fully enforceable and shall be enforced under the provisions of this chapter.

(2) If a party files an action under chapter 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW, an order issued previously under this chapter between the same parties may be consolidated by the court under that action and cause number. Any order issued under this chapter after consolidation shall contain the original cause number and the cause number of the action under chapter 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW. Relief under this chapter shall not be denied or delayed on the grounds that the relief is available in another action.

Sec. 105. RCW 26.50.030 and 2005 c 282 s 39 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281 and the existence of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4).

(3) Within ~~((ninety))~~ 90 days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific

program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 106. RCW 26.50.035 and 2019 c 263 s 912 and 2019 c 46 s 5037 are each reenacted and amended to read as follows:

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

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

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a domestic violence protection order as provided under this chapter, an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, ~~((26.10))~~ 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as provided by chapter 10.14 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010.

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

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

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

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

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

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

informational brochures to all court clerks by January 1, 1997.

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

Sec. 107. RCW 26.50.050 and 2008 c 287 s 2 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than ~~((fourteen))~~ 14 days from the date of the order. The court may schedule a hearing in person or by telephone ~~((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing))~~, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 26.50.085 ~~((and 26.50.123))~~, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 26.50.085 ~~((or service by mail as provided in RCW 26.50.123))~~. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ~~((or by mail))~~ unless the petitioner requests additional time to attempt personal service. ~~((If the court permits service by publication or by mail))~~ In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than ~~((twenty-four))~~ 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070 ~~((r))~~ and 26.50.085 ~~((, and 26.50.123))~~.

Sec. 108. RCW 26.50.060 and 2020 c 311 s 9 are each amended to read as follows:

(1) Upon notice and after hearing, when the petitioner proves his or her allegations by a preponderance of the evidence, the court ~~((may provide))~~ has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) ~~((Prohibit))~~ Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

(d) Restrain the respondent from making any attempts to contact the petitioner, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

(e) Restrain the respondent from making any attempts to keep the petitioner under surveillance;

(f) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

~~((f))~~ (g) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

~~((f))~~ (h) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

~~((g))~~ (i) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys'

fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

~~((h))~~ (j) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

~~((i))~~ (k) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

~~((j))~~ (l) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((k))~~ (m) Consider the provisions of RCW 9.41.800 and order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800;

~~((l))~~ (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of

specified locations where the pet is regularly found;

~~((m))~~ (o) Order use of a vehicle; and

~~((n))~~ (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek

relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and ~~((shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123))~~ address service as provided in RCW 26.50.050. If the court permits service by mail, electronic means, or publication ~~((or mail))~~, the court shall set the new hearing date ~~((not later than twenty-four days from the date of the order))~~ as provided in RCW 26.50.050. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1) ~~((g))~~ (i) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, ~~((service by publication))~~ or service by mail, electronic means, or publication, and whether the court has approved service by mail, electronic means, or publication ~~((or mail))~~ of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 109. RCW 26.50.070 and 2019 c 245 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(f) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(3) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(4) The court shall hold an ex parte hearing in person or by telephone, video, or electronic means with adequate safeguards as determined by the court on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary order for protection shall be effective ~~((for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123))~~ until the next hearing date. The ex parte temporary order may be reissued. ~~((A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty-four days if service by publication or by mail is permitted.))~~ Except as provided in RCW 26.50.050 ~~((,))~~ and 26.50.085 ~~((, and 26.50.123))~~, the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance ~~((and))~~, the expiration date, the date and time of the next hearing, and notice that, if the respondent should

fail to appear or otherwise respond, a protection order will be issued against the respondent for a minimum of one year from the date of the hearing. The order shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order for protection shall be filed with the court.

(8) When an ex parte temporary order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 110. RCW 26.50.085 and 2016 c 202 s 25 are each amended to read as follows:

(1) If the respondent was not personally served with ~~((the))~~ a petition authorized by this chapter, a notice of hearing, and any ex parte order before the hearing, the court shall ~~((reset the hearing for twenty-four days from the date of entry of the order and may order))~~ set a new hearing date as provided in RCW 26.50.070 and 26.50.080 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual

notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer (~~(files an affidavit stating)~~) states that the officer was unable to complete personal service upon the respondent (~~(The affidavit must describe)~~) and describes the number and types of attempts the officer made to complete service;

(~~(b)~~) (ii) The petitioner (~~(files an affidavit stating)~~) states that the petitioner believes that the respondent is hiding from the server to avoid service (~~(The petitioner's affidavit must state)~~) and states the reasons for the belief that the respondent is avoiding service;

(~~(c)~~) (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

(~~(d)~~) (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that

further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue (~~(the)~~) any temporary order of protection (~~(not to exceed another twenty four days from the date of reissuing the ex parte protection order and order to provide service by publication)~~) as provided in RCW 26.50.070 and 26.50.080 to allow additional service attempts.

(3) (~~(The)~~) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

, Petitioner
vs. No.
, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year) ... , at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the domestic violence protection act, chapter 26.50 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of

the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

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

Sec. 111. RCW 26.50.090 and 2019 c 245 s 15 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (6) and (8) of this section.

(2) The sheriff of the county or the peace officers of the municipality in

which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ~~((ten))~~ 10 days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

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

(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(8) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by mail, electronic means, or publication

pursuant to RCW 26.50.085 (~~or by mail pursuant to RCW 26.50.123~~), the court may permit the same means of service (by publication or by mail) of the order of protection issued under RCW 26.50.060, except that law enforcement must personally serve a final order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license, or that requires vacating a shared residence or transferring the care, control, or custody of children. (~~Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123.~~) The court order must state (~~whether the court permitted service by publication or by mail~~) the approved means of service.

(9) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 112. RCW 26.50.095 and 1995 c 246 s 12 are each amended to read as follows:

Following completion of service by mail, electronic means, or publication (~~as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123~~), if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 26.50.060. That order must be served pursuant to RCW 26.50.090, and forwarded to the appropriate law enforcement agency pursuant to RCW 26.50.100.

Sec. 113. RCW 26.50.100 and 1996 c 248 s 15 are each amended to read as follows:

(1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, or superseded. Entry into the law enforcement information system

constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

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

Sec. 114. RCW 26.50.110 and 2019 c 263 s 913 and 2019 c 46 s 5039 are each reenacted and amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10,~~) 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection is granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, there is a valid foreign protection order as defined in RCW 26.52.020, or there is a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

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

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

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

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

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

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

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

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

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter,

chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020 or a valid Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within (~~fourteen~~) 14 days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 115. RCW 26.50.130 and 2019 c 245 s 16 are each amended to read as follows:

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

(2) A respondent's motion to modify or terminate ~~((a))~~ a final order for protection ~~((that is permanent or issued for a fixed period exceeding two years))~~ must include a declaration setting forth facts supporting the requested order for termination or modification. The motion and declaration must be served according to subsection (8) of this section. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3) (a) The court may not terminate an order for protection that is permanent or issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent is not likely to resume acts of domestic violence against the petitioner or those persons protected by the protection order if the order is terminated. In a motion by the respondent for such termination ~~((of an order for protection that is permanent or issued for a fixed period exceeding two years))~~, the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent.

(b) For the purposes of this subsection, a court shall determine whether there has been a "substantial change in circumstances" by considering only factors which address whether the respondent is likely to commit future acts of domestic violence against the petitioner or those persons protected by the protection order.

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

(i) Whether the respondent has committed or threatened domestic violence, sexual assault, stalking, or

other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order, and the time that has passed since the entry of the order;

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

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

(v) Whether the respondent has either acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order or successfully completed domestic violence perpetrator treatment or counseling since the protection order was entered;

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

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

(viii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of domestic violence may be committed from any distance;

(ix) Other factors relating to a substantial change in circumstances.

(d) In determining whether there has been a substantial change in circumstances, the court may not base its determination solely on: (i) The fact that time has passed without a violation of the order; or (ii) the fact that the respondent or petitioner has relocated to an area more distant from the other party.

(e) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(4) The court may not modify an order for protection that is permanent or issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a

preponderance of the evidence that the requested modification is warranted. If the requested modification would reduce the duration of the protection order or would eliminate provisions in the protection order restraining the respondent from harassing, stalking, threatening, or committing other acts of domestic violence against the petitioner or the petitioner's children or family or household members or other persons protected by the order, the court shall consider the factors in subsection (3) (c) of this section in determining whether the protection order should be modified. Upon a motion by the respondent for such modification (~~(of an order for protection that is permanent or issued for a fixed period exceeding two years)~~), the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent.

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

(6) Upon a motion by a petitioner, the court may modify or terminate an existing order for protection. The court shall hear the motion without an adequate cause hearing.

(7) A court may require the respondent to pay court costs and service fees, as established by the county or municipality incurring the expense and to pay the petitioner for costs incurred in responding to a motion to terminate or modify a protection order, including reasonable attorneys' fees.

(8) Except as provided in RCW 26.50.085 (~~(and 26.50.123)~~), a motion to modify or terminate an order for protection must be personally served on the nonmoving party not less than five court days prior to the hearing.

(a) If a moving party seeks to modify or terminate an order for protection that is permanent or issued for a fixed period exceeding two years, the sheriff of the county or the peace officers of the municipality in which the nonmoving party resides or a licensed process server shall serve the nonmoving party personally except when a petitioner is the moving party and elects to have the nonmoving party served by a private party. If the order includes a requirement under RCW 9.41.800 for the

immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(b) If the sheriff, municipal peace officer, or licensed process server cannot complete service upon the nonmoving party within (~~(ten)~~) 10 days, the sheriff, municipal peace officer, or licensed process server shall notify the moving party. The moving party shall provide information sufficient to permit notification by the sheriff, municipal peace officer, or licensed process server.

(c) If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 (~~(or service by mail as provided in RCW 26.50.123)~~).

(d) The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the moving party requests additional time to attempt personal service.

(e) If the court permits service by publication or by mail, the court shall set the hearing date not later than (~~(twenty-four)~~) 24 days from the date of the order permitting service by publication or by mail.

(9) Municipal police departments serving documents as required under this chapter may recover from a respondent ordered to pay fees under subsection (7) of this section the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(10) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system.

Sec. 116. RCW 26.50.160 and 2019 c 263 s 914 and 2019 c 46 s 5040 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and

to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a database containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.90 RCW, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, ~~((every third party custody action under chapter 26.10 RCW,))~~ every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, every Canadian domestic violence protection order filed under chapter 26.55 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the database as a party rather than the guardian or appropriate department;

(2) A criminal history of the parties; and

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

Sec. 117. RCW 74.34.120 and 2007 c 312 s 5 are each amended to read as follows:

(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than ~~((fourteen))~~ 14 days from the date of filing the petition. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(2) Personal service shall be made upon the respondent not less than ~~((six))~~ five court days before the hearing ~~((When good faith attempts to personally~~

~~serve the respondent have been unsuccessful, the court shall permit service by mail or by publication)), unless waived by the respondent. The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication, as provided in this section. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.~~

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than ~~((six))~~ five court days before the hearing unless waived by the respondent. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. ~~((When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.))~~ If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication, as provided in this section. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set

the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required. When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent or vulnerable adult may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order will cause imminent harm to the respondent or vulnerable adult or that the order or its remedy is not authorized by this chapter. The party moving to terminate or modify the ex parte temporary protection order shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion must be heard expeditiously. A party is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

(6) If the respondent or, in cases where the petition is filed by someone other than the vulnerable adult, the vulnerable adult, was not personally served with a petition authorized by this chapter, a notice of hearing, and any ex parte temporary protection order before the hearing, the court shall set a new hearing date as provided in this section and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the party to be served could not be personally served after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the party;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the party's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of the communications with the party;

(v) Information concerning the party's whereabouts; and

(vi) Any other information relating to the inability to personally serve the party and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the party to be served is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer states that the officer was unable to complete personal service upon the party and describes the number and types of attempts the officer made to complete service;

(ii) The petitioner states that the petitioner believes that the party is hiding from the server to avoid service

and states the reasons for the belief that the party is avoiding service;

(iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (7) of this section, the notice of hearing, and the ex parte temporary order of protection in the post office, directed to the party at the party's last known address, unless the server states that the server does not know the party's address; and

(iv) The court finds reasonable grounds exist to believe that the party is concealing himself or herself to avoid service, and that further attempts to personally serve the party would be futile or unduly burdensome.

(7) Service by publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent, upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte temporary order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

..... Petitioner
vs. No.
..... Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the ... day of, (year), at ... a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the

provisions of chapter 74.34 RCW, for a fixed period of time up to five years from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(8) Service by electronic means includes service by email, text message, or social media applications. Service by mail shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

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

(10) If the sheriff or municipal peace officer cannot complete service upon the respondent within 10 days, the sheriff or municipal peace officer shall notify the petitioner.

(11) Returns of service under this chapter must be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(12) If an order entered by the court recites that the party to be served appeared before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order, except that law enforcement must personally serve a final order requiring the vacation of a shared residence.

Sec. 118. RCW 74.34.130 and 2007 c 312 s 6 are each amended to read as follows:

((The)) (1) After notice and a hearing, if the court finds by a preponderance of the evidence that a vulnerable adult has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent, the court may order relief as it deems necessary for the protection of the vulnerable adult, including, but not limited to the following:

((1)) (a) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult;

((2)) (b) Excluding the respondent from the vulnerable adult's residence for a specified period or until further order of the court;

((3)) (c) Prohibiting contact with the vulnerable adult by respondent for a specified period or until further order of the court, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

((4)) (d) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location

including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

((5)) (e) Requiring an accounting by respondent of the disposition of the vulnerable adult's income or other resources;

((6)) (f) Restraining the transfer of the respondent's and/or vulnerable adult's property for a specified period not exceeding ~~(ninety)~~ 90 days; and

((7)) (g) Requiring the respondent to pay a filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

(2) If the court declines to issue an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

(3) Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed five years. Any final protection order may be renewed one or more times. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The court shall grant the petition for renewal unless the respondent or, if the petitioner is someone other than the vulnerable adult, the vulnerable adult, proves by a preponderance of the evidence that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section.

(4) The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

(5) When an order is issued under this chapter, upon request of the protected adult, the court may order a peace officer to accompany the protected adult and assist in placing the protected adult in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order shall list all items that are to be included with sufficient specificity to make it clear which property is included.

Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Upon entry of such an order, a peace officer shall accompany the protected adult and assist in placing the protected adult in possession of all items listed in the order and to otherwise assist in the execution of the order.

(6) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 119. RCW 74.34.135 and 2007 c 312 s 9 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's full guardian over either the person or the estate, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within ~~((fourteen))~~ 14 days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the

evidentiary hearing shall be held within ~~((fourteen))~~ 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than ~~((six))~~ five court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service ~~((by mail, or by publication if the court determines that personal service and service by mail cannot be obtained))~~ pursuant to RCW 74.34.120. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be fully incapacitated over either the person or the estate, or both, under the guardianship laws, chapter 11.88 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

Sec. 120. RCW 74.34.135 and 2020 c 312 s 737 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within ~~((fourteen))~~ 14 days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within ~~((fourteen))~~ 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than ~~((six))~~ five court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service ~~((by mail, or by publication if the court determines that personal service and service by mail cannot be obtained))~~ pursuant to RCW

74.34.120. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

NEW SECTION. Sec. 121. Section 57 of this act takes effect January 1, 2022.

NEW SECTION. Sec. 122. Section 56 of this act expires January 1, 2022.

NEW SECTION. Sec. 123. The following acts or parts of acts are each repealed:

(1) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74 s 7;

(2) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;

(3) RCW 26.50.165 (Judicial information system—Names of adult cohabitants in

third-party custody actions) and 2003 c 105 s 4; and

(4)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32."

Correct the title.

Representatives Walsh and Graham spoke in favor of the adoption of the striking amendment.

Representative Hansen spoke against the adoption of the striking amendment.

Striking amendment (206) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Lekanoff was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1320.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham,

Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1411, by Representatives Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon

Expanding health care workforce eligibility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1411 was substituted for House Bill No. 1411 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1411 was read the second time.

With the consent of the House, amendment (088) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Cody spoke in favor of the passage of the bill.

Representatives Schmick, Chambers and Caldier spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1411.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1411, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul,

Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1411, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

HOUSE BILL NO. 1127, by Representatives Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet

Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1127 was substituted for House Bill No. 1127 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1127 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter and Boehnke spoke in favor of the passage of the bill.

Representatives Kraft, Sutherland, Walsh and Kraft (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1127.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1127, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, MacEwen, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Dye, Eslick, Graham, Hoff, Jacobsen, Klicker,

Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Lekanoff.

SECOND SUBSTITUTE HOUSE BILL NO. 1127, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1086, by Representatives Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis

Creating the state office of behavioral health consumer advocacy.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1086 was substituted for House Bill No. 1086 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1086 was read the second time.

Representative Davis moved the adoption of amendment (261):

On page 3, line 4, after "facilities." insert "Prior to the establishment and operation of the office, the department shall solicit recommendations from members of the behavioral health community for options to rename the office and the certified behavioral health consumer advocates in a way that shows respect for the community that the office and the advocates serve. Prior to the office beginning operations, the department must rename the office and the certified behavioral health consumer advocates from the options proposed by the community."

On page 4, line 1, after "(1)" insert "Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office.

(2) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Davis and Schmick spoke in favor of the adoption of the amendment.

Amendment (261) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1086.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1086, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1145, by Representative Rude

Allowing the use of nonwood renewable fiber in recycled content paper carryout bags.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1145 was substituted for House Bill No. 1145 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1145 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rude and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1145.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1145, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1145, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1107, by Representatives Chapman, Barkis, Corry, Tharinger and Graham

Expanding certain nonresident vessel permit provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1107 was substituted for House Bill No. 1107 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1107 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1107.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1107, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1107, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1216, by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel

Concerning urban and community forestry.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

With the consent of the House, amendment (217) was withdrawn.

Representative Dye moved the adoption of amendment (248):

On page 5, beginning on line 37, beginning with "in" strike all material through "areas" on line 38 and insert "within an urban growth area designated under RCW 36.70A.110"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (248) was not adopted.

Representative Schmick moved the adoption of amendment (219):

On page 7, after line 24, insert the following:

"(5) An owner of private property may opt out of an urban and community forestry program established by a city, county, or federally recognized tribe pursuant to this chapter. The property owner opting out must provide notice to the city, county, or federally recognized tribe in either written or electronic form."

Representatives Schmick and Ramos spoke in favor of the adoption of the amendment.

Amendment (219) was adopted.

Representative Orcutt moved the adoption of amendment (204):

On page 10, beginning on line 16, strike all of subsection (1)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 10, line 31, after "(4)" strike all material through "communities" and insert "Communities may consult with individuals with expertise in urban forestry or landscaping"

On page 11, line 34, after "through" strike "appropriate siting of" and insert "site-appropriate"

On page 11, line 36, after "(5)" strike all material through "communities" and insert "Communities may consult with individuals with expertise in urban forestry or landscaping"

Representatives Orcutt, Orcutt (again) and Klicker spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (204) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos, Dye, Shewmake and Dent spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Chandler, Chase, Dufault, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1315, by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

Creating a task force to identify the role of the workplace in helping curb domestic violence.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1315.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1315, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

HOUSE BILL NO. 1315, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1423, by Representatives Fitzgibbon, Springer and Dent

Concerning smoke management civil enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1423 was substituted for House Bill No. 1423 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1423 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1423, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker,

Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and McCaslin.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1423, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1471, by Representatives Santos, Harris-Talley and Lekanoff

Concerning community preservation and development authorities.

The bill was read the second time.

Representative Santos moved the adoption of amendment (262):

On page 1, line 4, after "**Sec. 1.**" insert "RCW 43.167.003 and 2019 c 447 s 3 are each amended to read as follows:

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

(1) "Community" means a group of people who reside or work in the geographic area established by the community preservation and development authority board or the proposal to create the authority and who currently or historically share a distinct cultural identity or local history.

(2) "Community preservation and development authority" or "authority" means (~~(an authority)~~) a public body corporate and politic and instrumentality of the state of Washington created by members of an impacted community.

(3) "Constituency" means the general membership of the community preservation and development authority, which membership must be open to all persons eighteen years of age and over who are residents, property owners, employees, or business persons within the geographic boundaries established by the authority or the proposal to create the authority.

(4) "Impacted community" means a community that has been adversely impacted by the construction of, or ongoing operation of, multiple major

public facilities, public works, and capital projects with significant public funding or by other land use decisions.

(5) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars. On July 1, 2019, and on July 1st of each odd-numbered year thereafter, the capital project cost threshold must be adjusted by the capital project cost adjustment factor for inflation established by the office of financial management.

Sec. 2."

Correct the title.

Representatives Santos and Boehnke spoke in favor of the adoption of the amendment.

Amendment (262) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1471.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1471, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Lekanoff.

ENGROSSED HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1073
HOUSE BILL NO. 1113
HOUSE BILL NO. 1115
HOUSE BILL NO. 1140
HOUSE BILL NO. 1152
HOUSE BILL NO. 1167
HOUSE BILL NO. 1169
HOUSE BILL NO. 1186
HOUSE BILL NO. 1207
HOUSE BILL NO. 1210
HOUSE BILL NO. 1214
HOUSE BILL NO. 1219
HOUSE BILL NO. 1227
HOUSE BILL NO. 1236
HOUSE BILL NO. 1258
HOUSE BILL NO. 1301
HOUSE BILL NO. 1370
HOUSE BILL NO. 1376
HOUSE BILL NO. 1386
HOUSE BILL NO. 1441
HOUSE BILL NO. 1446
HOUSE BILL NO. 1476
HOUSE BILL NO. 1504

There being no objection, the House adjourned until 9:00 a.m., March 2, 2021, the 51st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1073	Other Action	71	Other Action.....	71
1086	Second Reading	66	1236	Other Action.....
1086-S2	Second Reading	66	1258	Other Action.....
	Amendment Offered	66	1301	Other Action.....
	Third Reading Final Passage	67	1315	Second Reading.....
1105	Second Reading	2		Third Reading Final Passage.....
	Third Reading Final Passage	2	1320	Second Reading.....
1107	Second Reading	67	1320-S2	Second Reading.....
1107-S	Second Reading	67		Amendment Offered.....
	Third Reading Final Passage	68		Third Reading Final Passage
1113	Other Action	71	1365	Second Reading.....
1115	Other Action	71	1365-S2	Second Reading.....
1127	Second Reading	66		Amendment Offered.....
1127-S2	Second Reading	66		Third Reading Final Passage
	Third Reading Final Passage	66	1370	Other Action.....
1140	Other Action	71	1376	Other Action.....
1145	Second Reading	67	1386	Other Action.....
1145-S	Second Reading	67	1399	Second Reading.....
	Third Reading Final Passage	67		Third Reading Final Passage
1152	Other Action	71	1411	Second Reading.....
1155	Second Reading	5	1411-S	Second Reading.....
1155-S	Second Reading	5		Third Reading Final Passage
	Amendment Offered	5	1416	Second Reading.....
	Third Reading Final Passage	7	1416-S	Second Reading.....
1167	Other Action	71		Third Reading Final Passage
1169	Other Action	71	1423	Second Reading.....
1186	Other Action	71	1423-S	Second Reading.....
1207	Other Action	71		Third Reading Final Passage
1210	Other Action	71	1426	Second Reading.....
1214	Other Action	71	1426-S	Second Reading.....
1216	Second Reading	68		Amendment Offered.....
1216-S2	Second Reading	68		Third Reading Final Passage
	Amendment Offered	68	1441	Other Action.....
	Third Reading Final Passage	69	1446	Other Action.....
1219	Other Action	71	1471	Second Reading.....
1227				Amendment Offered.....
				Third Reading Final Passage
			1476	

Other Action	71	Messages	1
1504		5345	
Other Action	71	Messages	1
5003-S		5367	
Messages	1	Messages	1
5009-S		5376-S	
Messages	1	Messages	1
5052-S2		5383-S2	
Messages	1	Messages	1
5118-S		5396-S2	
Messages	1	Messages	1
5158		5431	
Messages	1	Messages	1
5228-S		5439-S	
Messages	1	Messages	1
5258-S		HOUSE OF REPRESENTATIVES (Representative Lovick	
Messages	1	presiding)	
5313-S2		Statement for the Journal Representative Dufault	1
Messages	1	Statement for the Journal Representative Jacobsen	2
5325-S			