

Proposed Substitute HB 1469 (H-0882.1) By Rep. Hansen

AN ACT Relating to protecting access to reproductive health care services and gender-affirming treatment in Washington state

The Proposed Substitute makes the following revisions to the underlying bill:

- Requires a court to find that a false attestation was intentionally submitted and that the document or investigation did seek information related to protected health care services for the statutory penalty of \$10,000 per violation to apply for:
 - A foreign subpoena; or
 - When a judge in another state commands a person in Washington to testify in a criminal prosecution or grand jury investigation.
- Imposes an affirmative duty on any person making a charge or complaint before a judge or magistrate with the commission of a crime in another state to disclose that the crime is related to criminal liability that relates to protected health care services.
- Clarifies that an application for an ex parte order seeking the interception of any communication or conversation does not need to state whether information about protected health care services is being sought unless such information is being sought by the application.
- Clarifies that state and local boards and commissions are also prohibited from cooperating with or providing information to individuals, agencies, commissions, boards, or departments of another state for the purpose of enforcing another state's law or assisting an investigation that is related to another state's law.
- Requires that statutory damages for a claim for interference with protected health care services may only be recovered if the underlying action is found to be frivolous.
- Allows a person in Washington that receives a subpoena from any court to move to modify or quash the subpoena if:
 - The information sought concerns protected health care services; and
 - Liability in the underlying action is based on a cause of action or criminal liability that is not available under Washington law or the law of another state that is substantially similar to Washington law.
- Requires the Attorney General's Office to maintain a list of any laws of another state that impose criminal liability for the provision or receipt of protected health care services and make the list available to the Washington State Patrol.
- Requires the Washington State Patrol to monitor out of state warrants and determine if a warrant is for the arrest of any person in connection with protected health care services. Any warrant that is identified as such must either be removed from the Washington crime information center or clearly noted that the warrant is not enforceable in Washington.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0882.1/23

ATTY/TYPIST: KS:akl

BRIEF DESCRIPTION: Concerning access to reproductive health care services and gender-affirming treatment in Washington state.

1 AN ACT Relating to protecting access to reproductive health care
2 services and gender-affirming treatment in Washington state; amending
3 RCW 5.51.020, 5.56.010, 9.73.040, 9.73.260, 10.55.020, 10.88.250,
4 10.88.320, 10.88.330, 10.96.020, 10.96.040, and 40.24.030; adding a
5 new chapter to Title 7 RCW; prescribing penalties; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** This chapter may be known and cited as the
9 shield law.

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

13 (1) "Aggrieved party" means a person against whom an underlying
14 action is commenced based on the aggrieved party's provision,
15 receipt, attempted provision or receipt, assistance in the provision
16 or receipt, or attempted assistance in the provision or receipt of
17 protected health care services.

18 (2) "Gender-affirming treatment" means health services or
19 products that support and affirm an individual's gender identity,
20 including social, psychological, behavioral, and medical or surgical

1 interventions. Gender-affirming care services include, but are not
2 limited to, evaluation and treatments for gender dysphoria, gender-
3 affirming hormone therapy, and gender-affirming surgical procedures.

4 (3) "Protected health care services" means gender-affirming
5 treatment and reproductive health care services that are lawful in
6 the state of Washington.

7 (4) "Reproductive health care services" means all services, care,
8 or products of a medical, surgical, psychiatric, therapeutic, mental
9 health, behavioral health, diagnostic, preventative, rehabilitative,
10 supportive, counseling, referral, prescribing, or dispensing nature
11 relating to the human reproductive system including, but not limited
12 to, all services, care, and products relating to pregnancy, assisted
13 reproduction, contraception, miscarriage management, or the
14 termination of a pregnancy, including self-managed terminations.

15 (5) "Underlying action" means a civil, criminal, or
16 administrative proceeding, or any proceeding preliminary thereto.

17 **PART I**
18 **CIVIL PROCEDURE**

19 **Sec. 3.** RCW 5.51.020 and 2012 c 95 s 3 are each amended to read
20 as follows:

21 (1) (a) To request issuance of a subpoena under this section, a
22 party must submit a foreign subpoena to a clerk of court in the
23 county in which discovery is sought to be conducted in this state. A
24 request for the issuance of a subpoena under this chapter does not
25 constitute an appearance in the courts of Washington state.

26 (b) A request for issuance of any subpoena pursuant to this
27 section must include an attestation, made under penalty of perjury,
28 stating whether the subpoena seeks documents, information, or
29 testimony related to the provision, receipt, attempted provision or
30 receipt, assistance in the provision or receipt, or attempted
31 assistance in the provision or receipt of protected health care
32 services as defined in section 2 of this act that are lawful in the
33 state of Washington. If a court finds that a false attestation was
34 intentionally submitted and the subpoena did seek documents,
35 information, or testimony related to the provision, receipt,
36 attempted provision or receipt, assistance in the provision or
37 receipt, or attempted assistance in the provision or receipt of
38 protected health care services as defined in section 2 of this act

1 that are lawful in the state of Washington, a statutory penalty of
2 \$10,000 per violation will apply. Submission of such attestation
3 subjects the attester to the jurisdiction of the courts of Washington
4 state for any suit, penalty, or damages arising out of a false
5 attestation under this section.

6 (2) ~~((When))~~ Except as provided in subsection (4) of this
7 section, when a party submits a foreign subpoena to a clerk of court
8 in this state, the clerk, in accordance with that court's procedure,
9 shall promptly issue a subpoena for service upon the person to which
10 the foreign subpoena is directed.

11 (3) A subpoena under subsection (2) of this section must:

12 (a) Incorporate the terms used in the foreign subpoena; and

13 (b) Contain or be accompanied by the names, addresses, and
14 telephone numbers of all counsel of record in the proceeding to which
15 the subpoena relates and of any party not represented by counsel.

16 (4) If a party submits a foreign subpoena to a clerk of court in
17 this state that seeks documents, information, or testimony that
18 relate to protected health care services, as defined in section 2 of
19 this act, the clerk shall not issue a subpoena for service and shall
20 present the request to the court for action. The court shall review
21 the foreign subpoena and shall not issue a subpoena for service and
22 shall quash any existing subpoena issued by the court if the subpoena
23 is for documents, information, or testimony that relates to protected
24 health care services as defined in section 2 of this act, unless the
25 subpoena seeks documents, information, or testimony related to:

26 (a) An out-of-state action that is founded in tort, contract, or
27 statute, for which a similar claim would exist under the laws of this
28 state, that is brought by a person or the person's authorized legal
29 representative, for damages suffered by the person or damages derived
30 from an individual's loss of consortium of the person; or

31 (b) An out-of-state action that is founded in contract, and for
32 which a similar claim would exist under the laws of this state, that
33 is brought or sought to be enforced by a party with a contractual
34 relationship with the person that is the subject of the subpoena.

35 **Sec. 4.** RCW 5.56.010 and 2011 c 336 s 141 are each amended to
36 read as follows:

37 ~~((Any))~~ Except as provided in section 13 of this act, any person
38 may be compelled to attend as a witness before any court of record,
39 judge, commissioner, or referee, in any civil action or proceeding in

1 this state. No such person shall be compelled to attend as a witness
2 in any civil action or proceeding unless the fees ((be)) are paid or
3 tendered ((him or her)) to such person which are allowed by law for
4 one day's attendance as a witness and for traveling to and returning
5 from the place where he or she is required to attend, together with
6 any allowance for meals and lodging theretofore fixed as specified
7 herein: PROVIDED, That such fees be demanded by any witness residing
8 within the same county where such court of record, judge,
9 commissioner, or referee is located, or within twenty miles of the
10 place where such court is located, at the time of service of the
11 subpoena: PROVIDED FURTHER, That a party desiring the attendance of a
12 witness residing outside of the county in which such action or
13 proceeding is pending, or more than twenty miles of the place where
14 such court is located, shall apply ex parte to such court, or to the
15 judge, commissioner, referee, or clerk thereof, who, if such
16 application be granted and a subpoena issued, shall fix without
17 notice an allowance for meals and lodging, if any to be allowed,
18 together with necessary travel expenses, and the amounts so fixed
19 shall be endorsed upon the subpoena and tendered to such witness at
20 the time of the service of the subpoena: PROVIDED FURTHER, That the
21 court shall fix and allow at or after trial such additional amounts
22 for meals, lodging, and travel as it may deem reasonable for the
23 attendance of such witness.

24
25

PART II
CRIMINAL PROCEDURE

26 **Sec. 5.** RCW 9.73.040 and 1967 ex.s. c 93 s 2 are each amended to
27 read as follows:

28 (1) An ex parte order for the interception of any communication
29 or conversation listed in RCW 9.73.030 may be issued by any superior
30 court judge in the state upon verified application of either the
31 state attorney general or any county prosecuting attorney setting
32 forth fully facts and circumstances upon which the application is
33 based and stating that:

34 (a) There are reasonable grounds to believe that national
35 security is endangered, that a human life is in danger, that arson is
36 about to be committed, or that a riot is about to be committed, and

1 (b) There are reasonable grounds to believe that evidence will be
2 obtained essential to the protection of national security, the
3 preservation of human life, or the prevention of arson or a riot, and

4 (c) There are no other means readily available for obtaining such
5 information.

6 (2) Any application pursuant to this section that seeks
7 communications or conversations related to an investigation that
8 alleges criminal liability for the provision, receipt, attempted
9 provision or receipt, assistance in the provision or receipt, or
10 attempted assistance in the provision or receipt of protected health
11 care services as defined in section 2 of this act that are lawful in
12 the state of Washington shall include an attestation, made under
13 penalty of perjury, stating that the application seeks information
14 related to the provision, receipt, attempted provision or receipt,
15 assistance in the provision or receipt, or attempted assistance in
16 the provision or receipt of protected health care services as defined
17 in section 2 of this act that are lawful in the state of Washington.

18 (3) Where statements are solely upon the information and belief
19 of the applicant, the grounds for the belief must be given.

20 ((+3)) (4) The applicant must state whether any prior
21 application has been made to obtain such communications on the same
22 instrument or for the same person and if such prior application
23 exists the applicant shall disclose the current status thereof.

24 ((+4)) (5) The application and any order issued under RCW
25 9.73.030 through 9.73.080 shall identify as fully as possible the
26 particular equipment, lines or location from which the information is
27 to be obtained and the purpose thereof.

28 ((+5)) (6) The court may examine upon oath or affirmation the
29 applicant and any witness the applicant desires to produce or the
30 court requires to be produced.

31 ((+6)) (7) Orders issued under this section shall be effective
32 for fifteen days, after which period the court which issued the order
33 may upon application of the officer who secured the original order
34 renew or continue the order for an additional period not to exceed
35 fifteen days.

36 ((+7)) (8) No order issued under this section shall authorize or
37 purport to authorize any activity which would violate any laws of the
38 United States.

39 (9) The court shall not issue an order for the interception of
40 any communication or conversation for the purpose of investigating or

1 recovering evidence that relates to an investigation that alleges
2 criminal liability for the provision, receipt, attempted provision or
3 receipt, assistance in the provision or receipt, or attempted
4 assistance in the provision or receipt of protected health care
5 services as defined in section 2 of this act that are lawful in the
6 state of Washington.

7 **Sec. 6.** RCW 9.73.260 and 2015 c 222 s 2 are each amended to read
8 as follows:

9 (1) As used in this section:

10 (a) "Wire communication" means any aural transfer made in whole
11 or in part through the use of facilities for the transmission of
12 communications by the aid of wire, cable, or other like connection
13 between the point of origin and the point of reception, including the
14 use of such connection in a switching station, furnished or operated
15 by any person engaged in providing or operating such facilities for
16 the transmission of intrastate, interstate, or foreign
17 communications, and such term includes any electronic storage of such
18 communication.

19 (b) "Electronic communication" means any transfer of signs,
20 signals, writing, images, sounds, data, or intelligence of any nature
21 transmitted in whole or in part by a wire, radio, electromagnetic,
22 photoelectronic, or photo-optical system, but does not include:

23 (i) Any wire or oral communication;

24 (ii) Any communication made through a tone-only paging device; or

25 (iii) Any communication from a tracking device, but solely to the
26 extent the tracking device is owned by the applicable law enforcement
27 agency.

28 (c) "Electronic communication service" means any service that
29 provides to users thereof the ability to send or receive wire or
30 electronic communications.

31 (d) "Pen register" means a device that records or decodes
32 electronic or other impulses that identify the numbers dialed or
33 otherwise transmitted on the telephone line to which such device is
34 attached, but such term does not include any device used by a
35 provider or customer of a wire or electronic communication service
36 for billing, or recording as an incident to billing, for
37 communications services provided by such provider or any device used
38 by a provider or customer of a wire communication service for cost

1 accounting or other like purposes in the ordinary course of its
2 business.

3 (e) "Trap and trace device" means a device that captures the
4 incoming electronic or other impulses that identify the originating
5 number of an instrument or device from which a wire or electronic
6 communication was transmitted.

7 (f) "Cell site simulator device" means a device that transmits or
8 receives radio waves for the purpose of conducting one or more of the
9 following operations: (i) Identifying, locating, or tracking the
10 movements of a communications device; (ii) intercepting, obtaining,
11 accessing, or forwarding the communications, stored data, or metadata
12 of a communications device; (iii) affecting the hardware or software
13 operations or functions of a communications device; (iv) forcing
14 transmissions from or connections to a communications device; (v)
15 denying a communications device access to other communications
16 devices, communications protocols, or services; or (vi) spoofing or
17 simulating a communications device, cell tower, cell site, or
18 service((~~r~~)) including, but not limited to, an international mobile
19 subscriber identity catcher or other invasive cell phone or telephone
20 surveillance or eavesdropping device that mimics a cell phone tower
21 and sends out signals to cause cell phones in the area to transmit
22 their locations, identifying information, and communications content,
23 or a passive interception device or digital analyzer that does not
24 send signals to a communications device under surveillance. A cell
25 site simulator device does not include any device used or installed
26 by an electric utility, as defined in RCW 19.280.020, solely to the
27 extent such device is used by that utility to measure electrical
28 usage, to provide services to customers, or to operate the electric
29 grid.

30 (2) No person may install or use a pen register, trap and trace
31 device, or cell site simulator device without a prior court order
32 issued under this section except as provided under subsection (6) of
33 this section or RCW 9.73.070.

34 (3) A law enforcement officer may apply for and the superior
35 court may issue orders and extensions of orders authorizing the
36 installation and use of pen registers, trap and trace devices, and
37 cell site simulator devices as provided in this section. The
38 application shall be under oath and shall include the identity of the
39 officer making the application and the identity of the law
40 enforcement agency conducting the investigation. The applicant must

1 certify that the information likely to be obtained is relevant to an
2 ongoing criminal investigation being conducted by that agency.

3 (4) If the court finds that the information likely to be obtained
4 by such installation and use is relevant to an ongoing criminal
5 investigation and finds that there is probable cause to believe that
6 the pen register, trap and trace device, or cell site simulator
7 device will lead to obtaining evidence of a crime, contraband, fruits
8 of crime, things criminally possessed, weapons, or other things by
9 means of which a crime has been committed or reasonably appears about
10 to be committed, or will lead to learning the location of a person
11 who is unlawfully restrained or reasonably believed to be a witness
12 in a criminal investigation or for whose arrest there is probable
13 cause, the court shall enter an ex parte order authorizing the
14 installation and use of a pen register, trap and trace device, or
15 cell site simulator device. The order shall specify:

16 (a)(i) In the case of a pen register or trap and trace device,
17 the identity, if known, of the person to whom is leased or in whose
18 name is listed the telephone line to which the pen register or trap
19 and trace device is to be attached; or

20 (ii) In the case of a cell site simulator device, the identity,
21 if known, of (A) the person to whom is subscribed or in whose name is
22 subscribed the electronic communications service utilized by the
23 device to which the cell site simulator device is to be used and (B)
24 the person who possesses the device to which the cell site simulator
25 device is to be used;

26 (b) The identity, if known, of the person who is the subject of
27 the criminal investigation;

28 (c)(i) In the case of a pen register or trap and trace device,
29 the number and, if known, physical location of the telephone line to
30 which the pen register or trap and trace device is to be attached
31 and, in the case of a trap and trace device, the geographic limits of
32 the trap and trace order; or

33 (ii) In the case of a cell site simulator device: (A) The
34 telephone number or other unique subscriber account number
35 identifying the wire or electronic communications service account
36 used by the device to which the cell site simulator device is to be
37 attached or used; (B) if known, the physical location of the device
38 to which the cell site simulator device is to be attached or used;
39 (C) the type of device, and the communications protocols being used
40 by the device, to which the cell site simulator device is to be

1 attached or used; (D) the geographic area that will be covered by the
2 cell site simulator device; (E) all categories of metadata, data, or
3 information to be collected by the cell site simulator device from
4 the targeted device including, but not limited to, call records and
5 geolocation information; (F) whether or not the cell site simulator
6 device will incidentally collect metadata, data, or information from
7 any parties or devices not specified in the court order, and if so,
8 what categories of information or metadata will be collected; and (G)
9 any disruptions to access or use of a communications or internet
10 access network that may be created by use of the device; and

11 (d) A statement of the offense to which the information likely to
12 be obtained by the pen register, trap and trace device, or cell site
13 simulator device relates.

14 The order shall direct, if the applicant has requested, the
15 furnishing of information, facilities, and technical assistance
16 necessary to accomplish the installation of the pen register, trap
17 and trace device, or cell site simulator device. An order issued
18 under this section shall authorize the installation and use of a: (i)
19 Pen register or a trap and trace device for a period not to exceed
20 sixty days; and (ii) ((a)) cell site simulator device for sixty days.
21 An extension of the original order may only be granted upon: A new
22 application for an order under subsection (3) of this section; and a
23 showing that there is a probability that the information or items
24 sought under this subsection are more likely to be obtained under the
25 extension than under the original order. No extension beyond the
26 first extension shall be granted unless: There is a showing that
27 there is a high probability that the information or items sought
28 under this subsection are much more likely to be obtained under the
29 second or subsequent extension than under the original order; and
30 there are extraordinary circumstances such as a direct and immediate
31 danger of death or serious bodily injury to a law enforcement
32 officer. The period of extension shall be for a period not to exceed
33 sixty days.

34 An order authorizing or approving the installation and use of a
35 pen register, trap and trace device, or cell site simulator device
36 shall direct that the order be sealed until otherwise ordered by the
37 court and that the person owning or leasing the line to which the pen
38 register, trap and trace device, and cell site simulator device((s))
39 is attached or used, or who has been ordered by the court to provide
40 assistance to the applicant, not disclose the existence of the pen

1 register, trap and trace device, or cell site simulator device or the
2 existence of the investigation to the listed subscriber or to any
3 other person, unless or until otherwise ordered by the court.

4 (5) Upon the presentation of an order, entered under subsection
5 (4) of this section, by an officer of a law enforcement agency
6 authorized to install and use a pen register under this chapter, a
7 provider of wire or electronic communication service, landlord,
8 custodian, or other person shall furnish such law enforcement officer
9 forthwith all information, facilities, and technical assistance
10 necessary to accomplish the installation of the pen register
11 unobtrusively and with a minimum of interference with the services
12 that the person so ordered by the court accords the party with
13 respect to whom the installation and use is to take place, if such
14 assistance is directed by a court order as provided in subsection (4)
15 of this section.

16 Upon the request of an officer of a law enforcement agency
17 authorized to receive the results of a trap and trace device under
18 this chapter, a provider of a wire or electronic communication
19 service, landlord, custodian, or other person shall install such
20 device forthwith on the appropriate line and shall furnish such law
21 enforcement officer all additional information, facilities, and
22 technical assistance including installation and operation of the
23 device unobtrusively and with a minimum of interference with the
24 services that the person so ordered by the court accords the party
25 with respect to whom the installation and use is to take place, if
26 such installation and assistance is directed by a court order as
27 provided in subsection (4) of this section. Unless otherwise ordered
28 by the court, the results of the trap and trace device shall be
29 furnished to the officer of a law enforcement agency, designated in
30 the court order, at reasonable intervals during regular business
31 hours for the duration of the order.

32 A provider of a wire or electronic communication service,
33 landlord, custodian, or other person who furnishes facilities or
34 technical assistance pursuant to this subsection shall be reasonably
35 compensated by the law enforcement agency that requests the
36 facilities or assistance for such reasonable expenses incurred in
37 providing such facilities and assistance.

38 No cause of action shall lie in any court against any provider of
39 a wire or electronic communication service, its officers, employees,
40 agents, or other specified persons for providing information,

1 facilities, or assistance in accordance with the terms of a court
2 order under this section. A good faith reliance on a court order
3 under this section, a request pursuant to this section, a legislative
4 authorization, or a statutory authorization is a complete defense
5 against any civil or criminal action brought under this chapter or
6 any other law.

7 (6) (a) Notwithstanding any other provision of this chapter, a law
8 enforcement officer and a prosecuting attorney or deputy prosecuting
9 attorney who jointly and reasonably determine that there is probable
10 cause to believe that an emergency situation exists that involves
11 immediate danger of death or serious bodily injury to any person that
12 requires the installation and use of a pen register, trap and trace
13 device, or cell site simulator device before an order authorizing
14 such installation and use can, with due diligence, be obtained, and
15 there are grounds upon which an order could be entered under this
16 chapter to authorize such installation and use, may have installed
17 and use a pen register, trap and trace device, or cell site simulator
18 device if, within forty-eight hours after the installation has
19 occurred, or begins to occur, an order approving the installation or
20 use is issued in accordance with subsection (4) of this section. In
21 the absence of an authorizing order, such use shall immediately
22 terminate when the information sought is obtained, when the
23 application for the order is denied or when forty-eight hours have
24 lapsed since the installation of the pen register, trap and trace
25 device, or cell site simulator device, whichever is earlier. If an
26 order approving the installation or use is not obtained within forty-
27 eight hours, any information obtained is not admissible as evidence
28 in any legal proceeding. The knowing installation or use by any law
29 enforcement officer of a pen register, trap and trace device, or cell
30 site simulator device pursuant to this subsection without application
31 for the authorizing order within forty-eight hours of the
32 installation shall constitute a violation of this chapter and be
33 punishable as a gross misdemeanor. A provider of a wire or electronic
34 service, landlord, custodian, or other person who furnished
35 facilities or technical assistance pursuant to this subsection shall
36 be reasonably compensated by the law enforcement agency that requests
37 the facilities or assistance for such reasonable expenses incurred in
38 providing such facilities and assistance.

39 (b) A law enforcement agency that authorizes the installation of
40 a pen register, trap and trace device, or cell site simulator device

1 under this subsection (6) shall file a monthly report with the
2 administrator for the courts. The report shall indicate the number of
3 authorizations made, the date and time of each authorization, whether
4 a court authorization was sought within forty-eight hours, and
5 whether a subsequent court authorization was granted.

6 (c) A law enforcement agency authorized to use a cell site
7 simulator device in accordance with this section must: (i) Take all
8 steps necessary to limit the collection of any information or
9 metadata to the target specified in the applicable court order; (ii)
10 take all steps necessary to permanently delete any information or
11 metadata collected from any party not specified in the applicable
12 court order immediately following such collection and must not
13 transmit, use, or retain such information or metadata for any purpose
14 whatsoever; and (iii) (~~must~~) delete any information or metadata
15 collected from the target specified in the court order within thirty
16 days if there is no longer probable cause to support the belief that
17 such information or metadata is evidence of a crime.

18 (7)(a) If an application for the installation and use of a pen
19 register, trap and trace device, or cell site simulator device is for
20 the purpose of investigating or recovering evidence that relates to
21 an investigation that alleges criminal liability for the provision,
22 receipt, attempted provision or receipt, assistance in the provision
23 or receipt, or attempted assistance in the provision or receipt of
24 protected health care services as defined in section 2 of this act
25 that are lawful in the state of Washington, the applicant shall
26 include an attestation, made under penalty of perjury, stating that
27 the application seeks information related to the provision, receipt,
28 attempted provision or receipt, assistance in the provision or
29 receipt, or attempted assistance in the provision or receipt of
30 protected health care services as defined in section 2 of this act
31 that are lawful in the state of Washington.

32 (b) The court shall not issue an order for the installation and
33 use of pen registers, trap and trace devices, and cell site simulator
34 devices for the purpose of investigating or recovering evidence that
35 relates to an investigation that alleges criminal liability for the
36 provision, receipt, attempted provision or receipt, assistance in the
37 provision or receipt, or attempted assistance in the provision or
38 receipt of protected health care services as defined in section 2 of
39 this act that are lawful in the state of Washington.

1 **Sec. 7.** RCW 10.55.020 and 2010 c 8 s 1050 are each amended to
2 read as follows:

3 (1) If a judge of a court of record in any state which by its
4 laws has made provision for commanding persons within that state to
5 attend and testify in this state certified under the seal of such
6 court that there is a criminal prosecution pending in such court, or
7 that a grand jury investigation has commenced or is about to
8 commence, that a person being within this state is a material witness
9 in such prosecution, or grand jury investigation, and that (~~his or~~
10 her)) such person's presence will be required for a specified number
11 of days, upon presentation of such certificate, accompanied by an
12 attestation made under penalty of perjury stating whether such
13 prosecution or grand jury investigation is related to the provision,
14 receipt, attempted provision or receipt, assistance in the provision
15 or receipt, or attempted assistance in the provision or receipt of
16 protected health care services as defined in section 2 of this act
17 that are lawful in the state of Washington, to any judge of a court
18 of record in the county in which such person is, such judge shall fix
19 a time and place for a hearing, and shall make an order directing the
20 witness to appear at a time and place certain for the hearing. If a
21 court finds that a false attestation was intentionally submitted and
22 the prosecution or grand jury investigation is related to the
23 provision, receipt, attempted provision or receipt, assistance in the
24 provision or receipt, or attempted assistance in the provision or
25 receipt of protected health care services as defined in section 2 of
26 this act that are lawful in the state of Washington, a statutory
27 penalty of \$10,000 per violation will apply. Submission of such
28 attestation subjects the attester to the jurisdiction of the courts
29 of Washington state for any suit, penalty, or damages arising out of
30 a false attestation under this section.

31 (2) If at a hearing the judge determines that the witness is
32 material and necessary, that it will not cause undue hardship to the
33 witness to be compelled to attend and testify in the prosecution or a
34 grand jury investigation in the other state, and that the laws of the
35 state in which the prosecution is pending, or grand jury
36 investigation has commenced or is about to commence, will give to
37 (~~him or her~~) such witness protection from arrest and the service of
38 civil and criminal process, he or she shall issue a summons, with a
39 copy of the certificate attached, directing the witness to attend and
40 testify in the court where the prosecution is pending, or where a

1 grand jury investigation has commenced or is about to commence and of
2 any other state through which the witness may be required to travel
3 by ordinary course of travel, at a time and place specified in the
4 certificate. In any such hearing the certificate shall be prima facie
5 evidence of all the facts stated therein.

6 (3) If said certificate recommends that the witness be taken into
7 immediate custody and delivered to an officer of the requesting state
8 to assure (~~his or her~~) such person's attendance in the requesting
9 state, such judge may, in lieu of notification of the hearing, direct
10 that such witness be forthwith brought before (~~him or her~~) such
11 judge for said hearing; and the judge at the hearing being satisfied
12 of the desirability of such custody and delivery, for which
13 determination the certificate shall be prima facie proof of such
14 desirability may, in lieu of issuing subpoena or summons, order that
15 said witness be forthwith taken into custody and delivered to an
16 officer of the requesting state.

17 (4) If the witness, who is summoned as above provided, after
18 being paid or tendered by some properly authorized person the sum of
19 ten cents a mile for each mile by the ordinary traveled route to and
20 from the court where the prosecution is pending and five dollars for
21 each day, that (~~he or she~~) such person is required to travel and
22 attend as a witness, fails without good cause to attend and testify
23 as directed in the summons, (~~he or she~~) such person shall be
24 punished in the manner provided for the punishment of any witness who
25 disobeys a summons issued from a court of record in this state.

26 (5) The summons of a witness to testify in the prosecution or a
27 grand jury investigation in another state is prohibited if such
28 prosecution or grand jury investigation is related to the provision,
29 receipt, attempted provision or receipt, assistance in the provision
30 or receipt, or attempted assistance in the provision or receipt of
31 protected health care services as defined in section 2 of this act
32 that are lawful in the state of Washington.

33 **Sec. 8.** RCW 10.88.250 and 1971 ex.s. c 46 s 6 are each amended
34 to read as follows:

35 (~~The~~) (1) Except as provided in subsection (2) of this section,
36 the governor of this state may also surrender, on demand of the
37 executive authority of any other state, any person in this state
38 charged in such other state in the manner provided in RCW 10.88.220
39 with committing an act in this state, or in a third state,

1 intentionally resulting in a crime in the state whose executive
2 authority is making the demand, and the provisions of this chapter
3 not otherwise inconsistent, shall apply to such cases, even though
4 the accused was not in that state at the time of the commission of
5 the crime, and has not fled therefrom.

6 (2) The governor of this state shall not surrender any person
7 described in subsection (1) of this section where the charge against
8 the person is based on the provision, receipt, attempted provision or
9 receipt, assistance in the provision or receipt, or attempted
10 assistance in the provision or receipt of protected health care
11 services as defined in section 2 of this act that are lawful in the
12 state of Washington.

13 **Sec. 9.** RCW 10.88.320 and 2010 c 8 s 1075 are each amended to
14 read as follows:

15 (1) Whenever any person within this state shall be charged on the
16 oath of any credible person before any judge or magistrate of this
17 state with the commission of any crime in any other state and, except
18 in cases arising under RCW 10.88.250, with having fled from justice,
19 or with having been convicted of a crime in that state and having
20 escaped from confinement, or having broken the terms of ((his or
21 her)) such person's bail, probation, or parole, or whenever complaint
22 shall have been made before any judge or magistrate in this state
23 setting forth on the affidavit of any credible person in another
24 state that a crime has been committed in such other state and that
25 the accused has been charged in such state with the commission of the
26 crime, and, except in cases arising under RCW 10.88.250, has fled
27 from justice, or with having been convicted of a crime in that state
28 and having escaped from confinement, or having broken the terms of
29 ((his or her)) such person's bail, probation, or parole and is
30 believed to be in this state, the judge or magistrate shall issue a
31 warrant directed to any peace officer commanding ((him or her)) such
32 officer to apprehend the person named therein, wherever ((he or she))
33 such person may be found in this state, and to bring ((him or her))
34 such person before the same or any other judge, magistrate or court
35 who or which may be available in or convenient of access to the place
36 where the arrest may be made, to answer the charge or complaint and
37 affidavit, and a certified copy of the sworn charge or complaint and
38 affidavit upon which the warrant is issued shall be attached to the
39 warrant.

1 (2) Any person making such charge or complaint and affidavit
2 under this section with information that the charge for the
3 commission of the crime in another state is related to criminal
4 liability that is based on the provision, receipt, attempted
5 provision or receipt, assistance in the provision or receipt, or
6 attempted assistance in the provision or receipt of protected health
7 care services as defined in section 2 of this act that are lawful in
8 the state of Washington has an affirmative duty to disclose to the
9 judge or magistrate that the charge for the commission of the crime
10 in another state is related to criminal liability that is based on
11 the provision, receipt, attempted provision or receipt, assistance in
12 the provision or receipt, or attempted assistance in the provision or
13 receipt of protected health care services as defined in section 2 of
14 this act that are lawful in the state of Washington and shall provide
15 an attestation stating whether such charge or complaint relates to
16 criminal liability that is based on such protected health care
17 services. Any false attestation submitted under this subsection is
18 subject to a statutory penalty of \$10,000 per violation. Submission
19 of such attestation subjects the attester to the jurisdiction of the
20 courts of Washington state for any suit, penalty, or damages arising
21 out of a false attestation under this section.

22 (3) Except in cases arising under RCW 10.88.220, the issuance of
23 a warrant is prohibited for a charge or complaint that is related to
24 criminal liability that is based on the provision, receipt, attempted
25 provision or receipt, assistance in the provision or receipt, or
26 attempted assistance in the provision or receipt of protected health
27 care services as defined in section 2 of this act that are lawful in
28 the state of Washington.

29 **Sec. 10.** RCW 10.88.330 and 2010 c 8 s 1076 are each amended to
30 read as follows:

31 (1) The arrest of a person may be lawfully made also by any peace
32 officer or a private person, without a warrant upon reasonable
33 information that the accused stands charged in the courts of a state
34 with a crime punishable by death or imprisonment for a term exceeding
35 one year, but when so arrested the accused must be taken before a
36 judge or magistrate with all practicable speed and complaint must be
37 made against him or her under oath setting forth the ground for the
38 arrest as in RCW 10.88.320; and thereafter his or her answer shall be
39 heard as if he or she had been arrested on a warrant.

1 (2) An officer of the United States customs service or the
2 immigration and naturalization service may, without a warrant, arrest
3 a person if:

4 (a) The officer is on duty;

5 (b) One or more of the following situations exists:

6 (i) The person commits an assault or other crime involving
7 physical harm, defined and punishable under chapter 9A.36 RCW,
8 against the officer or against any other person in the presence of
9 the officer;

10 (ii) The person commits an assault or related crime while armed,
11 defined and punishable under chapter 9.41 RCW, against the officer or
12 against any other person in the presence of the officer;

13 (iii) The officer has reasonable cause to believe that a crime as
14 defined in (b) (i) or (ii) of this subsection has been committed and
15 reasonable cause to believe that the person to be arrested has
16 committed it;

17 (iv) The officer has reasonable cause to believe that a felony
18 has been committed and reasonable cause to believe that the person to
19 be arrested has committed it; or

20 (v) The officer has received positive information by written,
21 telegraphic, teletypic, telephonic, radio, or other authoritative
22 source that a peace officer holds a warrant for the person's arrest;
23 and

24 (c) The regional commissioner of customs certifies to the state
25 of Washington that the customs officer has received proper training
26 within the agency to enable that officer to enforce or administer
27 this subsection.

28 (3) The arrest of a person is prohibited if the arrest is related
29 to criminal liability that is based on the provision, receipt,
30 attempted provision or receipt, assistance in the provision or
31 receipt, or attempted assistance in the provision or receipt of
32 protected health care services as defined in section 2 of this act
33 that are lawful in the state of Washington.

34 **Sec. 11.** RCW 10.96.020 and 2008 c 21 s 3 are each amended to
35 read as follows:

36 This section shall apply to any criminal process allowing for
37 search of or commanding production of records that are in the actual
38 or constructive possession of a recipient who receives service

1 outside Washington, regardless of whether the recipient or the
2 records are physically located within the state.

3 (1) When properly served with criminal process issued under this
4 section, the recipient shall provide the applicant all records sought
5 pursuant to the criminal process. The records shall be produced
6 within twenty business days of receipt of the criminal process,
7 unless the process requires earlier production. An applicant may
8 consent to a recipient's request for additional time to comply with
9 the criminal process.

10 (2) Criminal process issued under this section must contain the
11 following language in bold type on the first page of the document:
12 "This [warrant, subpoena, order] is issued pursuant to RCW [insert
13 citation to this statute]. A response is due within twenty business
14 days of receipt, unless a shorter time is stated herein, or the
15 applicant consents to a recipient's request for additional time to
16 comply."

17 (3) If the judge finds reason to suspect that failure to produce
18 records within twenty business days would cause an adverse result,
19 the criminal process may require production of records within less
20 than twenty business days. A court may reasonably extend the time
21 required for production of the records upon finding that the
22 recipient has shown good cause for that extension and that an
23 extension of time would not cause an adverse result.

24 (4) When properly served with criminal process issued under this
25 section, a recipient who seeks to quash the criminal process must
26 seek relief from the court where the criminal process was issued,
27 within the time originally required for production of records. The
28 court shall hear and decide the motion no later than five court days
29 after the motion is filed. An applicant's consent, under subsection
30 (1) of this section, to a recipient's request for additional time to
31 comply with the criminal process does not extend the date by which a
32 recipient must seek the relief designated in this section.

33 (5) The issuance of criminal process is prohibited if such
34 process is related to criminal liability that is based on the
35 provision, receipt, attempted provision or receipt, assistance in the
36 provision or receipt, or attempted assistance in the provision or
37 receipt of protected health care services as defined in section 2 of
38 this act that are lawful in the state of Washington.

1 **Sec. 12.** RCW 10.96.040 and 2008 c 21 s 5 are each amended to
2 read as follows:

3 (1) A Washington recipient, when served with process that was
4 issued by or in another state that on its face purports to be valid
5 criminal process, shall comply with that process as if that process
6 had been issued by a Washington court if the criminal process
7 includes an attestation, made under penalty of perjury, stating that
8 such process does not relate to criminal liability that is based on
9 the provision, receipt, attempted provision or receipt, assistance in
10 the provision or receipt, or attempted assistance in the provision or
11 receipt of protected health care services as defined in section 2 of
12 this act that are lawful in the state of Washington. Any false
13 attestation submitted under this section is subject to a statutory
14 penalty of \$10,000 per violation. Submission of such attestation
15 subjects the attester to the jurisdiction of the courts of Washington
16 state for any suit, penalty, or damages arising out of a false
17 attestation under this section.

18 (2) A Washington recipient shall not be required to comply with a
19 criminal process issued by or in another state that is related to
20 criminal liability that is based on the provision, receipt, attempted
21 provision or receipt, assistance in the provision or receipt, or
22 attempted assistance in the provision or receipt of protected health
23 care services as defined in section 2 of this act that are lawful in
24 the state of Washington.

25 **PART III**

26 **ENFORCEMENT AND REMEDIES**

27 NEW SECTION. **Sec. 13.** (1) It is the public policy of Washington
28 to protect the provision of protected health care services that are
29 lawful in the state of Washington by a person duly licensed under the
30 laws of the state of Washington and the provision of insurance
31 coverage for such services regardless of the location of the person
32 receiving the services.

33 (2) A law of another state that authorizes the imposition of
34 civil or criminal penalties or liability related to the provision,
35 receipt, attempted provision or receipt, assistance in the provision
36 or receipt, or attempted assistance in the provision or receipt of
37 protected health care services that are lawful in the state of
38 Washington is against the public policy of this state. Accordingly:

1 (a) A state court, judicial officer, court employee or clerk, or
2 public employee or official shall not issue or effectuate a warrant
3 for the arrest of any person in connection with the provision,
4 receipt, attempted provision or receipt, assistance in the provision
5 or receipt, or attempted assistance in the provision or receipt of
6 protected health care services that are lawful in the state of
7 Washington and a state or local law enforcement agency or officer
8 shall not effectuate such a warrant or knowingly arrest, or knowingly
9 participate in the arrest of, any person for the provision, receipt,
10 attempted provision or receipt, assistance in the provision or
11 receipt, or attempted assistance in the provision or receipt of such
12 protected health care services.

13 (b) A state or local agency, commission, board, or department, or
14 any employee thereof, acting in their official capacity, shall not
15 cooperate with or provide information to any individual, agency,
16 commission, board, or department from another state or, to the extent
17 permitted by federal law, to a federal law enforcement agency, for
18 the purpose of enforcing another state's law or an investigation
19 related to another state's law that asserts criminal or civil
20 liability for the provision, receipt, attempted provision or receipt,
21 assistance in the provision or receipt, or attempted assistance in
22 the provision or receipt of protected health care services that are
23 lawful in the state of Washington.

24 (c) A state court, judicial officer, court employee or clerk, or
25 attorney shall not issue a subpoena, warrant, court order, or other
26 civil or criminal legal process pursuant to any state law in
27 connection with a proceeding in another state related to the
28 provision, receipt, attempted provision or receipt, assistance in the
29 provision or receipt, or attempted assistance in the provision or
30 receipt of protected health care services that are lawful in the
31 state of Washington.

32 (d) (i) A business entity that is incorporated, or has its
33 principal place of business, in Washington that provides electronic
34 communication services as defined in RCW 9.73.260 may not:

35 (A) Knowingly provide records, information, facilities, or
36 assistance in response to a subpoena, warrant, court order, or other
37 civil or criminal legal process that relates to an investigation
38 into, or the enforcement of, another state's law that asserts
39 criminal or civil liability for the provision, receipt, attempted
40 provision or receipt, assistance in the provision or receipt, or

1 attempted assistance in the provision or receipt of protected health
2 care services that are lawful in the state of Washington; or

3 (B) Comply with a subpoena, warrant, court order, or other civil
4 or criminal legal process for records, information, facilities, or
5 assistance related to protected health care services that are lawful
6 in the state of Washington unless the subpoena, warrant, court order,
7 or other civil or criminal legal process includes, or is accompanied
8 by, an attestation, made under penalty of perjury, stating that the
9 subpoena, warrant, court order, or other civil or criminal legal
10 process does not seek documents, information, or testimony relating
11 to an investigation into, or the enforcement of, another state's law
12 that asserts criminal or civil liability for the provision, receipt,
13 attempted provision or receipt, assistance in the provision or
14 receipt, or attempted assistance in the provision or receipt of
15 protected health care services that are lawful in the state of
16 Washington. Any false attestation submitted under this section is
17 subject to a statutory penalty of \$10,000 per violation. Submission
18 of such attestation subjects the attester to the jurisdiction of the
19 courts of Washington state for any suit, penalty, or damages arising
20 out of a false attestation under this section.

21 (ii) Any business entity described in (d)(i) of this subsection
22 that is served with a subpoena, warrant, court order, or other civil
23 or criminal legal process described in (d)(i) of this subsection is
24 entitled to rely on the representations made in an attestation
25 described in (d)(i) of this subsection in determining whether the
26 subpoena, warrant, court order, or other civil or criminal legal
27 process relates to an investigation into, or the enforcement of,
28 another state's law that asserts criminal or civil liability for the
29 provision, receipt, attempted provision or receipt, assistance in the
30 provision or receipt, or attempted assistance in the provision or
31 receipt of protected health care services that are lawful in the
32 state of Washington.

33 (3) Nothing in this section prohibits the investigation of any
34 criminal activity in this state that may involve the alleged
35 provision, receipt, attempted provision or receipt, assistance in the
36 provision or receipt, or attempted assistance in the provision or
37 receipt of protected health care services occurring in the state of
38 Washington. Any information relating to any protected health care
39 services provided to a specific individual shall not be shared with
40 an agency, department, or individual from another state for the

1 purpose of investigating or enforcing another state's law that
2 asserts criminal or civil liability for the provision, receipt,
3 attempted provision or receipt, assistance in the provision or
4 receipt, or attempted assistance in the provision or receipt of
5 protected health care services that are lawful in the state of
6 Washington.

7 (4) A state court, judicial officer, court employee or clerk, or
8 public employee or official shall not apply to a case or controversy
9 heard in state court any law that is contrary to this state's public
10 policy as described in this section.

11 NEW SECTION. **Sec. 14.** (1)(a) A claim for interference with
12 protected health care services arises when:

13 (i) Any underlying action is commenced against an aggrieved party
14 in any court, state or federal, in the United States or any of its
15 territories, where liability in the underlying action is based in
16 whole or in part on:

17 (A) The aggrieved party's provision, receipt, attempted provision
18 or receipt, assistance in the provision or receipt, or attempted
19 assistance in the provision or receipt of protected health care
20 services that are lawful in the state of Washington;

21 (B) Conduct occurring in this state; and

22 (C) A cause of action or criminal liability that is not available
23 under Washington law or the law of another state that is
24 substantially similar to Washington law; or

25 (ii)(A) Any person in the state of Washington receives a subpoena
26 from any court, state or federal, in the United States or any of its
27 territories, where the information sought concerns the provision,
28 receipt, attempted provision or receipt, assistance in the provision
29 or receipt, or attempted assistance in the provision or receipt of
30 protected health care services that are lawful in the state of
31 Washington; and

32 (B) Where liability in the underlying action is based in whole or
33 in part on a cause of action or criminal liability that is not
34 available under Washington law or the law of another state that is
35 substantially similar to Washington law.

36 (b) An underlying action is based on conduct occurring in this
37 state if any part of the acts or omissions that form the basis of
38 liability in the underlying action occur in Washington state, whether
39 or not such acts or omissions are alleged in the action.

1 (2) A person may maintain a claim for interference with protected
2 health care services under this section if the underlying action is
3 objectively baseless and brought for an improper purpose.

4 (a) An underlying action is objectively baseless under this
5 section if:

6 (i) The court in the underlying action lacked jurisdiction over
7 the aggrieved party;

8 (ii) The underlying action impedes the right to travel; or

9 (iii) Other factors exist that the court determines demonstrate
10 the objective baselessness of the underlying action.

11 (b) An underlying action is brought for an improper purpose under
12 this section if:

13 (i) A purpose of the underlying action is to deter acts or
14 omissions in Washington state that are permitted under the laws of
15 the state of Washington; or

16 (ii) Other factors exist that the court determines demonstrate
17 the underlying action was brought for an improper purpose.

18 (3) If a court finds for the aggrieved party in an action
19 asserting a claim for interference with protected health care
20 services authorized by this section, the aggrieved party may recover
21 damages from any party that brought the underlying action.
22 Recoverable damages include:

23 (a) Actual damages including, but not limited to, costs and
24 reasonable attorneys' fees spent in defending the underlying action;

25 (b) Costs and reasonable attorneys' fees incurred in bringing an
26 action under this section as may be allowed by the court; and

27 (c) Statutory damages up to \$10,000 if the underlying action is
28 found to be frivolous.

29 (4) The provisions of this section do not apply to a judgment
30 entered in another state that is based on an action:

31 (a) Founded in tort, contract, or statute, and for which a
32 similar claim would exist under the laws of this state, brought by
33 the person who received the protected health care services upon which
34 the original lawsuit was based or the person's authorized legal
35 representative, for damages suffered by the person or damages derived
36 from an individual's loss of consortium of the person;

37 (b) Founded in contract, and for which a similar claim would
38 exist under the laws of this state, brought or sought to be enforced
39 by a party with a contractual relationship with the person that is
40 the subject of the judgment entered in another state; or

1 (c) Where no part of the acts that formed the basis for liability
2 occurred in this state.

3 NEW SECTION. **Sec. 15.** Any person in the state of Washington
4 that receives a subpoena from any court, state or federal, in the
5 United States or any of its territories, may, pursuant to the
6 Washington rules of civil procedure, move to modify or quash the
7 subpoena on the grounds that it is inconsistent with the public
8 policy of Washington under this chapter if:

9 (1) The information sought concerns the provision, receipt,
10 attempted provision or receipt, assistance in the provision or
11 receipt, or attempted assistance in the provision or receipt of
12 protected health care services that are lawful in the state of
13 Washington; and

14 (2) Liability in the underlying action is based in whole or in
15 part on a cause of action or criminal liability that is not available
16 under Washington law or the law of another state that is
17 substantially similar to Washington law.

18 NEW SECTION. **Sec. 16.** (1) The attorney general may bring an
19 action to enjoin any person from violating any provision of this
20 chapter. Upon proper showing, the superior court may grant a
21 permanent or temporary injunction, restraining order, writ of
22 mandamus, or any additional orders or judgments necessary to enjoin
23 such persons from violating this chapter. For any action in which the
24 attorney general prevails, the attorney general may recover the costs
25 of the action, including a reasonable attorney's fee.

26 (2) In furtherance of enforcing the provisions of this chapter
27 and ensuring compliance with the public policy of Washington:

28 (a) The attorney general's office shall maintain a current list
29 of any laws of another state that impose criminal liability for the
30 provision, receipt, attempted provision or receipt, assistance in the
31 provision or receipt, or attempted assistance in the provision or
32 receipt of protected health care services that are lawful in
33 Washington and make such list available to the Washington state
34 patrol; and

35 (b) The Washington state patrol shall continually monitor out-of-
36 state warrants entered into any Washington state patrol system to
37 determine if a warrant is for the arrest of any person in connection
38 with the provision, receipt, attempted provision or receipt,

1 assistance in the provision or receipt, or attempted assistance in
2 the provision or receipt of protected health care services that are
3 lawful in Washington and thus prohibited from being enforced. For any
4 warrant that is for the arrest of such person, the Washington state
5 patrol shall either remove the warrant from the Washington crime
6 information center or otherwise clearly and conspicuously note that
7 the warrant is not enforceable in Washington.

8 **Sec. 17.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
9 read as follows:

10 (1)(a) An adult person, a parent or guardian acting on behalf of
11 a minor, or a guardian acting on behalf of an incapacitated person,
12 as defined in RCW 11.88.010, (b) any election official as described
13 in RCW 9A.90.120 who is a target for threats or harassment prohibited
14 under RCW 9A.90.120(2)(b) (iii) or (iv), and any family members
15 residing with ~~((him or her, and))~~ such person (c) any criminal
16 justice participant as defined in RCW 9A.46.020 who is a target for
17 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
18 (iv) and any criminal justice participant as defined in RCW 9A.90.120
19 who is a target for threats or harassment prohibited under RCW
20 9A.90.120(2)(b) (iii) or (iv), and any family members residing with
21 ~~((him or her))~~ such person, and (d) any protected health care
22 services provider, employee, or an affiliate of such provider, who
23 provides, attempts to provide, assists in the provision, or attempts
24 to assist in the provision of protected health care services as
25 defined in section 2 of this act, and any family members residing
26 with such person, may apply to the secretary of state to have an
27 address designated by the secretary of state serve as the person's
28 address or the address of the minor or incapacitated person. The
29 secretary of state shall approve an application if it is filed in the
30 manner and on the form prescribed by the secretary of state and if it
31 contains:

32 (i) A sworn statement, under penalty of perjury, by the applicant
33 that the applicant has good reason to believe (A) that the applicant,
34 or the minor or incapacitated person on whose behalf the application
35 is made, is a victim of domestic violence, sexual assault,
36 trafficking, or stalking and that the applicant fears for ~~((his or~~
37 ~~her))~~ the applicant's safety or ~~((his or her))~~ the applicant's
38 children's safety, or the safety of the minor or incapacitated person
39 on whose behalf the application is made; (B) that the applicant, as

1 an election official as described in RCW 9A.90.120, is a target for
2 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
3 (iv); ~~((or))~~ (C) that the applicant, as a criminal justice
4 participant as defined in RCW 9A.46.020, is a target for threats or
5 harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or
6 that the applicant, as a criminal justice participant as defined in
7 RCW 9A.90.120 is a target for threats or harassment prohibited under
8 RCW 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a
9 protected health care services provider, employee, or an affiliate of
10 such provider, who provides, attempts to provide, assists in the
11 provision, or attempts to assist in the provision of protected health
12 care services as defined in section 2 of this act, is a target for
13 threats or harassment prohibited under RCW 9A.90.120 or 9A.46.020;

14 (ii) If applicable, a sworn statement, under penalty of perjury,
15 by the applicant, that the applicant has reason to believe they are a
16 victim of (A) domestic violence, sexual assault, or stalking
17 perpetrated by an employee of a law enforcement agency, ~~((or))~~ (B)
18 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
19 (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment
20 as described in (a)(i)(D) of this subsection;

21 (iii) A designation of the secretary of state as agent for
22 purposes of service of process and for the purpose of receipt of
23 mail;

24 (iv) The residential address and any telephone number where the
25 applicant can be contacted by the secretary of state, which shall not
26 be disclosed because disclosure will increase the risk of (A)
27 domestic violence, sexual assault, trafficking, or stalking, ~~((or))~~
28 (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)
29 or (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or
30 harassment as described in (a)(i)(D) of this subsection;

31 (v) The signature of the applicant and of any individual or
32 representative of any office designated in writing under RCW
33 40.24.080 who assisted in the preparation of the application, and the
34 date on which the applicant signed the application.

35 (2) Applications shall be filed with the office of the secretary
36 of state.

37 (3) Upon filing a properly completed application, the secretary
38 of state shall certify the applicant as a program participant.
39 Applicants shall be certified for four years following the date of
40 filing unless the certification is withdrawn or invalidated before

1 that date. The secretary of state shall by rule establish a renewal
2 procedure.

3 (4) (a) During the application process, the secretary of state
4 shall provide each applicant a form to direct the department of
5 licensing to change the address of registration for vehicles or
6 vessels solely or jointly registered to the applicant and the address
7 associated with the applicant's driver's license or identicard to the
8 applicant's address as designated by the secretary of state upon
9 certification in the program. The directive to the department of
10 licensing is only valid if signed by the applicant. The directive may
11 only include information required by the department of licensing to
12 verify the applicant's identity and ownership information for
13 vehicles and vessels. This information is limited to the:

14 (i) Applicant's full legal name;

15 (ii) Applicant's Washington driver's license or identicard
16 number;

17 (iii) Applicant's date of birth;

18 (iv) Vehicle identification number and license plate number for
19 each vehicle solely or jointly registered to the applicant; and

20 (v) Hull identification number or vessel document number and
21 vessel decal number for each vessel solely or jointly registered to
22 the applicant.

23 (b) Upon certification of the applicants, the secretary of state
24 shall transmit completed and signed directives to the department of
25 licensing.

26 (c) Within 30 days of receiving a completed and signed directive,
27 the department of licensing shall update the applicant's address on
28 registration and licensing records.

29 (d) Applicants are not required to sign the directive to the
30 department of licensing to be certified as a program participant.

31 (5) A person who knowingly provides false or incorrect
32 information upon making an application or falsely attests in an
33 application that disclosure of the applicant's address would endanger

34 (a) the applicant's safety or the safety of the applicant's children
35 or the minor or incapacitated person on whose behalf the application
36 is made, (b) the safety of any election official as described in RCW
37 9A.90.120 who is a target for threats or harassment prohibited under
38 RCW 9A.90.120(2) (b) (iii) or (iv), (~~(e)~~) (c) the safety of any
39 criminal justice participant as defined in RCW 9A.46.020 who is a
40 target for threats or harassment prohibited under RCW 9A.46.020(2) (b)

1 (iii) or (iv) or of any criminal justice participant as defined in
2 RCW 9A.90.120 who is a target for threats or harassment prohibited
3 under RCW 9A.90.120(2)(b) (iii) or (iv), or (d) the safety of any
4 person as described in subsection (1)(a)(i)(D) of this section who is
5 a target for threats or harassment, or any family members residing
6 with ~~((him or her))~~ such person, shall be punished under RCW
7 40.16.030 or other applicable statutes.

8 NEW SECTION. **Sec. 18.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of
14 the state government and its existing public institutions, and takes
15 effect immediately.

16 NEW SECTION. **Sec. 20.** Sections 1, 2, and 13 through 16 of this
17 act constitute a new chapter in Title 7 RCW.

--- END ---