

Orders to Surrender & Prohibit Weapons (OTSWs)

RCW	An OTSW shall or may be issued if one of the following	Ex Parte	Full Order
9.41.800(1)	Preponderance of the evidence that Respondent: Used a weapon in a felony, or Is ineligible under RCW 9.41.040 (unlawful possession law)	Mandatory (shall be issued)	Mandatory (shall be issued)
9.41.800(2)	Protection order*, or no contact order or restraining order (issued under certain statutes), was issued (after a hearing for which Respondent had notice) that restrains Respondent from harassing, stalking, or threatening Petitioner or Petitioner’s child or engaging in other conduct that would place them in reasonable fear of bodily injury; and (i) Includes a finding that Respondent represents a credible threat to the physical safety of Petitioner or Petitioner’s child; or (ii) Explicitly prohibits the use, attempted use, or threatened use of physical force.	NA	Mandatory (shall be issued)
9.41.800(3)	Preponderance of evidence that irreparable injury could result if OTSW not issued.	Discretionary (may be issued)	NA
9.41.800(4)	Preponderance of evidence of serious and imminent threat to public health or safety or to health or safety of any individual if OTSW not issued.	Discretionary (may be issued)	Discretionary (may be issued)

*Applies to all types of civil protection orders other than ERPOs (which already prohibit firearms): DV, Sexual Assault, Stalking, Anti-Harassment, and Vulnerable Adult