



June 10, 2020

TO: Judicial and Legal Communities

FROM: Stephanie Happold, Principal Legal Analyst

SUBJECT: JUNE 2020 SUMMARY OF CHANGES TO ORDER TO SURRENDER WEAPONS FORMS

The Washington Pattern Forms Committee updated the Order to Surrender Weapons forms. The changes are based upon:

- Substitute House Bill 2622 that established contempt proceedings for noncompliance of an order to surrender weapons;
- Feedback received from the judicial community requesting a title change; and
- Administrative edits.

| Form number                             | Form title and description of changes   |                    |  |
|---|---|--------------------|--|
| <b>WPF<br/>All<br/>Cases<br/>02-010</b> | <p><b>Motion for Surrender <u>and Prohibition</u> of Weapons</b></p> <p>Page 1:<br/>2. <input type="checkbox"/> The court must issue an Order to Surrender <u>and Prohibit</u> Weapons because the order of <u>protection</u> included provisions that the respondent:</p> <p>Page 3:<br/>Protected person or attorney, you must:</p> <ul style="list-style-type: none"> <li>• <b>Schedule a hearing</b> on the Motion for Order to Surrender <u>and Prohibit</u> Weapons.</li> </ul>   |                    |  |
| <b>WPF<br/>All<br/>Cases<br/>02-030</b> | <p><b>Order to Surrender <u>and Prohibit</u> Weapons Issued Without Notice</b></p> <p>Added: <input type="checkbox"/> <b><u>and Prohibit Weapons</u></b> in caption title.</p> <p>Page 1:</p> <p><input type="checkbox"/> <u>You are prohibited from accessing, obtaining, or possessing any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.</u></p> <table border="1" data-bbox="354 1860 1536 1927"> <tr> <td data-bbox="354 1860 623 1927">This order expires</td> <td data-bbox="623 1860 1536 1927"><b><u>At the end of the hearing, noted above. At the same time as the protection order entered under this case number.</u></b></td> </tr> </table> | This order expires | <b><u>At the end of the hearing, noted above. At the same time as the protection order entered under this case number.</u></b> |
| This order expires                      | <b><u>At the end of the hearing, noted above. At the same time as the protection order entered under this case number.</u></b>  |                    |  |

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| <p><b>WPF<br/>All<br/>Cases<br/>02-040</b></p> | <p><b>Order re Motion for Surrender <u>and Prohibit</u> of Weapons</b></p> <p>Page 1:<br/> <input type="checkbox"/> <b>must</b> issue an Order to Surrender <u>and Prohibit</u> Weapons because the order included provisions that the restrained person:</p> <p>Page 2:<br/> <input type="checkbox"/> <b>must</b> issue the below orders and an <b><i>Order to Surrender and Prohibit Weapons</i></b> because the court finds by clear and convincing evidence that the restrained person:</p> <p><input type="checkbox"/> <b>may</b> issue the below orders and an <b><i>Order to Surrender and Prohibit Weapons</i></b> because the court finds by a preponderance of evidence, the restrained person:</p> <p><b>Order</b> – the court orders that:</p> <p>(name) _____, the restrained person, must:</p> <ul style="list-style-type: none"> <li>▪ not access, obtain or possess any firearms, other dangerous weapons, or concealed pistol licenses; and</li> <li>▪ comply with the <b><i>Order to Surrender and Prohibit Weapons</i></b> filed separately.</li> </ul> |
| <p><b>WPF<br/>All<br/>Cases<br/>02-050</b></p> | <p><b>Order to Surrender <u>and Prohibit</u> Weapons</b></p> <p>Page 1:<br/> <u>You are prohibited from accessing, obtaining, or possessing any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.</u></p> <p>Page 2:<br/> This order replaces all prior Orders to Surrender <u>and Orders to Surrender and Prohibit</u> issued under this case number.</p> <p>Page 3:<br/> <b>Warning!</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• You may also be charged with a crime up to and including a <b>felony</b> if you are found to own, possess, <u>access, obtain,</u> or control a firearm or other dangerous weapon, <u>or obtaining or possessing a concealed pistol license.</u></li> </ul>  |
| <p><b>WPF<br/>All</b></p>                      | <p><b>Declaration of Non-Surrender</b></p>   |

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|---|---|
| <b>Cases<br/>02-070</b>                 | If I fail to comply with the order to surrender weapons <u>(and prohibit weapons if applicable)</u> , I may be found in contempt of court and be charged with a misdemeanor.  |
| <b>WPF<br/>All<br/>Cases<br/>02-075</b> | <p><b>Findings and Order on Review: Weapons Surrender Compliance</b></p> <p>Caption Title:<br/><b>No.</b><br/><b>Findings and Order on Review: Weapons Surrender Compliance</b><br/><i>(check only one box)</i></p> <p><input type="checkbox"/> <b>In compliance (ORRWSC) (1 &amp; 3)</b></p> <p><b>Not in compliance:</b></p> <p><input type="checkbox"/> <b>Order Setting Compliance Review Hearing (ORCRH) (5)</b></p> <p><input type="checkbox"/> <b>Order Continuing Hearing – Weapon Compliance (ORCNTWC) (6)</b></p> <p><input type="checkbox"/> <b><u>Order Finding Noncompliance and to Go to Court for Contempt Hearing (Order to Show Cause) (ORCROSC) (7)</u></b></p> <p><b>Next Hearing Date/Time:</b> _____ <b>At:</b> _____</p> <hr/> <p>Clerk's action required: see above</p> <p>The court issued an order to surrender <u>and prohibit</u> weapons on _____ (date).</p> <p><b>The court finds that <u>the Defendant/Respondent/Restrained Person is:</u></b></p> <p><b>1. In Compliance:</b></p> <p><input type="checkbox"/> <u>The defendant/respondent/restrained person has signed a declaration of non-surrender. The court considered other evidence and allegations regarding the defendant/respondent/restrained person's alleged possession or ownership. There is no evidence or allegations that the defendant/respondent/restrained person is in possession of firearms, dangerous weapons, or concealed pistol licenses, if any, and concludes that there has been and the defendant signed a declaration of non-surrender. Therefore, the court concludes that there has been a sufficient showing that the defendant/respondent/restrained person has complied with the conditions of RCW 9.41.800 and is in compliance. The court makes the following additional findings regarding the basis for compliance:</u></p> <p>_____</p> <p>_____</p> <p>or</p> <p><input type="checkbox"/> <u>The defendant/respondent/restrained person has signed a proof of surrender and indicates that s/he <b>has surrendered all</b> firearms, dangerous weapons, or concealed pistol licenses in his/her possession to law enforcement and has filed proof of surrender and a copy of the law enforcement receipt. <b>Law enforcement verified receipt</b> by filing the original receipt in the court file. There are <u>either no further allegations or no further credible evidence that there are more</u> firearms, dangerous weapons, or concealed pistol licenses to surrender. Therefore, the court concludes that, <u>by a preponderance of the evidence, the defendant/respondent/restrained person there has been a sufficient showing that the</u></u></p> |

~~defendant/respondent/restrained person~~ has complied with the conditions of RCW 9.41.800. The court makes the following additional findings regarding the basis for compliance:

**2. Not in Compliance:**

- The ~~defendant/respondent/restrained person~~ ~~defendant~~ has indicated that s/he **is in possession** of firearms, dangerous weapons, and/or concealed pistol licenses that need to be immediately surrendered.
- The ~~defendant/respondent/restrained person~~ ~~defendant~~ indicates that s/he has surrendered all firearms, dangerous weapons, and/or concealed pistol licenses to law enforcement but there is **no verification of surrender (receipt)** from law enforcement in the court file.
- ~~There is insufficient information before the court~~ The defendant/respondent/restrained person has provided insufficient information to the court to determine if the defendant has surrendered all firearms, dangerous weapons, and/or concealed pistol licenses in his/her possession.

3.  The defendant/respondent/restrained person is in compliance with the Order to Surrender and Prohibit Weapons. The court waives the requirement for a compliance review hearing.

4.  The defendant/respondent/restrained person is **not** in compliance with the Order to Surrender and Prohibit Weapons and shall, pending next review hearing:

Immediately, by \_\_\_\_\_ AM/PM today, surrender their firearms, dangerous weapons and concealed pistol license to: \_\_\_\_\_ (law enforcement agency) and immediately file a proof of surrender and receipt with the court, and mail/send an electronic copy to the other party; or

- Defendant/respondent/restrained person shall provide any of the following that apply:
- a. Bill of sale of the firearm(s), including description(s) of firearm(s) (make, model), serial number, date of sale, and full name (including middle initial) and date of birth of person who purchased the firearm(s).
  - b. Proof of sale at a Federal Firearm Licensed Dealer, with a background check.
  - c. Proof of transfer of the firearm(s), including description(s) of firearm(s) (make, model), serial number, date of transfer, and full name (including middle initial) and date of birth of the *immediate* family member that now has possession of the firearm(s).
    - Defendant/respondent/restrained person shall contact that family member, \_\_\_\_\_ (full name), \_\_\_\_\_ (date of birth), and inform them that they are required to file an affidavit, signed under penalty of perjury, confirming the date of transfer of the firearm(s) from the defendant/respondent/restrained person, that they understand their legal obligation to keep the firearms out of the defendant/respondent/restrained person's possession, access, or control, and that they understand they may be charged with a crime if they allow the defendant/respondent/restrained person access to any firearms.
  - d. Proof that an official Sale/Transfer of all handgun(s) and semi-automatic rifles was filed with the Washington State Department of Licensing by (date) \_\_\_\_\_.
  - e. An official police report for the  Lost  Stolen firearm(s) reflecting the date when the item(s) were first reported lost or stolen that includes make, model, serial number of all lost or stolen firearms.

4.  ~~The defendant/respondent/restrained person is not in compliance with the Order to Surrender~~

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Weapons.

**5.**  A compliance review hearing is set for

**6.**  The compliance review hearing is continued to

**7.**  The defendant/respondent/restrained person is **not** in compliance with the Order to Surrender and Prohibit Weapons.

The defendant/respondent/restrained person:

Failed to fully comply with the Order to Surrender and Prohibit Weapons.

Failed to appear at the compliance review hearing set for \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m.

at \_\_\_\_\_ court \_\_\_\_\_ (department/judge/calendar).

Violated the Order to Surrender and Prohibit Weapons after the court entered findings of compliance

Based on these findings the court has determined that there are grounds to set a Contempt Hearing.

The court has reviewed the Motion for Contempt Hearing filed by the (check one):

Petitioner  Prosecutor and finds there is reason to approve this order.

Therefore, \_\_\_\_\_ (name) is ordered to go to

court on \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m.

at \_\_\_\_\_ court

\_\_\_\_\_ (department/judge/calendar).

At the hearing, defendant/respondent/restrained person must provide proof of compliance of the Order to Surrender and Prohibit Weapons and show why the court should **not** find you in contempt.

**Warning to defendant/respondent/restrained person!**

You may be held in contempt if you fail to immediately comply with the Order to Surrender and Prohibit Weapons.

If you do not go to the hearing, the court may:

- Approve the other party's requests without hearing your side,
- Impose sanctions and fees against you, and
- Issue a warrant for your arrest.

If the other party has asked the court to send you to jail, and you cannot afford a lawyer, you may ask the court to appoint a lawyer to represent you.

**STATE OF WASHINGTON**

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|  | <p>The clerk of court shall forward a copy of this order on the same day the court issues the order to the _____ County Sheriff's Office or _____ City/Town Police Department that took possession of firearms, dangerous weapons, and any concealed pistol license(s) under the Order to Surrender and Prohibit Weapons.</p> <p style="text-align: center;"><b><u>Notice to Law Enforcement</u></b></p> <p>Upon receiving this notice, that law enforcement agency must:</p> <ul style="list-style-type: none"> <li>▪ Provide the court with a complete list of firearms and other dangerous weapons surrendered by the defendant/respondent/restrained person.</li> <li>▪ Provide the court with verification that any concealed pistol license(s) issued to the defendant/respondent/restrained person has been surrendered and the agency that can revoke the license was notified.</li> </ul> <p>If there is reasonable suspicion that the defendant/respondent/restrained person is not in full compliance with the terms of the Order to Surrender and Prohibit Weapons, then an affidavit must be filed with the court before the hearing date that provides the basis for this belief.</p> <p style="text-align: center;"><b><u>Service</u></b></p> <p><input type="checkbox"/> The defendant/respondent/restrained appeared in person. Additional service is not required.</p> <p><input type="checkbox"/> The defendant/respondent/restrained did not appear in person.</p> <p style="padding-left: 20px;"><input type="checkbox"/> The clerk of court shall electronically transmit a copy of this order on or before the next judicial day to the _____ County Sheriff's Office or _____ City/Town Police Department <b>where defendant/respondent/restrained lives</b> who will serve a copy of this order on respondent and file a return of service with the court.</p> <p style="padding-left: 20px;"><input type="checkbox"/> The court previously ordered service by publication or mail by separate motion and order, and permits service on the defendant/respondent/restrained person as per its prior findings, as follows: by <input type="checkbox"/> publication <input type="checkbox"/> mail.</p> <p><input type="checkbox"/> The court considered a motion for service by publication or mail today, and enters a separate order today with findings which permit service on the defendant/respondent, or the court finds that there are now reasons to allow such service. Therefore, the court orders service of this order on defendant/restrained person by /respondent/restrained by <input type="checkbox"/> publication <input type="checkbox"/> mail.</p> |
| <p><b>WPF<br/>All<br/>Cases<br/>02-100</b></p> | <p><b>Motion to Set Show Cause Hearing – Contempt</b></p> <p>New form</p>  |
| <p><b>WPF<br/>All<br/>Cases<br/>02-120</b></p> | <p><b>Contempt Hearing Order</b></p> <p>New form</p>   |
| <p><b>NC<br/>03.0300</b></p>                   | <p><b>Order to Surrender <u>and Prohibit Weapons</u> (Criminal)</b></p> <p>Page 1:<br/><u>You are prohibited from accessing, obtaining, or possessing any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.</u></p>  |

|                              |   |
|------------------------------|---|
|                              | <p>Page 2:<br/>This order replaces all prior <del>orders to surrender</del> <u>Orders to Surrender and Orders to Surrender and Prohibit</u> issued under this case number.</p> <p><b>Warning!</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• You may also be charged with a crime up to and including a <b>felony</b> if you are found to own, possess, <u>access, obtain,</u> or control a firearm or other dangerous weapon, <u>or obtaining or possessing a concealed pistol license.</u></li> </ul>  |
| <p><b>NC<br/>03.0600</b></p> | <p><b>Declaration of Non-Surrender (Criminal)</b></p> <p>If I fail to comply with the order to surrender weapons <u>(and prohibit weapons if applicable)</u>, I may be found in contempt of court and be charged with a misdemeanor.</p>  |
| <p><b>NC<br/>03.0700</b></p> | <p><b>Findings and Order on Review: Weapons Surrender Compliance (Criminal)</b></p> <p>Caption Title:</p> <p><b>No.</b><br/><b>Findings and Order on Review: Weapons Surrender Compliance</b><br/><i>(check only one box)</i></p> <p><input type="checkbox"/> <b>In compliance (ORRWSC) (1 &amp; 3)</b></p> <p><b>Not in compliance:</b></p> <p><input type="checkbox"/> <b>Order Setting Compliance Review Hearing (ORCRH) (5)</b></p> <p><input type="checkbox"/> <b>Order Continuing Hearing – Weapon Compliance (ORCNTWC) (6)</b></p> <p><input type="checkbox"/> <b><u>Order Finding Noncompliance and to Go to Court for Contempt Hearing (Order to Show Cause) (ORCROSC) (7)</u></b></p> <p><b>Next Hearing Date/Time:</b> _____ <b>At:</b> _____</p> <p>_____</p> <p>Clerk's action required: see above</p> <p>The court issued an order to surrender <u>and prohibit</u> weapons on _____ (date).</p> <p><b>The court finds that <u>the Defendant/Respondent/Restrained Person is:</u></b></p> <p><b>1. In Compliance:</b></p> <p><input type="checkbox"/> <u>The defendant/respondent/restrained person has signed a declaration of non-surrender. The court considered other evidence and allegations regarding the defendant/respondent/restrained person's alleged possession or ownership. There is no evidence or allegations that the defendant/respondent/restrained person is in possession of firearms, dangerous weapons, or concealed pistol licenses, if any, and concludes that there has been and the defendant signed a declaration of non-surrender. Therefore, the court concludes that there has been a sufficient showing that the defendant/respondent/restrained person has complied with the conditions of RCW 9.41.800 and is in compliance. The court</u></p> |

makes the following additional findings regarding the basis for compliance:

\_\_\_\_\_

or

- The defendant/respondent/restrained person has signed a proof of surrender and indicates that s/he **has surrendered all** firearms, dangerous weapons, or concealed pistol licenses in his/her possession to law enforcement and has filed proof of surrender and a copy of the law enforcement receipt. **Law enforcement verified receipt** by filing the original receipt in the court file. There are either no further allegations or no further credible evidence that there are more firearms, dangerous weapons, or concealed pistol licenses to surrender. Therefore, the court concludes that, by a preponderance of the evidence, the defendant/respondent/restrained person there has been a sufficient showing that the defendant/respondent/restrained person has complied with the conditions of RCW 9.41.800. The court makes the following additional findings regarding the basis for compliance:

**2. Not in Compliance:**

- The defendant/respondent/restrained person ~~defendant~~ has indicated that s/he **is in possession** of firearms, dangerous weapons, and/or concealed pistol licenses that need to be immediately surrendered.
- The defendant/respondent/restrained person ~~defendant~~ indicates that s/he has surrendered all firearms, dangerous weapons, and/or concealed pistol licenses to law enforcement but there is **no verification of surrender (receipt)** from law enforcement in the court file.
- ~~There is insufficient information before the court~~ The defendant/respondent/restrained person has provided insufficient information to the court to determine if the defendant has surrendered all firearms, dangerous weapons, and/or concealed pistol licenses in his/her possession.
- 3.**  The defendant/respondent/restrained person is in compliance with the Order to Surrender and Prohibit Weapons. The court waives the requirement for a compliance review hearing.
- 4.**  The defendant/respondent/restrained person is **not** in compliance with the Order to Surrender and Prohibit Weapons **and shall, pending next review hearing:**

Immediately, by \_\_\_\_\_ AM/PM today, surrender their firearms, dangerous weapons and concealed pistol license to: \_\_\_\_\_ (law enforcement agency) and immediately file a proof of surrender and receipt with the court, and mail/send an electronic copy to the other party; or

- Defendant/respondent/restrained person shall provide any of the following that apply:
- a. Bill of sale of the firearm(s), including description(s) of firearm(s) (make, model), serial number, date of sale, and full name (including middle initial) and date of birth of person who purchased the firearm(s).
  - b. Proof of sale at a Federal Firearm Licensed Dealer, with a background check.
  - c. Proof of transfer of the firearm(s), including description(s) of firearm(s) (make, model), serial number, date of transfer, and full name (including middle initial) and date of birth of the *immediate* family member that now has possession of the firearm(s).
    - Defendant/respondent/restrained person shall contact that family member, \_\_\_\_\_ (full name), \_\_\_\_\_ (date of birth), and inform them that they are required to file an affidavit, signed under penalty of perjury, confirming the date of transfer of the firearm(s) from the

**STATE OF WASHINGTON**



defendant/respondent/restrained person, that they understand their legal obligation to keep the firearms out of the defendant/respondent/restrained person's possession, access, or control, and that they understand they may be charged with a crime if they allow the defendant/respondent/restrained person access to any firearms.

d. Proof that an official Sale/Transfer of all handgun(s) and semi-automatic rifles was filed with the Washington State Department of Licensing by (date)

e. An official police report for the  Lost  Stolen firearm(s) reflecting the date when the item(s) were first reported lost or stolen that includes make, model, serial number of all lost or stolen firearms.

4.  The defendant/respondent/restrained person is not in compliance with the Order to Surrender Weapons.

5.  A compliance review hearing is set for

6.  The compliance review hearing is continued to

7.  The defendant/respondent/restrained person is **not** in compliance with the Order to Surrender and Prohibit Weapons.

The defendant/respondent/restrained person:

Failed to fully comply with the Order to Surrender and Prohibit Weapons.

Failed to appear at the compliance review hearing set for \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m.

at \_\_\_\_\_ court \_\_\_\_\_ (department/judge/calendar).

Violated the Order to Surrender and Prohibit Weapons after the court entered findings of compliance

Based on these findings the court has determined that there are grounds to set a Contempt Hearing.

The court has reviewed the Motion for Contempt Hearing filed by the (check one):

Petitioner  Prosecutor and finds there is reason to approve this order.

Therefore, \_\_\_\_\_ (name) is ordered to go to

court on \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m.

at \_\_\_\_\_ court

\_\_\_\_\_ (department/judge/calendar).

At the hearing, defendant/respondent/restrained person must provide proof of compliance of the Order to Surrender and Prohibit Weapons and show why the court should **not** find you in contempt.

**Warning to defendant/respondent/restrained person!**

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You may be held in contempt if you fail to immediately comply with the Order to Surrender and Prohibit Weapons.

If you do not go to the hearing, the court may:

- Approve the other party's requests without hearing your side.
- Impose sanctions and fees against you, and
- Issue a warrant for your arrest.

If the other party has asked the court to send you to jail, and you cannot afford a lawyer, you may ask the court to appoint a lawyer to represent you.

### **Notice to Law Enforcement**

The clerk of court shall forward a copy of this order on the same day the court issues the order to the \_\_\_\_\_ County Sheriff's Office or \_\_\_\_\_ City/Town Police Department that took possession of firearms, dangerous weapons, and any concealed pistol license(s) under the Order to Surrender and Prohibit Weapons.

Upon receiving this notice, that law enforcement agency must:

- Provide the court with a complete list of firearms and other dangerous weapons surrendered by the defendant/respondent/restrained person.
- Provide the court with verification that any concealed pistol license(s) issued to the defendant/respondent/restrained person has been surrendered and the agency that can revoke the license was notified.

If there is reasonable suspicion that the defendant/respondent/restrained person is not in full compliance with the terms of the Order to Surrender and Prohibit Weapons, then an affidavit must be filed with the court before the hearing date that provides the basis for this belief.

### **Service**

The defendant/respondent/restrained appeared in person. Additional service is not required.

The defendant/respondent/restrained did not appear in person.

The clerk of court shall electronically transmit a copy of this order on or before the next judicial day to the \_\_\_\_\_ County Sheriff's Office or \_\_\_\_\_ City/Town Police Department **where defendant/respondent/restrained lives** who will serve a copy of this order on respondent and file a return of service with the court.

The court previously ordered service by publication or mail by separate motion and order, and permits service on the defendant/respondent/restrained person as per its prior findings, as follows: by  publication  mail.

The court considered a motion for service by publication or mail today, and enters a separate order today with findings which permit service on the defendant/respondent, or the court finds that there are now reasons to allow such service. Therefore, the court orders service of this order on defendant/restrained person by /respondent/restrained by  publication  mail.

**NC  
03.0800**

**Motion to Set Show Cause Hearing – Contempt (Criminal)**  
New form

**NC  
03.0900**

**Contempt Hearing Order (Criminal)**  
New form