



MEMORANDUM

July 21, 2023

TO: Judicial and Legal Community

FROM: Wendy Lamar, AOC Sr. Legal Analyst

RE: Surrender of Weapons Forms Summary of Changes (July 2023)

The table below outlines changes to the Surrender of Weapons forms based on chapter 7.105 RCW, Laws of 2023, ch. 462 ([E2SHB 1715](#)), Laws of 2023, ch. 320 ([ESSB 5231](#)), GR 22, *State v. Flannery*, 24 Wash. App. 2d 466, 520 P.3d 517 (2022), and comments.

	Form Number & Title	Description of Changes
1.	WS 001 Order to Surrender and Prohibit Weapons	<p>Changes:</p> <p>(1) In 1, added section heading and moved restrained person name up from 2. Added “This order replaces all prior Orders to Surrender and Prohibit Weapons issued under this case number.”</p> <p>(2) In 2, added “custody.” Removed the surrender of CPL language to its own section (new section 3). Added an “Other: _____” subsection.</p> <p>(3) In 4, added “Restrained Person.”</p> <p>(4) Added new section number 6 and header for the surrender instructions. In surrender instructions both for having weapons and for not having weapons, added “other evidence to prove full and timely compliance.” Added new compliance deadlines language (24 hours for civil cases, before released from custody, or before the end of the sentencing hearing). In the already surrendered section, changed “that” to “previous” and “this court” to “the court in this case.”</p> <p>(5) In new section 7, added language for law enforcement to accompany a defendant for surrender.</p> <p>(6) In renumbered 8, added “and NICS.” Removed “National Crime Info. Center” to use abbreviation only.</p> <p>(7) In renumbered 9, added “prioritize.”</p> <p>(8) In new 10, added list of documents the court considered.</p> <p>(9) In new 11, changed second option to “Respondent’s Compliance Found: No hearing Required.” Added “a sufficient showing” and “The compliance hearing is waived.” Reordered the two options to list the hearing attendance required first.</p> <p>(10) Added a section number to warnings. Added “This order may be extended pursuant to RCW 10.99.040(3).”</p> <p>(11) In new section 13, added section number and heading and</p>

		<p>expanded immunity language. (12) Changed “acknowledge receipt” to “received.” (13) In footer, updated publication date.</p>
<p>2.</p>	<p>WS 002 Findings and Order on Review- Weapons Surrender Order Finding Compliance – Weapons/ Firearms Surrender</p>	<p>Changes: (1) Throughout form, removed noncompliance options, removed “defendant,” added section numbering and section headings, and changed name of form to “Order Finding Compliance-Weapons/ Firearms Surrender.” (2) In new section 1, added “Restrained Person. The defendant/restrained person is (<i>name</i>) _____ (Restrained Person).” (3) In new section 3, added hearing-attendance language. Removed defendant/restrained person attendance sentence (included in added language). Added, “Important! If the protected person is not present, the court shall use its best efforts to notify the petitioner of the outcome.” (4) In new section 4, added “[] DOL firearms records” and “[] Washington State Patrol firearm records.” Also added “and any attachments to Petition/Protected Person’s Statement” and “and any documentation of firearms, or their recovery” to Incident Report. Updated name of Declaration of Nonsurrender. (5) In new 5, added option for other evidence that proves complete and timely compliance. (6) In new section 6, moved number of firearms surrendered language. (7) In new 7, added “[] No further compliance review hearings are scheduled at this time” and deleted language repeating that restrained person is in compliance. (8) Moved service language to new section 8. Removed “in person.” (9) At bottom of form, removed “pro tem” from signature line. Added “or I attended the hearing remotely and have actual notice of this order. It was explained to me on the record.” (10) In footer, updated publication date and name of form.</p>
<p>3.</p>	<p>WS 003 Order Finding Noncompliance and to go to Court (Order to Show Cause)</p>	<p>Changes: (1) Throughout form, removed noncompliance options, removed “defendant,” added section numbering and section headings, and changed name of form to “Order Finding Compliance-Weapons/ Firearms Surrender.” (2) In new section 1, added “Restrained Person. The defendant/restrained person is (<i>name</i>) _____ (Restrained Person).” (3) In new section 3, added previously approved hearing-attendance language. Removed defendant/restrained person attendance sentence (included in added language). Added, “Important! If the protected person is not present, the court shall use its best efforts to notify the petitioner of the outcome.” In final sentence of section, added “or other evidence to prove full and timely compliance.” (4) In “new section 4, added “[] DOL firearms records” and</p>

		<p>“[] Washington State Patrol firearm records.” Also added “and any attachments to Petition/Protected Person’s Statement” and “and any documentation of firearms, or their recovery” to Incident Report. Updated name of Declaration of Nonsurrender.</p> <p>(5) In renumbered 5, added “f. Other evidence to prove full and timely compliance _____.”</p> <p>(6) In renumbered 6, removed continuance option.</p> <p>(7) At bottom of form, removed “pro tem” from signature line. Added “or I attended the hearing remotely and have actual notice of this order. It was explained to me on the record.”</p> <p>(8) In footer, updated publication date and name of form.</p>
4.	WS 100 Proof of Surrender	<p>Changes:</p> <p>(1) In immunity paragraph, added “or in any criminal prosecution under chapters 7.105, 9.41, or 9A.56.310 RCW, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.”</p> <p>(2) Above signature line and date, added “Warning! You may plead your Fifth Amendment privilege against self-incrimination. In civil cases, the court may make assumptions against you based on your refusal to provide information.”</p> <p>(3) Removed ERPO language and footer citation.</p> <p>(4) In footer, updated publication date.</p>
5.	WS 102 Declaration of Nonsurrender Declaration: No Weapons to Surrender	<p>Changes:</p> <p>(1) Changed name of form to “Declaration: No Weapons to Surrender.”</p> <p>(2) In instruction, added Fifth Amendment privilege language option to use separate form, WS 105 Declaration of Fifth Amendment Privilege.</p> <p>(3) In third bullet, added “while the Order to Surrender and Prohibit Weapons is in effect” for clarity.</p> <p>(4) In footer, updated publication date and form name.</p>
6.	WS 105 Declaration of Fifth Amendment Privilege	This is a new form.
7.	WS 400 Order Extending Order to Surrender and Prohibit Weapons	This is a new form.