



WASHINGTON
COURTS

Orders of Protection and Issues With Weapons

**Judge Brett Buckley
Chief Criminal Deputy Jim Chamberlain
Ms. Christy Peters
Judge H. Christopher Wickham**

**Monday, June 4, 2007
District and Municipal Court Spring Program**

Editorial

Our View: Insist on enforcement

Opponents of new gun laws are on the spot

May 24, 2007

Why can't we just "enforce the laws that are already on the books?"

Google that phrase and you'll get more than 1,200 responses, a third of which also include the word "guns." It's a standard line of argument in the debate that predictably follows a firearms tragedy like the one that shocked Moscow, Idaho, over the weekend.

If there's a cry for more laws to keep deadly weapons out of the hands of twisted people like Jason Kenneth Hamilton, the preferred rejoinder will be, "Why can't we just enforce the laws that are already on the books?" But the question also has legs of its own, especially in light of the things we've learned about Hamilton and his killing-suicide spree.

Forget for now any assertion that more gun-control legislation is needed. Let's move straight to the question: Why can't we just enforce the laws that are already on the books?

Laws that are already on the books prohibit civilian ownership of fully automatic weapons – machine guns – but Hamilton had a federal license to possess one. A spokesman for the Bureau of Alcohol, Tobacco, Firearms and Explosives couldn't say why.

Laws are on the books to prevent Hamilton or others convicted of domestic violence from having guns. Terms of his probation also prohibited his owning firearms. But Hamilton had several.

True, he acquired one of them prior to his conviction, but in an age of digital record-keeping at the speed of a mouse click, a serious violation of the law should trigger a prompt retroactive check to take prohibited weapons away from dangerous misfits who have forfeited their gun rights.

And why Latah County issued a concealed weapon permit to a man who had scrapes with the law in at least four states, had demonstrated violent behavior against people and animals and who had made deadly threats – that's a baffling question.

Even strict enforcement of the laws and the application of common sense might not have prevented Hamilton's insane rampage, but it might have tempered the carnage.

We hope those who suggest that better enforcement of existing laws is an argument against more gun control will raise their voices now to demand that authorities do their jobs.

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These materials will also be available electronically at BCE Education Programs
on the Inside Washington State Courts Web site.
Some underlined items are hyperlinks that are active at the Web site.

PowerPoint Presentation

Orders of Protection and Issues With Weapons

Judge Brett Buckley
Chief Criminal Deputy Jim Chamberlain
Ms. Christy Peters
Judge Chris Wickham

Orders of Protection and Issues With Weapons

- Session Goals:
 - Learn best practices regarding issuance of no-contact orders.
 - Better understand federal and state firearms statutes as they relate to domestic violence.

Orders of Protection and Issues With Weapons

- Session Goals: (cont)
 - Consider problems in enforcement as identified by law enforcement and prosecutors.
 - Learn about methods to enforce surrender of weapons in domestic violence cases.

A Quiz on Firearms

LET'S CLOSE THE LOOP

PROHIBITION



SEIZURE

STATE OF WASHINGTON CITY OF _____ Plaintiff, vs. Defendant, (DOB: _____)))) No. _____) ORDER PROHIBITING CONTACT) (DOMESTIC VIOLENCE))) NOTE: THIS ORDER RESCINDS ANY) PREVIOUS ORDERS PROHIBITING) CONTACT ISSUED IN THIS CASE		
<p>IT IS HEREBY ORDERED that the Defendant:</p> <p>Shall have no contact, directly, indirectly, in writing, by telephone or through other persons, (except attorneys) and shall have no contact with the residence, school, workplace or day care facility of: _____, except pursuant to Superior Court order involving the same parties.</p> <p>Defendant may go once briefly with a police escort to a previously shared resident to retrieve personal belongings.</p> <p>Defendant shall surrender all weapons in or subject to Defendant's immediate possession or control for safekeeping to: _____, Thurston County Sheriff / _____, City Police Department.</p>			
<p>THIS ORDER SHALL REMAIN IN EFFECT:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">(Pre-disposition) Until disposition of this case</td> <td style="width: 50%;">(Post-disposition) Until</td> </tr> </table>		(Pre-disposition) Until disposition of this case	(Post-disposition) Until
(Pre-disposition) Until disposition of this case	(Post-disposition) Until		
<p>VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER THE FOLLOWING LAWS – CHAPTER 26.50.110 RCW; 9.12.070 LACEY MUNICIPAL CODE, OR SIMILAR STATUTE OR ORDINANCE – AND WILL SUBJECT A VIOLATOR TO ARREST. ANY ASSAULT OR RECKLESS ENDANGERMENT WHICH VIOLATES THIS ORDER IS A FELONY. YOU CAN BE ARRESTED EVEN IF ANY PERSON PROTECTED BY THIS ORDER INVITES OR ALLOWS YOU TO VIOLATE THE ORDER'S PROHIBITIONS. YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN FROM VIOLATING THE ORDER'S PROVISIONS. ONLY THE COURT CAN CHANGE THE ORDER.</p> <p>NOTICE: TO THE THURSTON COUNTY SHERIFF AND TO ALL PEACE OFFICERS YOU ARE HEREBY DIRECTED to maintain a record of this order and enforce its provisions. This order shall remain in effect for the period noted above. If the Defendant is apprehended for violation of this Order, please notify Thurston County Prosecuting Attorney.</p>			

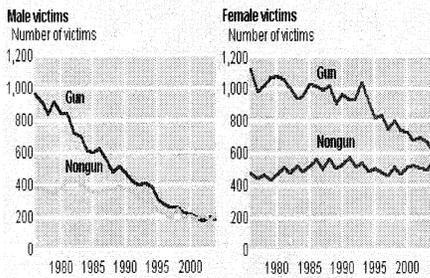
Seattle Post Intelligencer
May 2, 2007 9:27 PM PT By Levi Pulkinen

HEADLINE

**Man charged with
killing wife
was told to get rid of guns**

National Statistics

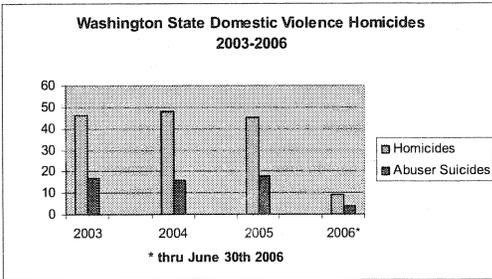
Intimate homicide victims by type of weapon, 1976-2004



Weapons in D.V. Homicides

- Majority of D.V. homicides in WA have been committed by firearms.
- Between 1997 and 2003, of the 200 D.V. homicides – firearms were used 56% of the time.
- Between 2004 – 2006, firearms were used 52% in D.V. homicides.

State D.V. Homicide Statistics

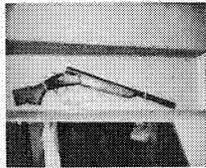


Could we have prevented this one?

No death penalty in Revay trial



Joseph Revay shot his wife to death at her office with a gun he purchased at a local pawn shop, 5 days after a no contact order had been issued And 1 month prior to the shooting.



CASE NUMBER: 96-1923-04 ROOM 89
JEROME, SIMONE LISA (MURKIN)

Conflicting or Unclear Orders

Type the orders.

3.2 Respondent is EXCLUDED from entering petitioner's residence at 2103 Pacific Ave # 201 - Chehalis, WA or from any other place where the petitioner may reside.

VIOLATION OF THE ABOVE PROVISIONS OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 9A.04 RCW AND RCW 9A.01.100 AND WILL SUBJECT A VIOLATOR TO ARREST.

3.3 Petitioner shall have the temporary care, custody and control of the following named child(ren): Isaac, Kaitlyn
 SUBJECT TO VISITATION BY THE RESPONDENT AS FOLLOWS: every other weekend beginning 2-24-09, Friday 5:00 p.m. until 5:00 p.m. Sunday, petitioner to deliver said child to said said child to petitioner respondent's residence

3.4 Respondent shall have the temporary care, custody and control of the following named child(ren):
 SUBJECT TO VISITATION BY THE PETITIONER AS FOLLOWS:

Conflicting or Unclear Orders (cont)

- Do not use terms that are unclear.
- Use standard language.
- Keep it simple.
- Make sure there is not a conflicting order by another court.

Federal Law

- Gun Control Act.
- Brady Handgun Violence Prevention Act.

Gun Control Act

- 18 USC 922(g).
 - (8) Federal crime to possess a firearm and/or ammunition while subject to a valid qualifying Protection Order.
 - Law enforcement officers are not subject to this law.

Gun Control Act

■ USC 922(g)(8) restrictions: A protection order will qualify if it meets the following requirements:

- Order issued after hearing of which person received actual notice and at which had an opportunity to participate.

Gun Control Act

■ USC 922(g)(8) restrictions: (cont)

- Order restrained the respondent from harassing, stalking, or threatening an intimate partner or child of such intimate partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

Gun Control Act

■ USC 922(g)(8) restrictions: (cont)

- (i) Order included a finding that the defendant posed a credible threat to the physical safety of an intimate partner or child of an intimate partner, or
- (ii) Order explicitly prohibited the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury.

Firearm Offenses

- 18 USC 922(g)(9), enacted 1996, amended January, 2006.
- It is a federal crime to possess a firearm and/or ammunition after conviction of a misdemeanor crime of domestic violence.
- This statute applies to law enforcement.

Firearm Offenses

- 18 USC 922(g)(9) restrictions: Must be a qualifying misdemeanor.
- Misdemeanor under federal, state, or tribal law.
- Misdemeanor has, as an element, the use or attempted use of physical force or threatened use of a deadly weapon.

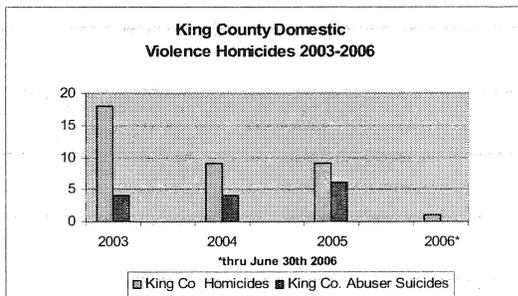
Firearm Offenses

- 18 USC 922(g)(9) restrictions: Must be a qualifying misdemeanor (cont)
- Misdemeanor committed by current or former spouse, parent or guardian, by current or former cohabitant as a spouse, parent or guardian, or by parent with the victim of a child in common.
- Date of conviction must precede firearm possession.

Thurston County Protocol

- Background.
- King County experience.
- Firearms and Domestic Violence Summit.

King County D.V. Homicides



Thurston County Protocol

- Established a working group.
- Developed forms and procedures.
- Discussed with law enforcement agencies their ability to take custody of and store weapons.

Thurston County Protocol

- Criminal cases.
 - When domestic violence no-contact order issued.
 - Order of Surrender of Firearm is entered.
 - Defendant has two business days to surrender weapon.

Civil Cases

- Petitioners for Domestic Violence Protection Orders are Advised of the Law.
- If requested, Court considers making finding under RCW 9.41.800.

Law Enforcement Concerns

- How many guns are involved?
- Where will they be stored?
- Can you use a third party?
- Do they need to be stored as evidence?
- Will each jurisdiction handle their share?
- Who pays the costs?
- Do we have the staff to handle the new workload?
- Can we recover our costs?

Conclusion

- Review whether your orders are enforceable.
 - Clear?

 - Consistent with other orders?

 - Have mandatory federal language?

Conclusion (cont)

- Talk to law enforcement, prosecutors, attorneys, domestic violence community.

- Consider requiring surrender of weapons in appropriate cases.

Homicide Trends in the U.S.

Homicide trends in the U.S.

Intimate homicides

In general, guns are most often used in intimate homicide but weapon type varies by relationship. From 1990 to 2004 --

- Over two-thirds of the spouse and ex-spouse victims were killed by guns.
- Boyfriend victims were more likely to be killed by knives than any other group of intimates.
- Girlfriends are more likely to be killed by force than any other group of intimates.

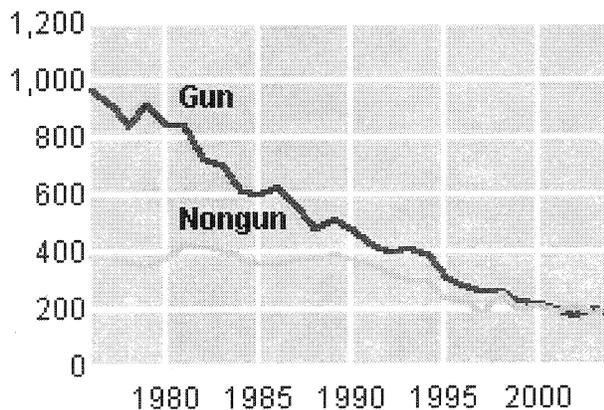
Homicides by relationship and weapon type, 1990-2004

Relationship of victim to offender	Total	Gun	Knife	Blunt object	Force	Other weapon
Husband	100%	69%	26%	2%	1%	2%
Ex-husband	100	87	9	1	0	2
Wife	100	68	14	5	10	4
Ex-wife	100	77	12	2	6	3
Boyfriend	100	46	45	3	3	3
Girlfriend	100	56	20	5	14	5

Intimate homicide victims by type of weapon, 1976-2004

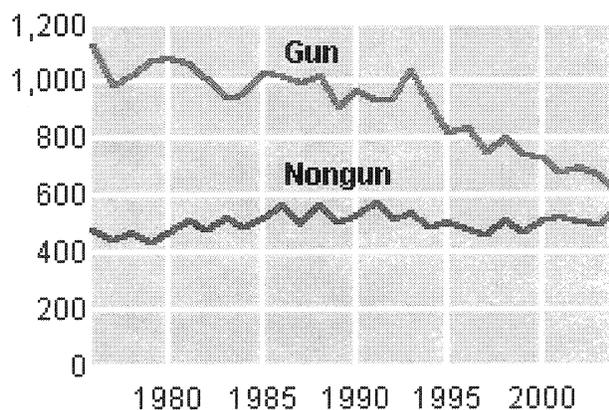
Male victims

Number of victims



Female victims

Number of victims



18 USC 922

§ 922. Unlawful acts

(g) It shall be unlawful for any person--

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien--

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that--

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

History:

(Added June 19, 1968, * P.L. 90-351, Title IV, § 902, * 82 Stat. 228; Oct. 22, 1968, * P.L. 90-618, Title I, § 102, * 82 Stat. 1216; Dec. 21, 1982, * P.L. 97-377, Title I, § 165(a), * 96 Stat. 1923; May 19, 1986, * P.L. 99-308, § 102, * 100 Stat. 451; Aug. 28, 1986, * P.L. 99-408, § 2, * 100 Stat. 920; Nov. 11, 1988, * P.L. 100-649, § 2(a), * 102 Stat. 3816; Nov. 18, 1988, * P.L. 100-690, Title VII, Subtitle B, § 7060(c), * 102 Stat. 4404; Nov. 29, 1990, * P.L. 101-647, Title XVII, § 1702(b)(1), Title XXII, §§ 2201, 2202, 2204(b), Title XXXV, § 3524 * 104 Stat. 4844, 4856, 4857, 4924; Nov. 30, 1993, * P.L. 103-159, Title I, § 102(a)(1), (b), Title III, § 302(a)-(c), * 107 Stat. 1536, 1539, 1545; Sept. 13, 1994, * P.L. 103-322, Title XI, Subtitle A, §§ 110102(a), 110103(a), 110106, Subtitle B, § 110201(a), Subtitle D, § 110401(b), (c), Subtitle E, §§ 110511, 110514, Title XXXII, Subtitle I, §§ 320904, 320927, Title XXXIII, § 330011(i), * 108 Stat. 1996,

1998, 2000, 2010, 2014, 2019, 2125, 2131, 2145; Oct. 11, 1996, ♦ P.L. 104-294, Title VI, § 603(b), (c)(1), (d), (e), (f)(1), (g), ♦ 110 Stat. 3503, 3504; Sept. 30, 1996, ♦ P.L. 104-208, Div A, Title I, § 101(f) [Title VI, §§ 657, 658(b)], ♦ 110 Stat. 3009-369, 3009-372; Oct. 21, 1998, ♦ P.L. 105-277, Div A, § 101(b) [Title I, § 121], ♦ 112 Stat. 2681-71; Nov. 2, 2002, ♦ P.L. 107-273, Div B, Title IV, § 4003(a)(1), ♦ 116 Stat. 1811; Nov. 25, 2002, ♦ P.L. 107-296, Title XI, Subtitle B, § 1112(f)(4), (6), ♦ 116 Stat. 2276.)
(As amended Oct. 26, 2005, ♦ P.L. 109-92, §§ 5(c)(1), 6(a), ♦ 119 Stat. 2099, 2101.)

RCW 9.41.800

RCW 9.41.800

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WA ST 9.41.800, Surrender of weapons or licenses--Prohibition on future possession or licensing

*3255

**WEST'S REVISED CODE OF WASHINGTON UNANNOTATED
TITLE 9. CRIMES AND PUNISHMENTS
CHAPTER 9.41. FIREARMS AND DANGEROUS WEAPONS**

Current with 2006 legislation effective through July 1, 2006, except for added or renumbered provisions for which a permanent classification has not yet been received.

9.41.800. Surrender of weapons or licenses--Prohibition on future possession or licensing

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

***3256** (5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court.

CREDIT(S)

[2002 c 302 s 704; 1996 c 295 s 14; 1994 sp.s. c 7 s 430.]

Thurston County Court Policy

Thurston County Superior Court and District Court Policy for Seizure of Firearms

1. **Purpose.** This policy is intended to assist in the enforcement of those federal and state statutory prohibitions on possession of firearms or concealed weapons permits.
2. **Criminal proceedings.** At the preliminary hearing or at such other hearing at which a qualifying domestic violence no-contact order is entered, the court shall also enter an order to surrender weapons (within the no-contact order) and an Order to Surrender Firearms. The Order to Surrender Firearms shall indicate the date by which firearms shall be surrendered and the agency responsible for receiving the firearms. Upon receipt of the firearm, the receiving agency shall transmit to the issuing court and the Defendant a completed form receipt. In cases where the defendant does not own or possess a firearm, the defendant shall complete and file with the court an Affidavit of Compliance.
3. **Civil proceedings.** In civil domestic violence proceedings under RCW 26.50, the petitioner may elect to file a Petition for Surrender of Weapon. After hearing, if the petition is granted, the court shall enter an Order to Surrender Weapon and an Order to Surrender Firearms. The Order to Surrender Firearms shall indicate the date by which firearms shall be surrendered and the agency responsible for receiving the firearms. Upon receipt of the firearm, the receiving agency shall transmit to the issuing court and the Respondent a completed form receipt. In cases where the defendant does not own or possess a firearm, the defendant shall complete and file with the court an Affidavit of Compliance.
4. **Third Party Transfers.** In criminal and civil proceedings, the person required to surrender the weapon may elect to transfer the weapon to a third party. In such a case, the person receiving the firearm must complete and file a Third Party Firearms Responsibility Form with the issuing court. The Third Party shall appear in court and file the Third Party Firearms Responsibility Form on the record or ex parte. Failure to complete and file the form will place the defendant in violation of the Order to Surrender Weapons.

Rev 01/26/07

District Court of Washington
In and for Thurston County

Plaintiff

vs.

Defendant

SID:

If no SID, use DOB:

No.

Domestic Violence

No-Contact Order

(Misdemeanor)

(clj = NOCON)

(superior cts = ORNC)

Pre-trial

Post conviction

Clerk's action required.

1. Based upon the certificate of probable cause and/or other documents contained in the case record, testimony, and the statements of counsel, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No-Contact Order shall be entered pursuant to chapter 10.99 RCW. This order protects (Name):

2. The court further finds that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner other family or household member as defined in RCW 10.99.

3. (Pretrial order) The court makes the following findings pursuant to RCW 9.41.800: the defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; the defendant previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040; or possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

It is Ordered:

This No-Contact Order expires

on: _____.

This No-Contact Order expires 2 years from today's date:

Defendant is **Prohibited** from:

- A. Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).
- B. Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by defendant's lawyers with the protected person(s).
- C. Entering or knowingly coming within or knowingly remaining within _____ (distance) of the protected person(s)'s residence school workplace other:

- D. (Pretrial RCW 9.41.800 findings made) Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

- (Conviction of offense listed in RCW 9.41.040(2)) Obtaining, owning, possessing or controlling a firearm.

It is Further Ordered:

- (Pretrial Order) The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to: _____ [name/law enforcement agency].

Warnings to the Defendant: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

Willful violation of this order is punishable under RCW 26.50.110. Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36 .011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least 2 previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74.

If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

In addition to the state and federal prohibitions against possessing a firearm upon conviction of a felony or a qualifying misdemeanor, upon the court issuing a no-contact order after a hearing at which the defendant had an opportunity to participate, the defendant, if a spouse or former spouse, a parent of a common child, or a current or former cohabitant as intimate partner of a person protected by this order, may not possess a firearm or ammunition for as long as the no-contact order is in effect. 18 U.S.C. § 922(g). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1). If the defendant is convicted of an offense of domestic violence, the defendant will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You Can Be Arrested Even if the Person or Persons Protected by This Order Invite or Allow You to Violate the Order's Prohibitions.

You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: _____ County Sheriff's Office Police Department where the above-named protected person(s) lives, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

*****See Page One for the Expiration Date of This No-Contact Order.*****

Done in open court in the presence of the defendant this date: _____.

Judge Print Name:

Deputy Prosecuting Attorney
WSBA No.
Print Name:

Attorney for Defendant
WSBA No.
Print Name:

Defendant

Affidavit of Non-Surrender

Third Party Firearms Responsibility Form

fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or nocontact order restraining the person or excluding the person from a residence.

Certification of Recipient of Firearm(s)

I have read both pages of this form and understand its terms. I understand that, by receiving the(se) firearm(s), I will become the responsible party for the firearm(s) listed below. I also understand that if I knowingly transfer the firearm(s) to a person prohibited by law from possession of a firearm, I would be in violation of the law and may face prosecution and imprisonment.

_____	_____
Person Receiving Firearm(s)	Date of Birth Today's Date
_____	_____
Witness	Today's Date

Firearm(s) Description			
Firearm Make	Model	Caliber	Serial Number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Continue on attached sheet if necessary)

Received in Open Court this _____ day of _____, 2007

Judge/Commissioner

**Petition for Surrender
of Weapon**

ORDER

IT IS ORDERED that a hearing be held on _____ at _____ a.m./p.m.
at _____ (location) to determine whether the
petition for surrender of weapons should be granted. **IF YOU DO NOT APPEAR, THE COURT MAY
ENTER AN ORDER GRANTING THE REQUESTED RELIEF.**

- Because a showing has been made that irreparable injury could result if an Order is not issued immediately without notice to the other party, **IT IS THEREFORE ORDERED THAT:**
- Petitioner Respondent immediately surrender all firearms or other dangerous weapons to
 the sheriff of _____ County or police chief of _____;
 that party's counsel; other _____
to be retained until the hearing scheduled above or until further order of the court.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to:

- _____ County Sheriff's Office or _____ Police
Department **where petitioner lives** which shall personally serve the petitioner with a copy of
this order and shall promptly complete and return to this court proof of service.
- _____ County Sheriff's Office or _____ Police
Department **where respondent lives** which shall personally serve the respondent with a copy
of this order and shall promptly complete and return to this court proof of service.

DATED _____

JUDGE/COMMISSIONER

Presented by:

Petitioner

Date

Felony No-Contact Order Form

**In the Superior Court of Washington
County of Thurston**

State of Washington, Plaintiff,

v.

Defendant.

SID:

If no SID, use DOB:

No.

**Domestic Violence No-Contact Order
(Felony)**

(clj = NOCON)

(superior cts = ORNC)

Pretrial

Post conviction

Clerk's action required

1. Based upon the certificate of probable cause and/or other documents contained in the case record, testimony, and the statements of counsel, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No-Contact Order shall be entered pursuant to chapter 10.99 RCW. This order protects:

(Write the protected person's name or if minor you may use initials and DOB. RCW 7.69A.030.)

2. The court further finds that the defendant's relationship to a person protected by this order is:
 current or former spouse parent of a common child current or former cohabitant as intimate partner other family or household member as defined in RCW 10.99.

3. (Pretrial order for crimes not defined as serious offenses in RCW 9.41.010) The court makes the following findings pursuant to RCW 9.41.800: the defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; the defendant previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040; or possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

It Is Ordered:

Defendant is ***Restrained*** from:

A. Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).

B. Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by defendant's lawyers with the protected person(s).

C. Entering or knowingly coming within or knowingly remaining within _____ (distance) of the protected person's residence school place of employment other: _____

D. (Pretrial: crimes not defined as serious offenses in RCW 9.41.010, RCW 9.41.800 findings made) Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

(Pretrial: crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.

(Conviction) Obtaining, owning, possessing or controlling a firearm.

It is Further Ordered:

(Pretrial order) The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to: _____ [name/law enforcement agency].

Warnings to the Defendant: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

Willful violation of this order is punishable under RCW 26.50.110. Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74.

If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

In addition to the state and federal prohibitions against possessing a firearm upon conviction of a felony or a qualifying misdemeanor, upon the court issuing a no-contact order after a hearing at which the defendant had an opportunity to participate, the defendant, if a spouse or former spouse, a parent of a common child, or a current or former cohabitant as intimate partner of a person protected by this order, may not possess a firearm or ammunition for as long as the no-contact order is in effect. 18 U.S.C. § 922(g). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. If the defendant is convicted of an offense of domestic violence, the defendant will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You can be Arrested even if the Person or Persons who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: _____ County Sheriff's Office Police Department where the above-named protected person(s) lives, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

This No-Contact Order Expires on _____

Done in Open Court in the presence of the defendant this date: _____.

Judge/Print or Type Name

Deputy Prosecuting Lawyer
WSBA No.
Print or Type Name:

Lawyer for Defendant
WSBA No.
Print or Type Name:

Defendant
Print or Type Name

A Law Enforcement Information Sheet (LEIS) must be

Order to Surrender Firearms

**SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

_____	DOB _____
vs.	
_____	DOB _____
Defendant/Respondent	

NO.

**ORDER TO SURRENDER
FIREARMS
(Clerk's Action Required)**

THIS MATTER CAME ON regularly before the undersigned judge/commissioner, and the court having considered the records and files herein, hereby ORDERS, ADJUDGES, and DECREES:

That pursuant to CrR 3.2 and RCW 9.41.800, the Defendant/Respondent shall surrender any and all firearms in his/her possession, control, or custody, including but not limited to, the firearms described as follows:

Firearm Make	Model	Caliber	Serial Number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Continue on attached sheet if necessary)

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Defendant/Respondent shall surrender the firearm(s) to

the Thurston County Sheriff's Office, in the manner set forth in the Instructions to Turn in Firearms, a copy of which is being provided to the Defendant/Respondent. Before surrendering the firearms, the Defendant/Respondent shall telephone the Evidence Section during business hours at the following phone number: 360 786-5512 by noon of the next business day after entry of this order or release from custody, whichever is later.

other: _____

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Defendant/Respondent may transfer all of his/her firearms to a third party, provided that a Third Party Responsibility Form must be completed and returned to the court by the date set forth below if this option is chosen.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Defendant/Respondent shall surrender or transfer all of his/her firearms pursuant to this order by two business days following release from custody, or if the Defendant/Respondent is out of custody, by _____ (two business days from the date of this order). The Defendant/Respondent shall file with this court proof of surrender of all of his/her firearms within five business days of his/her release from custody or the date of this order, whichever is later.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that if the Defendant/Respondent possesses a concealed weapons permit, the Defendant shall surrender such permit along with his/her surrender of the firearms.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if any of the Defendant's firearms are within the custody and control of the law enforcement agency described above, said law enforcement agency shall retain custody and control of said firearms until further order of court.

DATED _____ at _____ a.m./p.m. _____
JUDGE/COMMISSIONER

Presented by:

I acknowledge receipt of a copy of this order.

Deputy Prosecuting Attorney or Date
Attorney for Petitioner/Petitioner

Attorney for Defendant/ Date
Resp.or Respondent pro se

STATEMENT BY DEFENDANT

I HAVE READ THIS ORDER. I understand that if I violate this order by failing to surrender each of my firearms in a timely manner, I can be arrested and punished for contempt of court, and that I can be charged with a crime. I understand that if I am in possession of a concealed weapons permit I must surrender said permit along with the surrender of my firearms, and that failure to do so constitutes contempt of court.

Signature of Defendant/Respondent

**Order to Surrender
Weapon**

The clerk of the court shall forward a copy of this order on or before the next judicial day to the _____ County Sheriff's Office or _____ Police Department **where petitioner lives** which shall enter this order in any computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

_____ County Sheriff's Office or _____ Police Department **where respondent lives** which shall personally serve the respondent with a copy of this order, the Temporary Order, and the Petition, and shall promptly complete and return to this court proof of service.

DATED _____ at _____ a.m./p.m. _____
JUDGE/COMMISSIONER

Presented by:

I acknowledge receipt of a copy of this order.

Moving Party Date

Receiving Party Date