

HB 1143 -- Redline

Substitute to Bill -- Concerning requirements for the purchase or transfer of firearms.

Deletions ~~struck~~ · Insertions underlined

~~Z-0336.2Z-0194.3~~ ~~SUBSTITUTE~~ HOUSE BILL 1143 State of Washington 68th Legislature 2023 Regular Session By ~~House Civil Rights & Judiciary (originally sponsored by~~ Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse, and Ormsby;

by request of Office of the ~~Governor~~ Governor READ Prefiled FIRST 01/05/23. ~~TIME 01/31/23.~~
Read first time 01/09/23.

Referred to Committee on Civil Rights & Judiciary.

amending RCW 9.41.090, 43.43.590, 9.41.047, 9.41.049, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.1135, ~~9.41.129,~~ 9.41.345, 9.41.270, 9.41.280, 9.41.282, 9.41.284, 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815, 7.105.305, 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570, 10.31.100, 10.99.033, 10.99.040, 11.130.257, 26.09.060, 71.05.182, and 72.23.080;

1 ~~SHBHB~~ 1143 (a) The purchaser produces a valid ((concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section.

2 ~~SHBHB~~ 1143 certification that states under the penalty of perjury the training included the minimum requirements;

3 ~~SHBHB~~ 1143 notification of the application to purchase a pistol or semiautomatic assault rifle is received.

4 ~~SHBHB~~ 1143 manufacturer's number is not available at the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the application may be processed, but delivery of the ((pistol or semiautomatic assault rifle)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section)) Washington state patrol firearms background check program;

5 ~~SHBHB~~ 1143 program.

6 ~~SHBHB~~ 1143 (8))) (4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

7 ~~SHBHB~~ 1143 be exempt from federal prohibitions on firearm possession by aliens.

8 ~~SHBHB~~ 1143 (b) If an application for a permit to purchase firearms is denied, the Washington state patrol firearms background check program shall send the applicant a written notice of the denial stating the specific grounds on which the permit to purchase firearms is denied.

9 ~~SHBHB~~ 1143 (b)(i) The Washington state patrol firearms background check program shall establish fees for applications for original and renewal permits to purchase firearms, and a late penalty for late renewal of a permit to purchase firearms.

10 ~~SHBHB~~ 1143 revoked and that the person must surrender his or her permit to purchase firearms to the Washington state patrol within 48 hours of receipt of the notification.

~~(a) A person who is a:~~

11 ~~SHBHB~~ 1143 ~~(i)(a) General~~ A authority person Washington who is a peace officer ~~as certified defined in accordance with~~ RCW ~~10.93.020; 43.101.095(1);~~

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

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

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

The Washington state patrol shall develop the form and manner of documentation for applicants for permits to purchase firearms to provide proof of completion of a p-certified firearms safety training program, and for use as proof of qualifying for an exemption from the firearms safety training requirement.

~~12 SHB 1143 certified firearms safety training program, and for use as proof of qualifying for an exemption from the firearms safety training requirement.~~

~~NEW SECTION.~~

~~A new section is added to chapter 9.41 RCW to read as follows:~~

~~A local law enforcement agency taking fingerprints pursuant to section 2 of this act may charge a~~

~~reasonable fee to recover as nearly as practicable the direct and indirect costs to the local law enforcement agency of taking and transmitting the fingerprints.~~

~~Sec.~~

~~7.~~

~~(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order p. under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license or permit to purchase firearms and that the person may not possess a firearm unless his or her right to do so is restored by a court of record.~~

12 HB 1143 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license or permit to purchase firearms and that the person may not possess a firearm unless his or her right to do so is restored by a court of record.

When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within p-three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L.

~~13 SHB 1143 three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L.~~

If the person does have a concealed pistol license, ~~the p. department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.~~

13 HB 1143 the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

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

~~14 SHB 1143 incompetency to stand trial or the superior court of the county in which the petitioner resides.~~

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the ~~person p. shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.~~

14 HB 1143 person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the Washington state patrol firearms background check program shall lift the suspension and restore the person's permit to purchase firearms, and the department of licensing shall forward notification of the restoration order to the licensing authority, p-which, upon receipt of such notification, shall immediately lift the suspension, restoring the person's concealed pistol license.

~~15 SHB 1143 which, upon receipt of such notification, shall immediately lift the suspension, restoring the person's concealed pistol license.~~

~~8-7.~~

If the person is not subsequently committed for involuntary treatment under RCW 71.05.240, the court shall forward within three business days of the probable cause hearing a copy of the person's ~~driver's p. license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady~~

~~handgun violence prevention act (P.L.~~

15 HB 1143 driver's license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L.

If the person does have a permit to purchase p-firearms, the Washington state patrol firearms background check program shall immediately suspend the permit for a period of six months from the date of the person's release from the facility.

~~16 SHB 1143 firearms, the Washington state patrol firearms background check program shall immediately suspend the permit for a period of six months from the date of the person's release from the facility.~~
~~9-8.~~

~~((a))) (1) The results of all required background checks are known and the purchaser or transferee ((i))) (a) is not prohibited from p-owning or possessing a firearm under federal or state law and (((ii))) (b) does not have a voluntary waiver of firearm rights currently in effect;~~

16 HB 1143 from owning or possessing a firearm under federal or state law and (((ii))) (b) does not have a voluntary waiver of firearm rights currently in effect;

~~10-9.~~

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

~~17 SHB 1143 the applicant's eligibility to purchase a ((pistol or semiautomatic assault rifle)) firearm to an inquiring court ((or)), law enforcement agency, or the Washington state patrol firearms background check program.~~

~~11-10.~~

~~(b) an issuing authority p-pursuant to RCW 9.41.047 or 9.41.070;~~

17 HB 1143 authority pursuant to RCW 9.41.047 or 9.41.070;

~~12-11.~~

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

~~18 SHB 1143 (e) For revoking or failing to revoke an issued concealed pistol license, permit to purchase firearms, or alien firearm license;~~

(b) Directing ((a law enforcement agency)) the Washington state patrol firearms background check program to approve an application to purchase p-a ((pistol or semiautomatic assault rifle)) firearm wrongfully denied;

18 HB 1143 purchase a ((pistol or semiautomatic assault rifle)) firearm wrongfully denied;

~~13-12.~~

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

~~10 SHB 1143 otherwise transfer, any pistol without being licensed as provided in this section.~~

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in ((RCW 9.41.010 through 9.41.810)) p-this chapter-

19 HB 1143 9.41.810)) this chapter.

An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license or permit to p-purchase firearms, before being permitted to sell a firearm.

~~20 SHB 1143 purchase firearms, before being permitted to sell a firearm.~~

~~In p-conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section-~~

20 HB 1143 In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section.

p-(c) The license fee for pistols shall be one hundred twenty-five dollars.

~~21 SHB 1143 (c) The license fee for pistols shall be one hundred twenty-five dollars.~~

(9)(a) A true record ((in triplicate)) shall be made of every ((pistol or semiautomatic assault rifle)) firearm sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, the identification number of the purchaser's permit to purchase firearms, and a statement p. ~~signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm.~~

~~The 21 dealer HB shall 1143 retain statement the signed transfer by record the for purchaser six that years she and or shall, she within is seven not days, ineligible send under a state copy or of federal the law transfer record to the possess department a of firearm. licensing.~~

The department shall provide a single application form for dealer's licenses and a single p. license form which shall indicate the type or types of licenses granted.

~~22 SHB 1143 license form which shall indicate the type or types of licenses granted.~~

~~14. 13.~~

A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law p. ~~and the requirements and time periods established in RCW 9.41.090 and 9.41.092 have been satisfied.~~

22 HB 1143 law and the requirements and time periods established in RCW 9.41.090 and 9.41.092 have been satisfied.

~~p.~~

~~23 SHB 1143 Sec.~~

~~15.~~

~~RCW 9.41.120 and 2019 c 3 s 14 are each amended to read as follows:~~

~~The department of licensing shall keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase ((pistols or semiautomatic assault rifles)) firearms provided for in RCW 9.41.090, and copies or records of ((pistol or semiautomatic assault rifle)) firearms transfers provided for in RCW 9.41.110.~~

~~The copies and records shall not be disclosed except as provided in RCW 42.56.240(4).~~

~~16. 14.~~

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

23 HB 1143 firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

p. (ii) Notification may be made via email, text message, mail service, or personal service.

~~24 SHB 1143 (ii) Notification may be made via email, text message, mail service, or personal service.~~

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

~~Sec. p.~~

~~17. 24 HB 1143 Sec.~~

~~15.~~

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

~~25 SHB 1143 time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.~~

The court shall send notice of the required revocation of any concealed pistol license to the department of licensing, and the city, town, or county which issued the license, license, and notice of the required revocation of any permit to purchase firearms to the Washington state patrol firearms background check program.

~~18. 16.~~

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

exclusively by public or private schools, or areas of ~~facilities~~p. while being used for official meetings of a school district board of directors:

25 HB 1143 facilities while being used for official meetings of a school district board of directors:

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

~~26 SHB 1143 (c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;~~

An appropriate school authority shall promptly notify law enforcement ~~and p. the student's parent or guardian regarding any allegation or indication of such violation.~~

~~Upon 26 the HB arrest 1143 of a person at least twelve years of age and not the more student's than parent twenty-one or years guardian of regarding age any for allegation violating or subsection indication (1)(a) of this such section, violation. the person shall be detained or confined in a juvenile p.~~

27 Upon SHB the 1143 arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours.

However, a person who is not a ~~commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such p.~~

28 27 SHB HB 1143 commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

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

~~(8) 28 AHB school 1143 district (7) board "GUN-FREE of ZONE" directors signs must shall post the signs posted providing around notices school facilities giving warning of the restrictions prohibition on of the possession of firearms and on p. school grounds.~~

29 (8) SHB A 1143 school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors.

~~10-17.~~

The court shall order the person to immediately surrender any concealed pistol license and permit to purchase firearms, and within three business days ((notify)) provide written notification to the department of licensing ((in writing)) of the required revocation of any concealed pistol license held by the person and to the Washington state patrol ~~firearms p. background check program of the required revocation of any permit to purchase firearms.~~

29 HB 1143 firearms background check program of the required revocation of any permit to purchase firearms.

If the person does have a concealed pistol license, the department of licensing shall immediately notify ~~p. the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.~~

~~30 SHB 1143 the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.~~

~~20-18.~~

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

~~(d)(i) 30 Any HB portable 1143 device (c) manufactured Any to air function gun, as including any weapon air and pistol which or is air commonly rifle, known designed as to propel a stun BB, gun, pellet, including or a other projectile p. by the discharge of compressed air, carbon dioxide, or other gas;~~

31 (d)(i) SHB Any 1143 portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;

~~However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection (1)(d) of this section unless he or she has successfully completed training in the use of firearms or such p.~~

32 31 SHB HB 1143 However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection (1)(d) of this section unless he or she has successfully completed training in the use of firearms or such devices that is equivalent to the training received by

commissioned law enforcement officers.

~~21-19.~~

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

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

~~3332 SHB HB 1143 (c)(a) ProhibitRequire that the party fromimmediately accessing,surrender havingall in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms orand other dangerous weapons;~~

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

~~(c) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;~~

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

~~33 HB 1143 (B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070 and a permit to purchase firearms issued under section 2 of this act;~~

~~and p.(D) Prohibit the party from obtaining or possessing a concealed pistol license or permit to purchase firearms.~~

~~34 SHB 1143 (D) Prohibit the party from obtaining or possessing a concealed pistol license or permit to purchase firearms.~~

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

~~34 HB 1143 ((and)), a concealed pistol license, and a permit to purchase firearms.~~

~~22-20.~~

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

~~35 SHB 1143 (1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.~~

The respondent must immediately ~~surrenderp. all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely.~~

~~Alternatively,35 ifHB personal1143 service~~surrender byall firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms in a safe manner to the control of the local law enforcement officeragency ison p.~~the day of the hearing at which the respondent was present in person or remotely.~~

~~36Alternatively, SHBif 1143personal service by a law enforcement officer is~~ not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the ~~respondentp. does not have access to or control of the firearm or dangerous weapon;~~

~~36 HB 1143 respondent does not have access to or control of the firearm or dangerous weapon;~~

~~p.(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service.~~

~~37 SHB 1143 (6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service.~~

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall ~~electronicallyp. transmit a copy of the order to show cause to the law enforcement agency where the~~

~~respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.~~

Law 37 enforcement HB shall 1143 also electronically serve transmit a copy p. of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

38 Law SHB enforcement 1143 shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses ~~incurred p. by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs.~~

38 HB 1143 incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs.

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

~~39 SHB 1143 (8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.~~

The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, ~~p. the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.~~

p. 39 HB 1143 court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

~~40 SHB 1143 Sec.~~

~~23-21.~~

~~24-22.~~

~~25-23.~~

~~and (3) p. Determining whether a person has or previously had a concealed pistol license or permit to purchase firearms, or has applied for a concealed pistol license or permit to purchase firearms.~~

p. 40 HB 1143 (3) Determining whether a person has or previously had a concealed pistol license or permit to purchase firearms, or has applied for a concealed pistol license or permit to purchase firearms.

~~41 SHB 1143 Sec.~~

~~26-24.~~

~~(4) p. If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition.~~

41 HB 1143 (4) If a full hearing is set on a petition that is submitted filed after before close of business on a judicial day day, or the is hearing submitted must on be a set nonjudicial not day, later than 14 days from the p. date of the filing of the petition.

42 If SHB a 1143 full hearing is set on a petition that is submitted after close of business on a judicial day or is submitted on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed, which may be extended for good cause.

~~27-25.~~

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

42 HB 1143 or through third parties regardless of whether those third parties know of the order;

p. (d) Exclude the respondent from the residence, workplace, or school of the petitioner;

~~43 SHB 1143 (d) Exclude the respondent from the residence, workplace, or school of the petitioner;~~

(i) In cases where the petitioner and the respondent are students who 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, emotional distress, or educational disruption to the petitioner, and the p.

44 43 SHB HB 1143 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, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational

disruption that would be caused by a transfer of the respondent to another school.

The order must specify ~~who p. shall provide the electronic monitoring services and the terms under which the monitoring must be performed.~~

~~The 44 order HB also 1143 may who include shall a provide requirement the that electronic the monitoring respondent services pay and the cost terms of under which the p. monitoring must be performed.~~

~~45 The SHB order 1143 also may include a requirement that the respondent pay the costs of the monitoring.~~

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 p. under this chapter, when it is not reasonable or practical to file under the family law case;~~

~~p. 45 HB 1143 filed under this chapter, when it is not reasonable or practical to file under the family law case;~~

~~46 SHB 1143 (q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;~~

~~(b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a p.~~

~~47 46 SHB HB 1143 (b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter.~~

~~28-26.~~

~~and (g) p. The following statement:~~

~~47 HB 1143 (g) The following statement:~~

~~You p. are required to surrender all firearms in your custody, control, or possession.~~

~~48 SHB 1143 are required to surrender all firearms in your custody, control, or possession.~~

~~29-27.~~

~~(f) p. A description of the requirements for the surrender of firearms under RCW 7.105.340;~~

~~and 48 p. HB 1143 (f) A description of the requirements for the surrender of firearms under RCW 7.105.340;~~

~~49 and SHB 1143 (g) The following statement:~~

~~30-28.~~

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately ~~surrender all firearms in his or her custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 and permit p.~~

~~50 49 SHB HB 1143 surrender all firearms in his or her custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 and permit~~ to purchase firearms issued under section 2 of this act, and conduct any search permitted by law for such firearms.

The law enforcement agency shall transfer a surrendered ~~permit p. to purchase firearms to the Washington state patrol firearms background check program.~~

~~p. 50 HB 1143 permit to purchase firearms to the Washington state patrol firearms background check program.~~

~~51 SHB 1143 (4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control.~~

The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 and permit to purchase firearms issued under section 2 of this act, to a law enforcement ~~agency, p. and is in compliance with the order.~~

~~If 51 the HB court 1143 does agency, not and have is a in sufficient compliance record with before the it order. on which to make such a finding, p.~~

~~52 If SHB the 1143 court does not have a sufficient record before it on which to make such a finding,~~ the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

~~(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the p.~~

~~53 52 SHB HB 1143 (A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the~~ respondent that are in the possession of the law enforcement agency;

~~(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting p.~~

~~5453 SHB~~HB 1143 (b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~31-29.~~

~~(3) The information entered into the computer-based criminal intelligence information system must include notice to law p.~~

~~5554 SHB~~HB 1143 (3) The information entered into the computer-based criminal intelligence information system must include notice to law enforcement whether the order was personally served, served by electronic means, served by publication, or served by mail.

~~32-30.~~

~~This chapter does not affect the ability of a law enforcement officer to remove a firearm ((or)), concealed pistol license, or p.~~

~~5655 SHB~~HB 1143 This chapter does not affect the ability of a law enforcement officer to remove a firearm ((or)), concealed pistol license, or permit to purchase firearms from any person or to conduct any search and seizure for firearms pursuant to other lawful authority.

~~33-31.~~

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, ~~or, p. in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;~~

~~p-56~~ HB 1143 or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

~~57 SHB 1143~~ (b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in his or her custody or control, purchasing, possessing, accessing, or receiving a firearm ((or)), concealed pistol license, or permit to purchase firearms;

and (C) the history of domestic violence of ~~each p. person involved, including whether the conduct was part of an ongoing pattern of abuse.~~

~~p-57~~ HB 1143 each person involved, including whether the conduct was part of an ongoing pattern of abuse.

~~58 SHB 1143~~ (3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to ~~stop, p. detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction.~~

~~The 58 request~~HB ~~p-1143~~ stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction.

~~59 The SHB request 1143~~ by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that ~~the p. person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer:~~

~~(i) 59 Has~~HB ~~knowledge 1143 that~~ the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the ~~p-police officer:~~

~~60 (i) SHB Has 1143~~ knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years;

~~34-32.~~

~~(b) p. The peace officer shall separate the parties and then inquire of the victim:~~

~~60~~ HB 1143 (b) The peace officer shall separate the parties and then inquire of the victim:

(ii) if the alleged ~~p-abuser has access to any other firearms located off-site;~~

~~61 SHB 1143~~ abuser has access to any other firearms located off-site;

(b) an order directing your abuser to ~~leave p. your household;~~

61 HB 1143 leave your household;

(d) an order awarding you or the other parent ~~p-~~custody of or visitation with your minor child or children;

~~62 SHB 1143 custody of or visitation with your minor child or children;~~

and (f) an order requiring your abuser to turn in any firearms ((and)), concealed pistol ~~license,~~license and permit to purchase firearms in the abuser's possession or control to law enforcement and prohibiting the abuser from possessing or accessing firearms or a concealed pistol license or permit to purchase firearms for the duration of the civil order.

~~35-33.~~

Law enforcement agencies and ~~community~~p.-organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

~~(2)62 TheHB criminal1143 justicecommunity trainingorganizations commissionwith shallexpertise implementin bythe Julyissue 28, of 2019, domestic aviolence courseshall ofcooperate instructionin forall theaspects trainingof lawsuch p-training.~~

~~63(2) SHBThe 1143criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law~~ enforcement officers in Washington in the handling of domestic violence complaints.

~~36-34.~~

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

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

~~6463 SHBHB 1143 (c)(a) Shall waive~~not~~ anydismiss requirement that the victim's location be disclosed to any person, charge other or thandelay thedisposition attorneybecause of aconcurrent criminaldissolution defendant, or uponother acivil showingproceedings; that there is a possibility of further violence.~~

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

~~(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence;~~

~~So long as thep.-court finds probable cause, the court may issue or extend a no- contact order even if the defendant fails to appear at arraignment.~~

64 HB 1143 the court finds probable cause, the court may issue or extend a no- contact order even if the defendant fails to appear at arraignment.

~~p-(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest.~~

~~65 SHB 1143 (b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest.~~

~~(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicialp.-day to the appropriate law enforcement agency specified in the order.~~

~~Upon65 receiptHB of1143 thejudicial copyday ofto the orderappropriate the-law enforcement agency shall enter the order for one year or until the expiration date specified onin the orderorder.-into any computer-based criminal p-~~

~~66Upon SHBreceipt 1143of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants.~~

~~37-35.~~

The petitioner shall inform the court of the existence of the ~~action~~p.-under this title.

66 HB 1143 action under this title.

The court may grant any of the relief ~~p-~~provided in RCW 7.105.310 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter.

~~67 SHB 1143 provided in RCW 7.105.310 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter.~~

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and ~~anp.-opportunity to present its claim for the support debt to the court and has failed to~~

~~file an affidavit as provided in this subsection.~~

~~Notice 67 of HB 1143~~ proceeding shall be served upon its claim office for of the support enforcement debt personally, to or the by court certified and mail, has and failed shall to be file given an affidavit p-as provided in this subsection.

~~68~~ Notice SHB of 1143 the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding.

~~38-36.~~

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

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

~~69~~ 68 SHB HB 1143 (3)(d) Either knowingly party coming may within, request or a knowingly domestic remaining violence within, protection a order specified or distance an from anti harassment a protection specified order location, under a chapter protected 7.105 party's RCW person, on or a temporary protected basis party's vehicle;

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

(3) Either party may request a domestic violence protection order or an anti harassment protection order under chapter 7.105 RCW on a temporary basis.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, p. or any anti harassment protection order granted under this section 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 69 receipt HB 1143 order, or any anti harassment protection order granted under this section be forwarded by the clerk of the order, court on or before the next judicial day to the appropriate law enforcement agency p-specified in the order.

70 Upon SHB receipt 1143 of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants.

~~Sec. p.~~

~~39-70~~ HB 1143 Sec.

~~37.~~

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

~~71 SHB 1143 grounds that the person presents a likelihood of serious harm, but who has not been subsequently committed for involuntary treatment under RCW 71.05.240, may not have in his or her possession or control any firearm for a period of six months after the date that the person is detained. The law enforcement p. agency, prior to returning the firearm, shall verify with the prosecuting attorney's office or designated crisis responders that the person has not been previously or subsequently committed for involuntary treatment under RCW 71.05.240.~~

The 71 law HB 1143 enforcement agency agency, p-prior to returning the firearm, shall verify with the prosecuting attorney's office or designated crisis responders that the person has not been previously or subsequently committed for involuntary treatment under RCW 71.05.240.

72 The SHB law 1143 enforcement agency must comply with the provisions of RCW 9.41.345 when returning a firearm pursuant to this section.

~~40-38.~~

~~41-39.~~

~~42-40.~~

This act takes effect ~~January~~ July 1, 2025-2024.

~~73~~ 72 SHB HB 1143