

_____ Court of Washington, County of _____

Petitioner

vs.

Defendant/Respondent

No.: _____

**Order to Surrender
and Prohibit Weapons**

Issued Without Notice (ORWPN)

Temporary/Pre-Trial (ORWPNP)

Final/Post Conviction (ORWPNP)

Compliance Review Hearing (ORCRH)

Next Hearing Date/Time: _____

At: _____

(Clerk's Action Required)

Order to Surrender and Prohibit Weapons

1. Restrained Person

This order restrains the defendant/restrained person (*name*) _____
(Restrained Person), based on the findings in the order issued on (*date*) _____

This order replaces all prior *Orders to Surrender and Prohibit Weapons* issued under this case number.

2. Surrender of Weapons

Restrained Person: You must **immediately surrender** all firearms and other dangerous weapons in your possession, custody, or control, to this local law enforcement agency:

**You must immediately surrender all firearms and other dangerous weapons
subject to this order, including but not limited to the following:**

See the attached sheet if there are more to list.

Other: _____

3. Surrender of Concealed Pistol License

Restrained Person: You must **immediately surrender** any concealed pistol licenses issued under RCW 9.41.070 to this local law enforcement agency:

4. Weapons Prohibition

Restrained Person: You are prohibited from accessing, having in your custody or control, obtaining, possessing, purchasing, receiving or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

5. This Order expires:

[] at the same time as the protection order entered under this case number.

[] on (*date*) _____ or until further order of the court.

6. Instructions to Restrained Person

If you have firearms, other dangerous weapons, or concealed pistol licenses:

Step 1: **Immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses.

Important! If you have notice of this order, **immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses to the local law enforcement agency listed in section 2 on the same day as the hearing. Contact the local law enforcement agency for directions on how to immediately surrender the firearms, dangerous weapons, and concealed pistol licenses.

If a law enforcement officer serves you, surrender firearms and other dangerous weapons, and your concealed pistol license to the law enforcement officer.

Step 2: **Get a receipt** for the surrender of firearms, other dangerous weapons, and concealed pistol licenses from law enforcement.

Step 3: **Complete** the *Proof of Surrender* form and file it with the receipt, or file other evidence to prove full and timely compliance.

Step 4: **File** your documentation from Step 3 with the court clerk by the deadline for this type of case:

- Civil: within 24 hours.
- Criminal (defendant in custody): before you are released from custody.
- Criminal (defendant not in custody): by the end of your sentencing hearing.

If you do NOT have firearms, other dangerous weapons, or concealed pistol licenses:

Step 1: **Immediately** complete and sign the *Declaration: No Weapons to Surrender* form or gather other evidence that proves full and timely compliance.

Step 2: **File** your documentation from Step 1 with the court clerk by the deadline for this type of case:

- Civil: within 24 hours.
- Criminal (defendant in custody): before you are released from custody.
- Criminal (defendant not in custody): by the end of your sentencing hearing.

If you already surrendered all firearms, other dangerous weapons, and concealed pistol licenses under another order, they must remain in the possession of the law enforcement agency that received them until further order of the court. You must provide proof of previous surrender to the court in this case.

The Law Enforcement Officer serving this order shall inform you that the order is in effect upon service and that you must immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses issued under RCW 9.41.070. The serving officer shall conduct a search for firearms, other dangerous weapons, and concealed pistol licenses as permitted by law. The serving officer shall take possession of:

- **All firearms,**
- **Other dangerous weapons,**
- **Concealed pistol licenses belonging to Restrained Person,**

that are surrendered, in plain sight, or discovered during a lawful search. RCW 9.41.801.

7. [] Criminal Case: Law Enforcement To Accompany Defendant for Surrender.

The court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license was not possible before release from custody or conclusion of the sentencing hearing.

The court orders (*law enforcement agency*) _____ to accompany defendant to (*location*) _____. Law enforcement must file the Receipt within 24 hours.

8. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) _____
(check only one): [] Sheriff's Office or [] Police Department
(*List the same agency that entered the temporary order, if any*)

This agency shall enter this order into WACIC, NCIC, and NICS.

9. Service

[] **Required.** The **law enforcement agency** where the defendant/restrained person lives or can be served shall prioritize serving the restrained person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (*county or city*) _____
(*check only one*): Sheriff's Office or Police Department

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

- Not Required.** The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. (*May apply even if the restrained person left before a final ruling is issued or signed.*)

10. Compliance Hearing

To decide if a compliance hearing is needed, the court considered:

- restrained person's attestation
- law enforcement verification
- police report and documentation of firearms or their recovery
- Department of Licensing firearm records
- Washington State Patrol firearm records
- protection order narrative, sections about firearms and dangerous weapons, and attachments
- affidavits by law enforcement, protected person, or petitioner in response to restrained person's declaration about firearms surrender
- other: _____

11. The court orders (*check one*):

- Respondent: You must attend the hearing listed on page 1 of this order** and show the court that you surrendered your firearm/s and concealed pistol license/s.
- Respondent's compliance found: No hearing required.** The court finds a sufficient showing that respondent has timely and completely surrendered all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license to a law enforcement agency and is in compliance with this order. The compliance hearing is waived per RCW 9.41.801(6).

12. Warnings!

- If you fail to comply with this order, you may be found in contempt of court and/or be charged with a misdemeanor and punished accordingly.
- You may also be charged with a crime up to and including a **felony** if you are found to own, possess, or control a firearm or other dangerous weapon.
- You have the right to remain silent and not make statements that may incriminate you. Anything you say can be used against you in a court of law. You have the right to consult with a lawyer before responding to this Order.
- This order may be extended pursuant to RCW 10.99.040(3).

13. Protection against self-incrimination

Voluntarily surrendering weapons may not be used against a Restrained Person in any criminal prosecution under chapter 7.105, 9.41, or 9A.56.310 RCW, or in any criminal prosecution pursuant to which this *Order to Surrender and Prohibit Weapons*

was issued, except a prosecution for perjury, giving false statement, or otherwise failing to comply with the order.

Ordered.

Dated _____ at (*time*) _____ a.m./p.m. _____
Judge/Commissioner

I received a copy of this order.

Signature of Restrained Person/Defendant Print Name

Signature of Restrained Person/Defendant's Attorney WSBA No. Print Name

Signature of Protected Person or Attorney WSBA No. Print Name

You may download the forms listed in this order from the Washington Courts' forms website:
<http://www.courts.wa.gov/forms/>.