**AN ACT Relating to extreme risk protection orders; adding a new chapter to Title 7 RCW; and prescribing penalties.**

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. Statement of Intent.**

(1) This act is designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including as a result of a dangerous mental health crisis or violent behavior.

(2) Every year, over 100,000 people are victims of gunshot wounds and more than 30,000 of those victims lose their lives. Over the last five years for which there is available data, 164,821 people in America were killed with firearms – an average of 91 deaths each day.

(3) Studies show that individuals who engage in certain dangerous behaviors are significantly more likely to commit violence toward themselves or others in the near future. These behaviors, which can include other acts or threats of violence, self-harm, or the abuse of drugs or alcohol, are warning signs that the person may soon commit an act of violence.

(4) Individuals who pose a danger to themselves or others often exhibit signs that alert family, household members, or law enforcement to the threat. Many mass shooters displayed warning signs prior to the killings, but federal and state laws provided no clear legal process to suspend the shooters’ access to guns, even temporarily.

(5) In enacting this Initiative, it is the purpose and intent of the people to reduce gun deaths and injuries, while respecting constitutional rights, by providing a court procedure for family, household members, and law enforcement to obtain an order temporarily restricting a person’s access to firearms. Court orders are limited to situations in which the person poses a significant danger of harming themselves or others by possessing a firearm and include standards and safeguards to protect the rights of respondents and due process of law.

This act may be cited as the Extreme Risk Protection Order Act.

NEW SECTION. **Sec.**  **Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) “Petitioner” means a family or household member of the respondent or a law enforcement officer or agency.

(2) “Extreme risk protection order” means an order issued by a court, pursuant to section 4 of this act, prohibiting the respondent from having in his or her custody or control, purchasing, possessing, or receiving any firearms for a period of one year.

(3) “Family or household member” means any person related by blood, marriage, or adoption, dating partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, any person who resides or has resided with the respondent within the past year, domestic partners, persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, and any person who is acting or has acted as the respondent’s legal guardian.

(4) “Respondent” means the person identified in the petition filed under this chapter.

NEW SECTION. **Sec.**  **Petition for an extreme risk protection order.**

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

1. A petitioner, as defined in this chapter, may file a petition for an extreme risk protection order. An action under this chapter shall be filed in the county where either the petitioner or respondent resides.
2. The petition shall:

(a) Allege 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, and shall be accompanied by an affidavit made under oath stating the specific statements, actions, and/or facts that give rise to a reasonable fear of future dangerous acts by respondent for which relief is sought.

(b) Identify the number, types, and locations of any firearms the petitioner believes to be in the respondent’s current ownership, possession, custody, or control;

(c) Identify whether there is a known existing protection order under 7.90, 7.92, 10.14, 9A.46, 10.99, 26.50, or 26.52 RCW, or any other applicable statute in effect governing the respondent; and

(d) Identify whether there is a pending lawsuit, complaint, petition, or other action between the parties under the laws of Washington.

(3) The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A petition for an extreme risk protection order may be granted whether or not there is a pending action between the parties.

(4) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for an extreme risk protection order or has already done so, and include referrals to appropriate mental health, domestic violence, counseling, or other resources. The petitioner shall attest to having provided such notice or the steps that will be taken to provide such notice in the verified petition.

(5) If the petition states that disclosure of the petitioner’s address would risk harm to 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. If the petitioner is a law enforcement officer, the address of record shall be the law enforcement agency.

(6) Within ninety 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 section 15 of this act. 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.

(7) No fees for filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

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

(9) The superior courts of the state of Washington have jurisdiction over proceedings under this act. Further, district and municipal courts have limited jurisdiction over issuance and enforcement of ex parte extreme risk protection orders as provided for in section 6. The district or municipal court shall set the full hearing provided for in section 4 of this act 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 ex parte extreme risk protection order.

NEW SECTION. **Sec. 4.** **Extreme risk protection order hearing and issuance.**

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

(a) The court may schedule a hearing 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.

(b) The clerk of the court shall have a copy of the notice of hearing and petition 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. 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. 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 publication or mail as provided in section 5 of this act. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues.

(d) The court may issue an ex parte extreme risk protection order pending the hearing as provided in section 6 of this act to 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 this violence involves a firearm;

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

(c) Any dangerous mental health issues;

(d) A violation of a protection order or 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;

(f) A violation of a previous or existing extreme risk protection order;

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

(h) Respondent’s ownership, access to, or intent to possess firearms;

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

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

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

(l) Corroborated evidence of the abuse of controlled substances or alcohol; and

(m) Evidence of recent acquisition of firearms.

(4) The court may:

(a) Examine under oath the petitioner, the respondent, and any witnesses they may produce. In lieu of examining the petitioner, respondent, and any witnesses, the court may consider sworn affidavits submitted by the petitioner, respondent, and any witness; 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 domestic violence protection order proceedings under chapter 26.50 RCW.

(6) During the hearing, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate. The court may order the respondent to undergo a mental health evaluation or chemical dependency evaluation if appropriate.

(7) An extreme risk protection order shall 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 mental health evaluation or chemical dependency evaluation of the respondent is required;

(e) The address of the superior court for the county in which the respondent resides;

(f) A description of the requirements for relinquishment of firearms under section 9; 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 9.41.070A 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 one hearing to terminate the order every twelve month period that the order is in effect, starting from the date of the order and continuing through any renewals. The court shall provide the respondent with a form to request a 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.

NEW SECTION. **Sec. 5.** **Service by publication or mail–when authorized.**

(1) The court may order service by publication or service by mail under the circumstances permitted for such service in RCW 7.90.052, RCW 7.90.053, RCW 26.50.123, or RCW 26.50.085, except any summons shall be essentially in the following form:

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| --- | --- | --- | --- |
| 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 [ ] 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 9.41.070A within 48 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. | | | |
|  | | . . . . . | |
|  | | Petitioner | |

(2) If the court orders service by publication or mail, 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) Following completion of service by publication or by mail, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in section 4.

NEW SECTION. **Sec. 6.** **Ex parte extreme risk protection order—hearing—issuance—contents.**

(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 evidence described in subsection 4(3) of this act.

(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 on the day the petition is filed or on the following judicial day.

(5) In accordance with subsection 4(1) of this act, 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 issue under this chapter.

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

1. A statement of the grounds asserted for the order;
2. The date and time the order was issued;
3. The date and time the order expires;
4. The address of the court in which any responsive pleading should be filed;
5. The date and time of the scheduled hearing;
6. A description of the requirements for surrender of firearms under section 9; 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 9.41.070A 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) The ex parte extreme risk protection order shall expire 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 sections 4 and 5 of this act 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.

NEW SECTION. **Sec. 7.** **Service of extreme risk protection orders.**

(1) An extreme risk protection order issued under section 4 shall be personally served upon the respondent, except as otherwise provided in this act.

(2) The law enforcement agency in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a law enforcement agency is to be used, the clerk of the court shall have a copy of the order issued under this chapter 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 law enforcement agency cannot complete service upon the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide information sufficient to permit such notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(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.

(7) If the court previously entered an order allowing service of the notice of hearing or ex parte extreme risk protection order by publication or mail under section 5 of this act, or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the extreme risk protection order issued under this chapter. Service by publication or mail must comply with the requirements of section 5 of this act. The court order must state whether the court permitted service by publication or service by mail.

NEW SECTION. **Sec. 8.** **Termination and renewal of orders.**

(1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every twelve 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 shall be served on the petitioner in accordance with RCW 4.28.080. The hearing shall occur no sooner than 14 days and no later than 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 subsection 4(3) of this act.

(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 calendar days before the date the order expires.

(3) A petitioner may request by motion a renewal of an extreme risk protection order at any time within one hundred five calendar days before the expiration of the order.

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

(i) The court may schedule a hearing 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.

(ii) The respondent shall be personally served not less than five court days prior to the hearing in the same manner as provided for in section 4 of this act. 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 publication or mail as provided in section 5 of this act. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues.

(c) 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 section 4 of this act.

(d) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in section 4 of this act continue to be met, the court shall renew the order. Provided that, 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.

(e) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in section 8 or further renewal by order of the court.

NEW SECTION. **Sec. 9.** **Surrender of firearms.**

(1) Upon issuance of any extreme risk protection order under this chapter, including ex parte extreme risk protection orders, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent’s custody, control, or possession and any concealed pistol license issued under RCW 9.41.070.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including ex parte extreme risk protection orders, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession and his or her concealed pistol license, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, if personal service by a law enforcement officer is not possible, or not required because the respondent was present at the extreme risk protection order hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 48 hours of being served with the order by alternate service or the hearing at which the respondent was present.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that the law enforcement agency order retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or 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. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

1. The firearm is removed from the respondent’s custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and
2. The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new hearing date and shall require the respondent to appear not later than three court days from the issuance of the order. The court shall require a showing that the person subject to the order has surrendered any firearms in his or her custody, control, or possession. The court may dismiss the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(7) All law enforcement agencies must have developed policies and procedures by June 1, 2017 regarding the acceptance, storage, and return of firearms required to be surrendered under this section.

NEW SECTION. **Sec. 10.** **Return and disposal of firearms.**

(1) If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this act shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law and after confirming with the court that the extreme risk protection order is terminated or has expired without renewal.

(2) Law enforcement shall provide prior notice of the return of the firearm to the respondent to family or household members of the respondents when requested to the same extent as required in RCW 9.41.340 and RCW 9.41.345.

(3) Any firearm which was surrendered by a respondent pursuant to section 9 and that remains unclaimed by the lawful owner shall be disposed of in accordance with law enforcement policies and procedures for the disposal of firearms in police custody.

NEW SECTION. **Sec. 11.** **Reporting of orders.**

(1) The clerk of the court shall enter any extreme risk protection order or ex parte extreme risk protection order issued under this chapter into a statewide judicial information system on the same day as issuance.

(2) The clerk of the court shall forward a copy of an order issued under this chapter the same day as issuance to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the National Instant Criminal Background Check System (NICS), any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only expunge orders from the systems that are expired or terminated. Entry into the computer-based criminal intelligence 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.

(3) The issuing court shall forward within three judicial days after issuance of any type of extreme risk protection order a copy of the respondent’s driver’s license or identicard, or comparable information, along with the date of issuance, to the department of licensing. Upon receipt of the information, the department of licensing shall determine if the respondent has a concealed pistol license. If the respondent does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

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

NEW SECTION. **Sec. 12.** **Violations and penalties.**

(1) Any person who files a petition under this chapter, knowing the information in the petition to be materially false or with the intent to harass the respondent, is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.

(2) Except as provided in subsection (3) of this section, any person who has in his or her custody or control, purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an order issued under this chapter order is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW and further shall be prohibited from having in his or her custody or control, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires.

(3) Any person who has in his or her custody or control, purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order issued under this chapter is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has two or more previous convictions for violating an order issued under this chapter.

NEW SECTION. **Sec. 13.** **Law enforcement to retain other authority.**

This chapter shall not affect the ability of a law enforcement officer to remove a firearm or concealed pistol license from any person or conduct any search and seizure for firearms pursuant to other lawful authority.

NEW SECTION. **Sec. 14.** **No liability for failing to seek order.**

Except as provided in section 12, this chapter shall not be construed to impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or ex parte extreme risk protection, including but not limited to reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition pursuant to this chapter.

NEW SECTION. **Sec. 15. Administrative office of the courts—Court clerks—Instructional and informational material**

(1) The administrative office of the courts shall develop and prepare instructions and informational brochures, standard petition and extreme risk protection order forms, and a court staff handbook on the extreme risk protection order process. The standard petition and order for protection forms must be used after June 1, 2017, 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 representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials shall be based on best practices and available electronically online for the public.

(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 instructions and standard petition shall include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possesses, receive, or have in his or her custody or control. The instructions shall provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means that allows petitioners to identify firearms that does not require any specific or technical knowledge regarding the firearms.

(c) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating an extreme risk protection order as provided under this chapter, and relevant forms shall be provided.

(d) The extreme risk protection order form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: “You have the sole responsibility to avoid or refrain from violating this order’s provisions. Only the court can change the order upon written application.”

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

(2) All court clerks may create a community resource list of any crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may 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. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and court clerks in the state.

(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 December 1, 2017.

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

NEW SECTION. **Sec. 16. Severability.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 17.** Sections 1 through 16 of this act constitute a new chapter in Title 7 RCW.

**--- END ---**