
SENATE BILL 5489

State of Washington

68th Legislature

2023 Regular Session

By Senators Trudeau and Wellman

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. Any false attestation submitted under this
34 section is subject to a statutory penalty of \$10,000 per violation.
35 Submission of such attestation subjects the attester to the
36 jurisdiction of the courts of Washington state for any suit, penalty,
37 or damages arising out of a false attestation under this section.

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

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

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

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

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

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

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

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

32 ~~((Any))~~ Except as provided in section 13 of this act, any person
33 may be compelled to attend as a witness before any court of record,
34 judge, commissioner, or referee, in any civil action or proceeding in
35 this state. No such person shall be compelled to attend as a witness
36 in any civil action or proceeding unless the fees ~~((be))~~ are paid or
37 tendered ~~((him or her))~~ to such person which are allowed by law for
38 one day's attendance as a witness and for traveling to and returning
39 from the place where he or she is required to attend, together with

1 any allowance for meals and lodging theretofore fixed as specified
2 herein: PROVIDED, That such fees be demanded by any witness residing
3 within the same county where such court of record, judge,
4 commissioner, or referee is located, or within twenty miles of the
5 place where such court is located, at the time of service of the
6 subpoena: PROVIDED FURTHER, That a party desiring the attendance of a
7 witness residing outside of the county in which such action or
8 proceeding is pending, or more than twenty miles of the place where
9 such court is located, shall apply ex parte to such court, or to the
10 judge, commissioner, referee, or clerk thereof, who, if such
11 application be granted and a subpoena issued, shall fix without
12 notice an allowance for meals and lodging, if any to be allowed,
13 together with necessary travel expenses, and the amounts so fixed
14 shall be endorsed upon the subpoena and tendered to such witness at
15 the time of the service of the subpoena: PROVIDED FURTHER, That the
16 court shall fix and allow at or after trial such additional amounts
17 for meals, lodging, and travel as it may deem reasonable for the
18 attendance of such witness.

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PART II
CRIMINAL PROCEDURE

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

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

29 (a) (~~There~~) That there are reasonable grounds to believe that
30 national security is endangered, that a human life is in danger, that
31 arson is about to be committed, or that a riot is about to be
32 committed(~~, and~~);

33 (b) (~~There~~) That there are reasonable grounds to believe that
34 evidence will be obtained essential to the protection of national
35 security, the preservation of human life, or the prevention of arson
36 or a riot(~~, and~~);

37 (c) (~~There~~) If the application seeks communications or
38 conversations related to an investigation that alleges criminal

1 liability for the provision, receipt, attempted provision or receipt,
2 assistance in the provision or receipt, or attempted assistance in
3 the provision or receipt of protected health care services as defined
4 in section 2 of this act that are lawful in the state of Washington,
5 that such communications or conversations are being sought; and

6 (d) That there are no other means readily available for obtaining
7 such information.

8 (2) Where statements are solely upon the information and belief
9 of the applicant, the grounds for the belief must be given.

10 (3) The applicant must state whether any prior application has
11 been made to obtain such communications on the same instrument or for
12 the same person and if such prior application exists the applicant
13 shall disclose the current status thereof.

14 (4) The application and any order issued under RCW 9.73.030
15 through 9.73.080 shall identify as fully as possible the particular
16 equipment, lines or location from which the information is to be
17 obtained and the purpose thereof.

18 (5) The court may examine upon oath or affirmation the applicant
19 and any witness the applicant desires to produce or the court
20 requires to be produced.

21 (6) Orders issued under this section shall be effective for
22 fifteen days, after which period the court which issued the order may
23 upon application of the officer who secured the original order renew
24 or continue the order for an additional period not to exceed fifteen
25 days.

26 (7) No order issued under this section shall authorize or purport
27 to authorize any activity which would violate any laws of the United
28 States.

29 (8) The court shall not issue an order for the interception of
30 any communication or conversation for the purpose of investigating or
31 recovering evidence that relates to an investigation that alleges
32 criminal liability for the provision, receipt, attempted provision or
33 receipt, assistance in the provision or receipt, or attempted
34 assistance in the provision or receipt of protected health care
35 services as defined in section 2 of this act that are lawful in the
36 state of Washington.

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

39 (1) As used in this section:

1 (a) "Wire communication" means any aural transfer made in whole
2 or in part through the use of facilities for the transmission of
3 communications by the aid of wire, cable, or other like connection
4 between the point of origin and the point of reception, including the
5 use of such connection in a switching station, furnished or operated
6 by any person engaged in providing or operating such facilities for
7 the transmission of intrastate, interstate, or foreign
8 communications, and such term includes any electronic storage of such
9 communication.

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

14 (i) Any wire or oral communication;

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

16 (iii) Any communication from a tracking device, but solely to the
17 extent the tracking device is owned by the applicable law enforcement
18 agency.

19 (c) "Electronic communication service" means any service that
20 provides to users thereof the ability to send or receive wire or
21 electronic communications.

22 (d) "Pen register" means a device that records or decodes
23 electronic or other impulses that identify the numbers dialed or
24 otherwise transmitted on the telephone line to which such device is
25 attached, but such term does not include any device used by a
26 provider or customer of a wire or electronic communication service
27 for billing, or recording as an incident to billing, for
28 communications services provided by such provider or any device used
29 by a provider or customer of a wire communication service for cost
30 accounting or other like purposes in the ordinary course of its
31 business.

32 (e) "Trap and trace device" means a device that captures the
33 incoming electronic or other impulses that identify the originating
34 number of an instrument or device from which a wire or electronic
35 communication was transmitted.

36 (f) "Cell site simulator device" means a device that transmits or
37 receives radio waves for the purpose of conducting one or more of the
38 following operations: (i) Identifying, locating, or tracking the
39 movements of a communications device; (ii) intercepting, obtaining,
40 accessing, or forwarding the communications, stored data, or metadata

1 of a communications device; (iii) affecting the hardware or software
2 operations or functions of a communications device; (iv) forcing
3 transmissions from or connections to a communications device; (v)
4 denying a communications device access to other communications
5 devices, communications protocols, or services; or (vi) spoofing or
6 simulating a communications device, cell tower, cell site, or
7 service((~~r~~)) including, but not limited to, an international mobile
8 subscriber identity catcher or other invasive cell phone or telephone
9 surveillance or eavesdropping device that mimics a cell phone tower
10 and sends out signals to cause cell phones in the area to transmit
11 their locations, identifying information, and communications content,
12 or a passive interception device or digital analyzer that does not
13 send signals to a communications device under surveillance. A cell
14 site simulator device does not include any device used or installed
15 by an electric utility, as defined in RCW 19.280.020, solely to the
16 extent such device is used by that utility to measure electrical
17 usage, to provide services to customers, or to operate the electric
18 grid.

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

23 (3) A law enforcement officer may apply for and the superior
24 court may issue orders and extensions of orders authorizing the
25 installation and use of pen registers, trap and trace devices, and
26 cell site simulator devices as provided in this section. The
27 application shall be under oath and shall include the identity of the
28 officer making the application and the identity of the law
29 enforcement agency conducting the investigation. The applicant must
30 certify that the information likely to be obtained is relevant to an
31 ongoing criminal investigation being conducted by that agency.

32 (4) If the court finds that the information likely to be obtained
33 by such installation and use is relevant to an ongoing criminal
34 investigation and finds that there is probable cause to believe that
35 the pen register, trap and trace device, or cell site simulator
36 device will lead to obtaining evidence of a crime, contraband, fruits
37 of crime, things criminally possessed, weapons, or other things by
38 means of which a crime has been committed or reasonably appears about
39 to be committed, or will lead to learning the location of a person
40 who is unlawfully restrained or reasonably believed to be a witness

1 in a criminal investigation or for whose arrest there is probable
2 cause, the court shall enter an ex parte order authorizing the
3 installation and use of a pen register, trap and trace device, or
4 cell site simulator device. The order shall specify:

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

9 (ii) In the case of a cell site simulator device, the identity,
10 if known, of (A) the person to whom is subscribed or in whose name is
11 subscribed the electronic communications service utilized by the
12 device to which the cell site simulator device is to be used and (B)
13 the person who possesses the device to which the cell site simulator
14 device is to be used;

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

17 (c) (i) In the case of a pen register or trap and trace device,
18 the number and, if known, physical location of the telephone line to
19 which the pen register or trap and trace device is to be attached
20 and, in the case of a trap and trace device, the geographic limits of
21 the trap and trace order; or

22 (ii) In the case of a cell site simulator device: (A) The
23 telephone number or other unique subscriber account number
24 identifying the wire or electronic communications service account
25 used by the device to which the cell site simulator device is to be
26 attached or used; (B) if known, the physical location of the device
27 to which the cell site simulator device is to be attached or used;
28 (C) the type of device, and the communications protocols being used
29 by the device, to which the cell site simulator device is to be
30 attached or used; (D) the geographic area that will be covered by the
31 cell site simulator device; (E) all categories of metadata, data, or
32 information to be collected by the cell site simulator device from
33 the targeted device including, but not limited to, call records and
34 geolocation information; (F) whether or not the cell site simulator
35 device will incidentally collect metadata, data, or information from
36 any parties or devices not specified in the court order, and if so,
37 what categories of information or metadata will be collected; and (G)
38 any disruptions to access or use of a communications or internet
39 access network that may be created by use of the device; and

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

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

24 An order authorizing or approving the installation and use of a
25 pen register, trap and trace device, or cell site simulator device
26 shall direct that the order be sealed until otherwise ordered by the
27 court and that the person owning or leasing the line to which the pen
28 register, trap and trace device, and cell site simulator device((s))
29 is attached or used, or who has been ordered by the court to provide
30 assistance to the applicant, not disclose the existence of the pen
31 register, trap and trace device, or cell site simulator device or the
32 existence of the investigation to the listed subscriber or to any
33 other person, unless or until otherwise ordered by the court.

34 (5) Upon the presentation of an order, entered under subsection
35 (4) of this section, by an officer of a law enforcement agency
36 authorized to install and use a pen register under this chapter, a
37 provider of wire or electronic communication service, landlord,
38 custodian, or other person shall furnish such law enforcement officer
39 forthwith all information, facilities, and technical assistance
40 necessary to accomplish the installation of the pen register

1 unobtrusively and with a minimum of interference with the services
2 that the person so ordered by the court accords the party with
3 respect to whom the installation and use is to take place, if such
4 assistance is directed by a court order as provided in subsection (4)
5 of this section.

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

22 A provider of a wire or electronic communication service,
23 landlord, custodian, or other person who furnishes facilities or
24 technical assistance pursuant to this subsection shall be reasonably
25 compensated by the law enforcement agency that requests the
26 facilities or assistance for such reasonable expenses incurred in
27 providing such facilities and assistance.

28 No cause of action shall lie in any court against any provider of
29 a wire or electronic communication service, its officers, employees,
30 agents, or other specified persons for providing information,
31 facilities, or assistance in accordance with the terms of a court
32 order under this section. A good faith reliance on a court order
33 under this section, a request pursuant to this section, a legislative
34 authorization, or a statutory authorization is a complete defense
35 against any civil or criminal action brought under this chapter or
36 any other law.

37 (6) (a) Notwithstanding any other provision of this chapter, a law
38 enforcement officer and a prosecuting attorney or deputy prosecuting
39 attorney who jointly and reasonably determine that there is probable
40 cause to believe that an emergency situation exists that involves

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

29 (b) A law enforcement agency that authorizes the installation of
30 a pen register, trap and trace device, or cell site simulator device
31 under this subsection (6) shall file a monthly report with the
32 administrator for the courts. The report shall indicate the number of
33 authorizations made, the date and time of each authorization, whether
34 a court authorization was sought within forty-eight hours, and
35 whether a subsequent court authorization was granted.

36 (c) A law enforcement agency authorized to use a cell site
37 simulator device in accordance with this section must: (i) Take all
38 steps necessary to limit the collection of any information or
39 metadata to the target specified in the applicable court order; (ii)
40 take all steps necessary to permanently delete any information or

1 metadata collected from any party not specified in the applicable
2 court order immediately following such collection and must not
3 transmit, use, or retain such information or metadata for any purpose
4 whatsoever; and (iii) (~~must~~) delete any information or metadata
5 collected from the target specified in the court order within thirty
6 days if there is no longer probable cause to support the belief that
7 such information or metadata is evidence of a crime.

8 (7)(a) If an application for the installation and use of a pen
9 register, trap and trace device, or cell site simulator device is for
10 the purpose of investigating or recovering evidence that relates to
11 an investigation that alleges criminal liability for the provision,
12 receipt, attempted provision or receipt, assistance in the provision
13 or receipt, or attempted assistance in the provision or receipt of
14 protected health care services as defined in section 2 of this act
15 that are lawful in the state of Washington, the applicant shall
16 include an attestation, made under penalty of perjury, stating that
17 the application seeks information related to the provision, receipt,
18 attempted provision or receipt, assistance in the provision or
19 receipt, or attempted assistance in the provision or receipt of
20 protected health care services as defined in section 2 of this act
21 that are lawful in the state of Washington.

22 (b) The court shall not issue an order for the installation and
23 use of pen registers, trap and trace devices, and cell site simulator
24 devices for the purpose of investigating or recovering evidence that
25 relates to an investigation that alleges criminal liability for the
26 provision, receipt, attempted provision or receipt, assistance in the
27 provision or receipt, or attempted assistance in the provision or
28 receipt of protected health care services as defined in section 2 of
29 this act that are lawful in the state of Washington.

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

32 (1) If a judge of a court of record in any state which by its
33 laws has made provision for commanding persons within that state to
34 attend and testify in this state certified under the seal of such
35 court that there is a criminal prosecution pending in such court, or
36 that a grand jury investigation has commenced or is about to
37 commence, that a person being within this state is a material witness
38 in such prosecution, or grand jury investigation, and that (~~his or~~
39 her)) such person's presence will be required for a specified number

1 of days, upon presentation of such certificate, accompanied by an
2 attestation made under penalty of perjury stating that such
3 prosecution or grand jury investigation does not seek documents,
4 information, or testimony related to the provision, receipt,
5 attempted provision or receipt, assistance in the provision or
6 receipt, or attempted assistance in the provision or receipt of
7 protected health care services as defined in section 2 of this act
8 that are lawful in the state of Washington, to any judge of a court
9 of record in the county in which such person is, such judge shall fix
10 a time and place for a hearing, and shall make an order directing the
11 witness to appear at a time and place certain for the hearing. Any
12 false attestation submitted under this section is subject to a
13 statutory penalty of \$10,000 per violation. Submission of such
14 attestation subjects the attester to the jurisdiction of the courts
15 of Washington state for any suit, penalty, or damages arising out of
16 a false attestation under this section.

17 (2) If at a hearing the judge determines that the witness is
18 material and necessary, that it will not cause undue hardship to the
19 witness to be compelled to attend and testify in the prosecution or a
20 grand jury investigation in the other state, and that the laws of the
21 state in which the prosecution is pending, or grand jury
22 investigation has commenced or is about to commence, will give to
23 (~~him or her~~) such witness protection from arrest and the service of
24 civil and criminal process, he or she shall issue a summons, with a
25 copy of the certificate attached, directing the witness to attend and
26 testify in the court where the prosecution is pending, or where a
27 grand jury investigation has commenced or is about to commence and of
28 any other state through which the witness may be required to travel
29 by ordinary course of travel, at a time and place specified in the
30 certificate. In any such hearing the certificate shall be prima facie
31 evidence of all the facts stated therein.

32 (3) If said certificate recommends that the witness be taken into
33 immediate custody and delivered to an officer of the requesting state
34 to assure (~~his or her~~) such person's attendance in the requesting
35 state, such judge may, in lieu of notification of the hearing, direct
36 that such witness be forthwith brought before (~~him or her~~) such
37 judge for said hearing; and the judge at the hearing being satisfied
38 of the desirability of such custody and delivery, for which
39 determination the certificate shall be prima facie proof of such
40 desirability may, in lieu of issuing subpoena or summons, order that

1 said witness be forthwith taken into custody and delivered to an
2 officer of the requesting state.

3 (4) If the witness, who is summoned as above provided, after
4 being paid or tendered by some properly authorized person the sum of
5 ten cents a mile for each mile by the ordinary traveled route to and
6 from the court where the prosecution is pending and five dollars for
7 each day, that ((he or she)) such person is required to travel and
8 attend as a witness, fails without good cause to attend and testify
9 as directed in the summons, ((he or she)) such person shall be
10 punished in the manner provided for the punishment of any witness who
11 disobeys a summons issued from a court of record in this state.

12 (5) The summons of a witness to testify in the prosecution or a
13 grand jury investigation in another state is prohibited if such
14 prosecution or grand jury investigation is based on the 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 as defined in section 2 of this act
18 that are lawful in the state of Washington.

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

21 ((The)) (1) Except as provided in subsection (2) of this section,
22 the governor of this state may also surrender, on demand of the
23 executive authority of any other state, any person in this state
24 charged in such other state in the manner provided in RCW 10.88.220
25 with committing an act in this state, or in a third state,
26 intentionally resulting in a crime in the state whose executive
27 authority is making the demand, and the provisions of this chapter
28 not otherwise inconsistent, shall apply to such cases, even though
29 the accused was not in that state at the time of the commission of
30 the crime, and has not fled therefrom.

31 (2) The governor of this state shall not surrender any person
32 described in subsection (1) of this section where the charge against
33 the person is based on the provision, receipt, attempted provision or
34 receipt, assistance in the provision or receipt, or attempted
35 assistance in the provision or receipt of protected health care
36 services as defined in section 2 of this act that are lawful in the
37 state of Washington.

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

3 (1) Whenever any person within this state shall be charged on the
4 oath of any credible person before any judge or magistrate of this
5 state with the commission of any crime in any other state and, except
6 in cases arising under RCW 10.88.250, with having fled from justice,
7 or with having been convicted of a crime in that state and having
8 escaped from confinement, or having broken the terms of ((his or
9 her)) such person's bail, probation, or parole, or whenever complaint
10 shall have been made before any judge or magistrate in this state
11 setting forth on the affidavit of any credible person in another
12 state that a crime has been committed in such other state and that
13 the accused has been charged in such state with the commission of the
14 crime, and, except in cases arising under RCW 10.88.250, has fled
15 from justice, or with having been convicted of a crime in that state
16 and having escaped from confinement, or having broken the terms of
17 ((his or her)) such person's bail, probation, or parole and is
18 believed to be in this state, if the person making such charge or
19 complaint and affidavit includes an attestation made under penalty of
20 perjury stating that the charge for the commission of the crime in
21 another state is not related to criminal liability that is based on
22 the provision, receipt, attempted provision or receipt, assistance in
23 the provision or receipt, or attempted assistance in the provision or
24 receipt of protected health care services as defined in section 2 of
25 this act that are lawful in the state of Washington, the judge or
26 magistrate shall issue a warrant directed to any peace officer
27 commanding ((him or her)) such officer to apprehend the person named
28 therein, wherever ((he or she)) such person may be found in this
29 state, and to bring ((him or her)) such person before the same or any
30 other judge, magistrate or court who or which may be available in or
31 convenient of access to the place where the arrest may be made, to
32 answer the charge or complaint and affidavit, and a certified copy of
33 the sworn charge or complaint and affidavit upon which the warrant is
34 issued shall be attached to the warrant. Any false attestation
35 submitted under this section is subject to a statutory penalty of
36 \$10,000 per violation. Submission of such attestation subjects the
37 attester to the jurisdiction of the courts of Washington state for
38 any suit, penalty, or damages arising out of a false attestation
39 under this section.

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

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

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

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

22 (a) The officer is on duty;

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

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

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

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

35 (iv) The officer has reasonable cause to believe that a felony
36 has been committed and reasonable cause to believe that the person to
37 be arrested has committed it; or

38 (v) The officer has received positive information by written,
39 telegraphic, teletypic, telephonic, radio, or other authoritative

1 source that a peace officer holds a warrant for the person's arrest;
2 and

3 (c) The regional commissioner of customs certifies to the state
4 of Washington that the customs officer has received proper training
5 within the agency to enable that officer to enforce or administer
6 this subsection.

7 (3) The arrest of a person is prohibited if the arrest is related
8 to criminal liability that is based on the provision, receipt,
9 attempted provision or receipt, assistance in the provision or
10 receipt, or attempted assistance in the provision or receipt of
11 protected health care services as defined in section 2 of this act
12 that are lawful in the state of Washington.

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

15 This section shall apply to any criminal process allowing for
16 search of or commanding production of records that are in the actual
17 or constructive possession of a recipient who receives service
18 outside Washington, regardless of whether the recipient or the
19 records are physically located within the state.

20 (1) When properly served with criminal process issued under this
21 section, the recipient shall provide the applicant all records sought
22 pursuant to the criminal process. The records shall be produced
23 within twenty business days of receipt of the criminal process,
24 unless the process requires earlier production. An applicant may
25 consent to a recipient's request for additional time to comply with
26 the criminal process.

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

34 (3) If the judge finds reason to suspect that failure to produce
35 records within twenty business days would cause an adverse result,
36 the criminal process may require production of records within less
37 than twenty business days. A court may reasonably extend the time
38 required for production of the records upon finding that the

1 recipient has shown good cause for that extension and that an
2 extension of time would not cause an adverse result.

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

12 (5) The issuance of criminal process is prohibited if such
13 process is related to criminal liability that is based on the
14 provision, receipt, attempted provision or receipt, assistance in the
15 provision or receipt, or attempted assistance in the provision or
16 receipt of protected health care services as defined in section 2 of
17 this act that are lawful in the state of Washington.

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

20 (1) A Washington recipient, when served with process that was
21 issued by or in another state that on its face purports to be valid
22 criminal process, shall comply with that process as if that process
23 had been issued by a Washington court if the criminal process
24 includes an attestation, made under penalty of perjury, stating that
25 such process does not relate to criminal liability that is based on
26 the provision, receipt, attempted provision or receipt, assistance in
27 the provision or receipt, or attempted assistance in the provision or
28 receipt of protected health care services as defined in section 2 of
29 this act that are lawful in the state of Washington. Any false
30 attestation submitted under this section is subject to a statutory
31 penalty of \$10,000 per violation. Submission of such attestation
32 subjects the attester to the jurisdiction of the courts of Washington
33 state for any suit, penalty, or damages arising out of a false
34 attestation under this section.

35 (2) A Washington recipient shall not be required to comply with a
36 criminal process issued by or in another state that is related to
37 criminal liability that is based on the provision, receipt, attempted
38 provision or receipt, assistance in the provision or receipt, or
39 attempted assistance in the provision or receipt of protected health

1 care services as defined in section 2 of this act that are lawful in
2 the state of Washington.

3 **PART III**
4 **ENFORCEMENT AND REMEDIES**

5 NEW SECTION. **Sec. 13.** (1) It is the public policy of Washington
6 to protect the provision of protected health care services that are
7 lawful in the state of Washington by a person duly licensed under the
8 laws of the state of Washington and the provision of insurance
9 coverage for such services regardless of the location of the person
10 receiving the services.

11 (2) A law of another state that authorizes the imposition of
12 civil or criminal penalties or liability related to the provision,
13 receipt, attempted provision or receipt, assistance in the provision
14 or receipt, or attempted assistance in the provision or receipt of
15 protected health care services that are lawful in the state of
16 Washington is against the public policy of this state. Accordingly:

17 (a) A state court, judicial officer, court employee or clerk, or
18 public employee or official shall not issue or effectuate a warrant
19 for the arrest of any person in connection with the provision,
20 receipt, attempted provision or receipt, assistance in the provision
21 or receipt, or attempted assistance in the provision or receipt of
22 protected health care services that are lawful in the state of
23 Washington and a state or local law enforcement agency or officer
24 shall not effectuate such a warrant or knowingly arrest, or knowingly
25 participate in the arrest of, any person for the provision, receipt,
26 attempted provision or receipt, assistance in the provision or
27 receipt, or attempted assistance in the provision or receipt of such
28 protected health care services.

29 (b) A state or local agency or department, or any employee
30 thereof, acting in their official capacity, shall not cooperate with
31 or provide information to any individual, agency, or department from
32 another state or, to the extent permitted by federal law, to a
33 federal law enforcement agency, for the purpose of enforcing another
34 state's law that asserts criminal or civil liability for 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 that are lawful in the
38 state of Washington.

1 (c) A state court, judicial officer, court employee or clerk, or
2 attorney shall not issue a subpoena, warrant, court order, or other
3 civil or criminal legal process pursuant to any state law in
4 connection with a proceeding in another state related to the
5 provision, receipt, attempted provision or receipt, assistance in the
6 provision or receipt, or attempted assistance in the provision or
7 receipt of protected health care services that are lawful in the
8 state of Washington.

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

12 (A) Knowingly provide records, information, facilities, or
13 assistance in response to a subpoena, warrant, court order, or other
14 civil or criminal legal process that relates to an investigation
15 into, or the enforcement of, another state's law that asserts
16 criminal or civil liability for the provision, receipt, attempted
17 provision or receipt, assistance in the provision or receipt, or
18 attempted assistance in the provision or receipt of protected health
19 care services that are lawful in the state of Washington; or

20 (B) Comply with a subpoena, warrant, court order, or other civil
21 or criminal legal process for records, information, facilities, or
22 assistance related to protected health care services that are lawful
23 in the state of Washington unless the subpoena, warrant, court order,
24 or other civil or criminal legal process includes, or is accompanied
25 by, an attestation, made under penalty of perjury, stating that the
26 subpoena, warrant, court order, or other civil or criminal legal
27 process does not seek documents, information, or testimony relating
28 to an investigation into, or the enforcement of, another state's law
29 that asserts criminal or civil liability for 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 that are lawful in the state of
33 Washington. Any false attestation submitted under this section is
34 subject to a statutory penalty of \$10,000 per violation. Submission
35 of such attestation subjects the attester to the jurisdiction of the
36 courts of Washington state for any suit, penalty, or damages arising
37 out of a false attestation under this section.

38 (ii) Any business entity described in (d)(i) of this subsection
39 that is served with a subpoena, warrant, court order, or other civil
40 or criminal legal process described in (d)(i) of this subsection is

1 entitled to rely on the representations made in an attestation
2 described in (d)(i) of this subsection in determining whether the
3 subpoena, warrant, court order, or other civil or criminal legal
4 process relates to an investigation into, or the enforcement of,
5 another state's law that asserts criminal or civil liability for the
6 provision, receipt, attempted provision or receipt, assistance in the
7 provision or receipt, or attempted assistance in the provision or
8 receipt of protected health care services that are lawful in the
9 state of Washington.

10 (3) Nothing in this section prohibits the investigation of any
11 criminal activity in this state that may involve the alleged
12 provision, receipt, attempted provision or receipt, assistance in the
13 provision or receipt, or attempted assistance in the provision or
14 receipt of protected health care services occurring in the state of
15 Washington. Any information relating to any protected health care
16 services provided to a specific individual shall not be shared with
17 an agency, department, or individual from another state for the
18 purpose of investigating or enforcing another state's law that
19 asserts criminal or civil liability for the provision, receipt,
20 attempted provision or receipt, assistance in the provision or
21 receipt, or attempted assistance in the provision or receipt of
22 protected health care services that are lawful in the state of
23 Washington.

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

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

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

34 (A) The aggrieved party's provision, receipt, attempted provision
35 or receipt, assistance in the provision or receipt, or attempted
36 assistance in the provision or receipt of protected health care
37 services that are lawful in the state of Washington;

38 (B) Conduct occurring in this state; and

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

4 (ii) (A) Any person in the state of Washington receives a subpoena
5 from any court, state or federal, in the United States or any of its
6 territories, where the information sought concerns the provision,
7 receipt, attempted provision or receipt, assistance in the provision
8 or receipt, or attempted assistance in the provision or receipt of
9 protected health care services that are lawful in the state of
10 Washington; and

11 (B) Where liability in the underlying action is based in whole or
12 in part on a cause of action or criminal liability that is not
13 available under Washington law or the law of another state that is
14 substantially similar to Washington law.

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

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

22 (a) An underlying action is objectively baseless under this
23 section if:

24 (i) The court in the underlying action lacked jurisdiction over
25 the aggrieved party;

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

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

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

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

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

36 (3) If a court finds for the aggrieved party in an action
37 asserting a claim for interference with protected health care
38 services authorized by this section, the aggrieved party may recover
39 damages from any party that brought the underlying action.
40 Recoverable damages include:

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

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

5 (c) Statutory damages up to \$10,000.

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

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

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

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

20 NEW SECTION. **Sec. 15.** The attorney general may bring an action
21 to enjoin any person from violating any provision of this chapter.
22 Upon proper showing, the superior court may grant a permanent or
23 temporary injunction, restraining order, writ of mandamus, or any
24 additional orders or judgments necessary to enjoin such persons from
25 violating this chapter. For any action in which the attorney general
26 prevails, the attorney general may recover the costs of the action,
27 including a reasonable attorney's fee.

28 **Sec. 16.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
29 read as follows:

30 (1)(a) An adult person, a parent or guardian acting on behalf of
31 a minor, or a guardian acting on behalf of an incapacitated person,
32 as defined in RCW 11.88.010, (b) any election official as described
33 in RCW 9A.90.120 who is a target for threats or harassment prohibited
34 under RCW 9A.90.120(2)(b) (iii) or (iv), and any family members
35 residing with (~~him or her, and~~) such person (c) any criminal
36 justice participant as defined in RCW 9A.46.020 who is a target for
37 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
38 (iv) and any criminal justice participant as defined in RCW 9A.90.120

1 who is a target for threats or harassment prohibited under RCW
2 9A.90.120(2)(b) (iii) or (iv), and any family members residing with
3 ~~((him or her))~~ such person, and (d) any protected health care
4 services provider, employee, or an affiliate of such provider, who
5 provides, attempts to provide, assists in the provision, or attempts
6 to assist in the provision of protected health care services as
7 defined in section 2 of this act, and any family members residing
8 with such person, may apply to the secretary of state to have an
9 address designated by the secretary of state serve as the person's
10 address or the address of the minor or incapacitated person. The
11 secretary of state shall approve an application if it is filed in the
12 manner and on the form prescribed by the secretary of state and if it
13 contains:

14 (i) A sworn statement, under penalty of perjury, by the applicant
15 that the applicant has good reason to believe (A) that the applicant,
16 or the minor or incapacitated person on whose behalf the application
17 is made, is a victim of domestic violence, sexual assault,
18 trafficking, or stalking and that the applicant fears for ~~((his or~~
19 ~~her))~~ the applicant's safety or ~~((his or her))~~ the applicant's
20 children's safety, or the safety of the minor or incapacitated person
21 on whose behalf the application is made; (B) that the applicant, as
22 an election official as described in RCW 9A.90.120, is a target for
23 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
24 (iv); ~~((or))~~ (C) that the applicant, as a criminal justice
25 participant as defined in RCW 9A.46.020, is a target for threats or
26 harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or
27 that the applicant, as a criminal justice participant as defined in
28 RCW 9A.90.120 is a target for threats or harassment prohibited under
29 RCW 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a
30 protected health care services provider, employee, or an affiliate of
31 such provider, who provides, attempts to provide, assists in the
32 provision, or attempts to assist in the provision of protected health
33 care services as defined in section 2 of this act, is a target for
34 threats or harassment prohibited under RCW 9A.90.120 or 9A.46.020;

35 (ii) If applicable, a sworn statement, under penalty of perjury,
36 by the applicant, that the applicant has reason to believe they are a
37 victim of (A) domestic violence, sexual assault, or stalking
38 perpetrated by an employee of a law enforcement agency, ~~((or))~~ (B)
39 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or

1 (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment
2 as described in (a)(i)(D) of this subsection;

3 (iii) A designation of the secretary of state as agent for
4 purposes of service of process and for the purpose of receipt of
5 mail;

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

13 (v) The signature of the applicant and of any individual or
14 representative of any office designated in writing under RCW
15 40.24.080 who assisted in the preparation of the application, and the
16 date on which the applicant signed the application.

17 (2) Applications shall be filed with the office of the secretary
18 of state.

19 (3) Upon filing a properly completed application, the secretary
20 of state shall certify the applicant as a program participant.
21 Applicants shall be certified for four years following the date of
22 filing unless the certification is withdrawn or invalidated before
23 that date. The secretary of state shall by rule establish a renewal
24 procedure.

25 (4)(a) During the application process, the secretary of state
26 shall provide each applicant a form to direct the department of
27 licensing to change the address of registration for vehicles or
28 vessels solely or jointly registered to the applicant and the address
29 associated with the applicant's driver's license or identicard to the
30 applicant's address as designated by the secretary of state upon
31 certification in the program. The directive to the department of
32 licensing is only valid if signed by the applicant. The directive may
33 only include information required by the department of licensing to
34 verify the applicant's identity and ownership information for
35 vehicles and vessels. This information is limited to the:

36 (i) Applicant's full legal name;

37 (ii) Applicant's Washington driver's license or identicard
38 number;

39 (iii) Applicant's date of birth;

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

3 (v) Hull identification number or vessel document number and
4 vessel decal number for each vessel solely or jointly registered to
5 the applicant.

6 (b) Upon certification of the applicants, the secretary of state
7 shall transmit completed and signed directives to the department of
8 licensing.

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

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

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

17 (a) the applicant's safety or the safety of the applicant's children
18 or the minor or incapacitated person on whose behalf the application
19 is made, (b) the safety of any election official as described in RCW
20 9A.90.120 who is a target for threats or harassment prohibited under
21 RCW 9A.90.120(2)(b) (iii) or (iv), ~~((or))~~ (c) the safety of any
22 criminal justice participant as defined in RCW 9A.46.020 who is a
23 target for threats or harassment prohibited under RCW 9A.46.020(2)(b)
24 (iii) or (iv) or of any criminal justice participant as defined in
25 RCW 9A.90.120 who is a target for threats or harassment prohibited
26 under RCW 9A.90.120(2)(b) (iii) or (iv), or (d) the safety of any
27 person as described in subsection (1)(a)(i)(D) of this section who is
28 a target for threats or harassment, or any family members residing
29 with ~~((him or her))~~ such person, shall be punished under RCW
30 40.16.030 or other applicable statutes.

31 NEW SECTION. **Sec. 17.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

35 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of
37 the state government and its existing public institutions, and takes
38 effect immediately.

1 NEW SECTION. **Sec. 19.** Sections 1, 2, and 13 through 15 of this
2 act constitute a new chapter in Title 7 RCW.

--- **END** ---