

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1469**

68th Legislature  
2023 Regular Session

Passed by the House February 28, 2023  
Yeas 59 Nays 38

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**Speaker of the House of  
Representatives**

Passed by the Senate April 10, 2023  
Yeas 29 Nays 20

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1469** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1469**

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Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Hansen, Thai, Chopp, Fitzgibbon, Simmons, Berry, Slatter, Santos, Ryu, Street, Gregerson, Goodman, Peterson, Tharinger, Ramel, Macri, Ormsby, Reeves, Senn, Doglio, Riccelli, Alvarado, Bateman, Morgan, Callan, Bergquist, and Pollet)

READ FIRST TIME 01/31/23.

1            AN ACT Relating to protecting access to reproductive health care  
2 services and gender-affirming treatment in Washington state; amending  
3 RCW 5.51.020, 5.56.010, 9.73.040, 9.73.260, 10.55.020, 10.88.250,  
4 10.88.320, 10.88.330, 10.96.020, 10.96.040, and 40.24.030; adding a  
5 new chapter to Title 7 RCW; prescribing penalties; and declaring an  
6 emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8            NEW SECTION.    **Sec. 1.** This chapter may be known and cited as the  
9 shield law.

10           NEW SECTION.    **Sec. 2.** The definitions in this section apply  
11 throughout this chapter unless the context clearly requires  
12 otherwise.

13           (1) "Aggrieved party" means a person against whom an underlying  
14 action is commenced based on the aggrieved party's provision,  
15 receipt, attempted provision or receipt, assistance in the provision  
16 or receipt, or attempted assistance in the provision or receipt of  
17 protected health care services.

18           (2) "Gender-affirming treatment" means health services or  
19 products that support and affirm an individual's gender identity,  
20 including social, psychological, behavioral, and medical or surgical

1 interventions. Gender-affirming care services include, but are not  
2 limited to, evaluation and treatments for gender dysphoria, gender-  
3 affirming hormone therapy, and gender-affirming surgical procedures.

4 (3) "Protected health care services" means gender-affirming  
5 treatment and reproductive health care services that are lawful in  
6 the state of Washington.

7 (4) "Reproductive health care services" means all services, care,  
8 or products of a medical, surgical, psychiatric, therapeutic, mental  
9 health, behavioral health, diagnostic, preventative, rehabilitative,  
10 supportive, counseling, referral, prescribing, or dispensing nature  
11 relating to the human reproductive system including, but not limited  
12 to, all services, care, and products relating to pregnancy, assisted  
13 reproduction, contraception, miscarriage management, or the  
14 termination of a pregnancy, including self-managed terminations.

15 (5) "Underlying action" means a civil, criminal, or  
16 administrative proceeding, or any proceeding preliminary thereto.

17 **PART I**  
18 **CIVIL PROCEDURE**

19 **Sec. 3.** RCW 5.51.020 and 2012 c 95 s 3 are each amended to read  
20 as follows:

21 (1) (a) To request issuance of a subpoena under this section, a  
22 party must submit a foreign subpoena to a clerk of court in the  
23 county in which discovery is sought to be conducted in this state. A  
24 request for the issuance of a subpoena under this chapter does not  
25 constitute an appearance in the courts of Washington state.

26 (b) A request for issuance of any subpoena pursuant to this  
27 section must include an attestation, made under penalty of perjury,  
28 stating whether the subpoena seeks documents, information, or  
29 testimony related to the provision, receipt, attempted provision or  
30 receipt, assistance in the provision or receipt, or attempted  
31 assistance in the provision or receipt of protected health care  
32 services as defined in section 2 of this act that are lawful in the  
33 state of Washington. If a court finds that a false attestation was  
34 intentionally submitted and the subpoena did seek documents,  
35 information, or testimony related to the provision, receipt,  
36 attempted provision or receipt, assistance in the provision or  
37 receipt, or attempted assistance in the provision or receipt of  
38 protected health care services as defined in section 2 of this act

1 that are lawful in the state of Washington, a statutory penalty of  
2 \$10,000 per violation will apply. Submission of such attestation  
3 subjects the attester to the jurisdiction of the courts of Washington  
4 state for any suit, penalty, or damages arising out of a false  
5 attestation under this section.

6 (2) ~~((When))~~ Except as provided in subsection (4) of this  
7 section, when a party submits a foreign subpoena to a clerk of court  
8 in this state, the clerk, in accordance with that court's procedure,  
9 shall promptly issue a subpoena for service upon the person to which  
10 the foreign subpoena is directed.

11 (3) A subpoena under subsection (2) of this section must:

12 (a) Incorporate the terms used in the foreign subpoena; and

13 (b) Contain or be accompanied by the names, addresses, and  
14 telephone numbers of all counsel of record in the proceeding to which  
15 the subpoena relates and of any party not represented by counsel.

16 (4) If a party submits a foreign subpoena to a clerk of court in  
17 this state that seeks documents, information, or testimony that  
18 relate to protected health care services, as defined in section 2 of  
19 this act, the clerk shall not issue a subpoena for service and shall  
20 present the request to the court for action. The court shall review  
21 the foreign subpoena and shall not issue a subpoena for service and  
22 shall quash any existing subpoena issued by the court if the subpoena  
23 is for documents, information, or testimony that relates to protected  
24 health care services as defined in section 2 of this act, unless the  
25 subpoena seeks documents, information, or testimony related to:

26 (a) An out-of-state action that is founded in tort, contract, or  
27 statute, for which a similar claim would exist under the laws of this  
28 state, that is brought by a person or the person's authorized legal  
29 representative, for damages suffered by the person or damages derived  
30 from an individual's loss of consortium of the person; or

31 (b) An out-of-state action that is founded in contract, and for  
32 which a similar claim would exist under the laws of this state, that  
33 is brought or sought to be enforced by a party with a contractual  
34 relationship with the person that is the subject of the subpoena.

35 **Sec. 4.** RCW 5.56.010 and 2011 c 336 s 141 are each amended to  
36 read as follows:

37 ~~((Any))~~ Except as provided in section 13 of this act, any person  
38 may be compelled to attend as a witness before any court of record,  
39 judge, commissioner, or referee, in any civil action or proceeding in

1 this state. No such person shall be compelled to attend as a witness  
2 in any civil action or proceeding unless the fees ((be)) are paid or  
3 tendered ((him or her)) to such person which are allowed by law for  
4 one day's attendance as a witness and for traveling to and returning  
5 from the place where he or she is required to attend, together with  
6 any allowance for meals and lodging theretofore fixed as specified  
7 herein: PROVIDED, That such fees be demanded by any witness residing  
8 within the same county where such court of record, judge,  
9 commissioner, or referee is located, or within twenty miles of the  
10 place where such court is located, at the time of service of the  
11 subpoena: PROVIDED FURTHER, That a party desiring the attendance of a  
12 witness residing outside of the county in which such action or  
13 proceeding is pending, or more than twenty miles of the place where  
14 such court is located, shall apply ex parte to such court, or to the  
15 judge, commissioner, referee, or clerk thereof, who, if such  
16 application be granted and a subpoena issued, shall fix without  
17 notice an allowance for meals and lodging, if any to be allowed,  
18 together with necessary travel expenses, and the amounts so fixed  
19 shall be endorsed upon the subpoena and tendered to such witness at  
20 the time of the service of the subpoena: PROVIDED FURTHER, That the  
21 court shall fix and allow at or after trial such additional amounts  
22 for meals, lodging, and travel as it may deem reasonable for the  
23 attendance of such witness.

24 **PART II**

25 **CRIMINAL PROCEDURE**

26 **Sec. 5.** RCW 9.73.040 and 1967 ex.s. c 93 s 2 are each amended to  
27 read as follows:

28 (1) An ex parte order for the interception of any communication  
29 or conversation listed in RCW 9.73.030 may be issued by any superior  
30 court judge in the state upon verified application of either the  
31 state attorney general or any county prosecuting attorney setting  
32 forth fully facts and circumstances upon which the application is  
33 based and stating that:

34 (a) There are reasonable grounds to believe that national  
35 security is endangered, that a human life is in danger, that arson is  
36 about to be committed, or that a riot is about to be committed, and

1 (b) There are reasonable grounds to believe that evidence will be  
2 obtained essential to the protection of national security, the  
3 preservation of human life, or the prevention of arson or a riot, and

4 (c) There are no other means readily available for obtaining such  
5 information.

6 (2) Any application pursuant to this section that seeks  
7 communications or conversations related to an investigation that  
8 alleges criminal liability for the provision, receipt, attempted  
9 provision or receipt, assistance in the provision or receipt, or  
10 attempted assistance in the provision or receipt of protected health  
11 care services as defined in section 2 of this act that are lawful in  
12 the state of Washington shall include an attestation, made under  
13 penalty of perjury, stating that the application seeks information  
14 related to the provision, receipt, attempted provision or receipt,  
15 assistance in the provision or receipt, or attempted assistance in  
16 the provision or receipt of protected health care services as defined  
17 in section 2 of this act that are lawful in the state of Washington.

18 (3) Where statements are solely upon the information and belief  
19 of the applicant, the grounds for the belief must be given.

20 ((+3)) (4) The applicant must state whether any prior  
21 application has been made to obtain such communications on the same  
22 instrument or for the same person and if such prior application  
23 exists the applicant shall disclose the current status thereof.

24 ((+4)) (5) The application and any order issued under RCW  
25 9.73.030 through 9.73.080 shall identify as fully as possible the  
26 particular equipment, lines or location from which the information is  
27 to be obtained and the purpose thereof.

28 ((+5)) (6) The court may examine upon oath or affirmation the  
29 applicant and any witness the applicant desires to produce or the  
30 court requires to be produced.

31 ((+6)) (7) Orders issued under this section shall be effective  
32 for fifteen days, after which period the court which issued the order  
33 may upon application of the officer who secured the original order  
34 renew or continue the order for an additional period not to exceed  
35 fifteen days.

36 ((+7)) (8) No order issued under this section shall authorize or  
37 purport to authorize any activity which would violate any laws of the  
38 United States.

39 (9) The court shall not issue an order for the interception of  
40 any communication or conversation for the purpose of investigating or

1 recovering evidence that relates to an investigation that alleges  
2 criminal liability for the provision, receipt, attempted provision or  
3 receipt, assistance in the provision or receipt, or attempted  
4 assistance in the provision or receipt of protected health care  
5 services as defined in section 2 of this act that are lawful in the  
6 state of Washington.

7       **Sec. 6.** RCW 9.73.260 and 2015 c 222 s 2 are each amended to read  
8 as follows:

9       (1) As used in this section:

10       (a) "Wire communication" means any aural transfer made in whole  
11 or in part through the use of facilities for the transmission of  
12 communications by the aid of wire, cable, or other like connection  
13 between the point of origin and the point of reception, including the  
14 use of such connection in a switching station, furnished or operated  
15 by any person engaged in providing or operating such facilities for  
16 the transmission of intrastate, interstate, or foreign  
17 communications, and such term includes any electronic storage of such  
18 communication.

19       (b) "Electronic communication" means any transfer of signs,  
20 signals, writing, images, sounds, data, or intelligence of any nature  
21 transmitted in whole or in part by a wire, radio, electromagnetic,  
22 photoelectronic, or photo-optical system, but does not include:

23       (i) Any wire or oral communication;

24       (ii) Any communication made through a tone-only paging device; or

25       (iii) Any communication from a tracking device, but solely to the  
26 extent the tracking device is owned by the applicable law enforcement  
27 agency.

28       (c) "Electronic communication service" means any service that  
29 provides to users thereof the ability to send or receive wire or  
30 electronic communications.

31       (d) "Pen register" means a device that records or decodes  
32 electronic or other impulses that identify the numbers dialed or  
33 otherwise transmitted on the telephone line to which such device is  
34 attached, but such term does not include any device used by a  
35 provider or customer of a wire or electronic communication service  
36 for billing, or recording as an incident to billing, for  
37 communications services provided by such provider or any device used  
38 by a provider or customer of a wire communication service for cost

1 accounting or other like purposes in the ordinary course of its  
2 business.

3 (e) "Trap and trace device" means a device that captures the  
4 incoming electronic or other impulses that identify the originating  
5 number of an instrument or device from which a wire or electronic  
6 communication was transmitted.

7 (f) "Cell site simulator device" means a device that transmits or  
8 receives radio waves for the purpose of conducting one or more of the  
9 following operations: (i) Identifying, locating, or tracking the  
10 movements of a communications device; (ii) intercepting, obtaining,  
11 accessing, or forwarding the communications, stored data, or metadata  
12 of a communications device; (iii) affecting the hardware or software  
13 operations or functions of a communications device; (iv) forcing  
14 transmissions from or connections to a communications device; (v)  
15 denying a communications device access to other communications  
16 devices, communications protocols, or services; or (vi) spoofing or  
17 simulating a communications device, cell tower, cell site, or  
18 service((~~r~~)) including, but not limited to, an international mobile  
19 subscriber identity catcher or other invasive cell phone or telephone  
20 surveillance or eavesdropping device that mimics a cell phone tower  
21 and sends out signals to cause cell phones in the area to transmit  
22 their locations, identifying information, and communications content,  
23 or a passive interception device or digital analyzer that does not  
24 send signals to a communications device under surveillance. A cell  
25 site simulator device does not include any device used or installed  
26 by an electric utility, as defined in RCW 19.280.020, solely to the  
27 extent such device is used by that utility to measure electrical  
28 usage, to provide services to customers, or to operate the electric  
29 grid.

30 (2) No person may install or use a pen register, trap and trace  
31 device, or cell site simulator device without a prior court order  
32 issued under this section except as provided under subsection (6) of  
33 this section or RCW 9.73.070.

34 (3) A law enforcement officer may apply for and the superior  
35 court may issue orders and extensions of orders authorizing the  
36 installation and use of pen registers, trap and trace devices, and  
37 cell site simulator devices as provided in this section. The  
38 application shall be under oath and shall include the identity of the  
39 officer making the application and the identity of the law  
40 enforcement agency conducting the investigation. The applicant must



1 certify that the information likely to be obtained is relevant to an  
2 ongoing criminal investigation being conducted by that agency.

3 (4) If the court finds that the information likely to be obtained  
4 by such installation and use is relevant to an ongoing criminal  
5 investigation and finds that there is probable cause to believe that  
6 the pen register, trap and trace device, or cell site simulator  
7 device will lead to obtaining evidence of a crime, contraband, fruits  
8 of crime, things criminally possessed, weapons, or other things by  
9 means of which a crime has been committed or reasonably appears about  
10 to be committed, or will lead to learning the location of a person  
11 who is unlawfully restrained or reasonably believed to be a witness  
12 in a criminal investigation or for whose arrest there is probable  
13 cause, the court shall enter an ex parte order authorizing the  
14 installation and use of a pen register, trap and trace device, or  
15 cell site simulator device. The order shall specify:

16 (a)(i) In the case of a pen register or trap and trace device,  
17 the identity, if known, of the person to whom is leased or in whose  
18 name is listed the telephone line to which the pen register or trap  
19 and trace device is to be attached; or

20 (ii) In the case of a cell site simulator device, the identity,  
21 if known, of (A) the person to whom is subscribed or in whose name is  
22 subscribed the electronic communications service utilized by the  
23 device to which the cell site simulator device is to be used and (B)  
24 the person who possesses the device to which the cell site simulator  
25 device is to be used;

26 (b) The identity, if known, of the person who is the subject of  
27 the criminal investigation;

28 (c)(i) In the case of a pen register or trap and trace device,  
29 the number and, if known, physical location of the telephone line to  
30 which the pen register or trap and trace device is to be attached  
31 and, in the case of a trap and trace device, the geographic limits of  
32 the trap and trace order; or

33 (ii) In the case of a cell site simulator device: (A) The  
34 telephone number or other unique subscriber account number  
35 identifying the wire or electronic communications service account  
36 used by the device to which the cell site simulator device is to be  
37 attached or used; (B) if known, the physical location of the device  
38 to which the cell site simulator device is to be attached or used;  
39 (C) the type of device, and the communications protocols being used  
40 by the device, to which the cell site simulator device is to be

1 attached or used; (D) the geographic area that will be covered by the  
2 cell site simulator device; (E) all categories of metadata, data, or  
3 information to be collected by the cell site simulator device from  
4 the targeted device including, but not limited to, call records and  
5 geolocation information; (F) whether or not the cell site simulator  
6 device will incidentally collect metadata, data, or information from  
7 any parties or devices not specified in the court order, and if so,  
8 what categories of information or metadata will be collected; and (G)  
9 any disruptions to access or use of a communications or internet  
10 access network that may be created by use of the device; and

11 (d) A statement of the offense to which the information likely to  
12 be obtained by the pen register, trap and trace device, or cell site  
13 simulator device relates.

14 The order shall direct, if the applicant has requested, the  
15 furnishing of information, facilities, and technical assistance  
16 necessary to accomplish the installation of the pen register, trap  
17 and trace device, or cell site simulator device. An order issued  
18 under this section shall authorize the installation and use of a: (i)  
19 Pen register or a trap and trace device for a period not to exceed  
20 sixty days; and (ii) ((a)) cell site simulator device for sixty days.  
21 An extension of the original order may only be granted upon: A new  
22 application for an order under subsection (3) of this section; and a  
23 showing that there is a probability that the information or items  
24 sought under this subsection are more likely to be obtained under the  
25 extension than under the original order. No extension beyond the  
26 first extension shall be granted unless: There is a showing that  
27 there is a high probability that the information or items sought  
28 under this subsection are much more likely to be obtained under the  
29 second or subsequent extension than under the original order; and  
30 there are extraordinary circumstances such as a direct and immediate  
31 danger of death or serious bodily injury to a law enforcement  
32 officer. The period of extension shall be for a period not to exceed  
33 sixty days.

34 An order authorizing or approving the installation and use of a  
35 pen register, trap and trace device, or cell site simulator device  
36 shall direct that the order be sealed until otherwise ordered by the  
37 court and that the person owning or leasing the line to which the pen  
38 register, trap and trace device, and cell site simulator device((s))  
39 is attached or used, or who has been ordered by the court to provide  
40 assistance to the applicant, not disclose the existence of the pen

1 register, trap and trace device, or cell site simulator device or the  
2 existence of the investigation to the listed subscriber or to any  
3 other person, unless or until otherwise ordered by the court.

4 (5) Upon the presentation of an order, entered under subsection  
5 (4) of this section, by an officer of a law enforcement agency  
6 authorized to install and use a pen register under this chapter, a  
7 provider of wire or electronic communication service, landlord,  
8 custodian, or other person shall furnish such law enforcement officer  
9 forthwith all information, facilities, and technical assistance  
10 necessary to accomplish the installation of the pen register  
11 unobtrusively and with a minimum of interference with the services  
12 that the person so ordered by the court accords the party with  
13 respect to whom the installation and use is to take place, if such  
14 assistance is directed by a court order as provided in subsection (4)  
15 of this section.

16 Upon the request of an officer of a law enforcement agency  
17 authorized to receive the results of a trap and trace device under  
18 this chapter, a provider of a wire or electronic communication  
19 service, landlord, custodian, or other person shall install such  
20 device forthwith on the appropriate line and shall furnish such law  
21 enforcement officer all additional information, facilities, and  
22 technical assistance including installation and operation of the  
23 device unobtrusively and with a minimum of interference with the  
24 services that the person so ordered by the court accords the party  
25 with respect to whom the installation and use is to take place, if  
26 such installation and assistance is directed by a court order as  
27 provided in subsection (4) of this section. Unless otherwise ordered  
28 by the court, the results of the trap and trace device shall be  
29 furnished to the officer of a law enforcement agency, designated in  
30 the court order, at reasonable intervals during regular business  
31 hours for the duration of the order.

32 A provider of a wire or electronic communication service,  
33 landlord, custodian, or other person who furnishes facilities or  
34 technical assistance pursuant to this subsection shall be reasonably  
35 compensated by the law enforcement agency that requests the  
36 facilities or assistance for such reasonable expenses incurred in  
37 providing such facilities and assistance.

38 No cause of action shall lie in any court against any provider of  
39 a wire or electronic communication service, its officers, employees,  
40 agents, or other specified persons for providing information,

1 facilities, or assistance in accordance with the terms of a court  
2 order under this section. A good faith reliance on a court order  
3 under this section, a request pursuant to this section, a legislative  
4 authorization, or a statutory authorization is a complete defense  
5 against any civil or criminal action brought under this chapter or  
6 any other law.

7 (6) (a) Notwithstanding any other provision of this chapter, a law  
8 enforcement officer and a prosecuting attorney or deputy prosecuting  
9 attorney who jointly and reasonably determine that there is probable  
10 cause to believe that an emergency situation exists that involves  
11 immediate danger of death or serious bodily injury to any person that  
12 requires the installation and use of a pen register, trap and trace  
13 device, or cell site simulator device before an order authorizing  
14 such installation and use can, with due diligence, be obtained, and  
15 there are grounds upon which an order could be entered under this  
16 chapter to authorize such installation and use, may have installed  
17 and use a pen register, trap and trace device, or cell site simulator  
18 device if, within forty-eight hours after the installation has  
19 occurred, or begins to occur, an order approving the installation or  
20 use is issued in accordance with subsection (4) of this section. In  
21 the absence of an authorizing order, such use shall immediately  
22 terminate when the information sought is obtained, when the  
23 application for the order is denied or when forty-eight hours have  
24 lapsed since the installation of the pen register, trap and trace  
25 device, or cell site simulator device, whichever is earlier. If an  
26 order approving the installation or use is not obtained within forty-  
27 eight hours, any information obtained is not admissible as evidence  
28 in any legal proceeding. The knowing installation or use by any law  
29 enforcement officer of a pen register, trap and trace device, or cell  
30 site simulator device pursuant to this subsection without application  
31 for the authorizing order within forty-eight hours of the  
32 installation shall constitute a violation of this chapter and be  
33 punishable as a gross misdemeanor. A provider of a wire or electronic  
34 service, landlord, custodian, or other person who furnished  
35 facilities or technical assistance pursuant to this subsection shall  
36 be reasonably compensated by the law enforcement agency that requests  
37 the facilities or assistance for such reasonable expenses incurred in  
38 providing such facilities and assistance.

39 (b) A law enforcement agency that authorizes the installation of  
40 a pen register, trap and trace device, or cell site simulator device

1 under this subsection (6) shall file a monthly report with the  
2 administrator for the courts. The report shall indicate the number of  
3 authorizations made, the date and time of each authorization, whether  
4 a court authorization was sought within forty-eight hours, and  
5 whether a subsequent court authorization was granted.

6 (c) A law enforcement agency authorized to use a cell site  
7 simulator device in accordance with this section must: (i) Take all  
8 steps necessary to limit the collection of any information or  
9 metadata to the target specified in the applicable court order; (ii)  
10 take all steps necessary to permanently delete any information or  
11 metadata collected from any party not specified in the applicable  
12 court order immediately following such collection and must not  
13 transmit, use, or retain such information or metadata for any purpose  
14 whatsoever; and (iii) (~~must~~) delete any information or metadata  
15 collected from the target specified in the court order within thirty  
16 days if there is no longer probable cause to support the belief that  
17 such information or metadata is evidence of a crime.

18 (7)(a) If an application for the installation and use of a pen  
19 register, trap and trace device, or cell site simulator device is for  
20 the purpose of investigating or recovering evidence that relates to  
21 an investigation that alleges criminal liability for the provision,  
22 receipt, attempted provision or receipt, assistance in the provision  
23 or receipt, or attempted assistance in the provision or receipt of  
24 protected health care services as defined in section 2 of this act  
25 that are lawful in the state of Washington, the applicant shall  
26 include an attestation, made under penalty of perjury, stating that  
27 the application seeks information related to the provision, receipt,  
28 attempted provision or receipt, assistance in the provision or  
29 receipt, or attempted assistance in the provision or receipt of  
30 protected health care services as defined in section 2 of this act  
31 that are lawful in the state of Washington.

32 (b) The court shall not issue an order for the installation and  
33 use of pen registers, trap and trace devices, and cell site simulator  
34 devices for the purpose of investigating or recovering evidence that  
35 relates to an investigation that alleges criminal liability for the  
36 provision, receipt, attempted provision or receipt, assistance in the  
37 provision or receipt, or attempted assistance in the provision or  
38 receipt of protected health care services as defined in section 2 of  
39 this act that are lawful in the state of Washington.

1       **Sec. 7.** RCW 10.55.020 and 2010 c 8 s 1050 are each amended to  
2 read as follows:

3       (1) If a judge of a court of record in any state which by its  
4 laws has made provision for commanding persons within that state to  
5 attend and testify in this state certified under the seal of such  
6 court that there is a criminal prosecution pending in such court, or  
7 that a grand jury investigation has commenced or is about to  
8 commence, that a person being within this state is a material witness  
9 in such prosecution, or grand jury investigation, and that (~~his or~~  
10 her)) such person's presence will be required for a specified number  
11 of days, upon presentation of such certificate, accompanied by an  
12 attestation made under penalty of perjury stating whether such  
13 prosecution or grand jury investigation is related to the provision,  
14 receipt, attempted provision or receipt, assistance in the provision  
15 or receipt, or attempted assistance in the provision or receipt of  
16 protected health care services as defined in section 2 of this act  
17 that are lawful in the state of Washington, to any judge of a court  
18 of record in the county in which such person is, such judge shall fix  
19 a time and place for a hearing, and shall make an order directing the  
20 witness to appear at a time and place certain for the hearing. If a  
21 court finds that a false attestation was intentionally submitted and  
22 the prosecution or grand jury investigation is related to the  
23 provision, receipt, attempted provision or receipt, assistance in the  
24 provision or receipt, or attempted assistance in the provision or  
25 receipt of protected health care services as defined in section 2 of  
26 this act that are lawful in the state of Washington, a statutory  
27 penalty of \$10,000 per violation will apply. Submission of such  
28 attestation subjects the attester to the jurisdiction of the courts  
29 of Washington state for any suit, penalty, or damages arising out of  
30 a false attestation under this section.

31       (2) If at a hearing the judge determines that the witness is  
32 material and necessary, that it will not cause undue hardship to the  
33 witness to be compelled to attend and testify in the prosecution or a  
34 grand jury investigation in the other state, and that the laws of the  
35 state in which the prosecution is pending, or grand jury  
36 investigation has commenced or is about to commence, will give to  
37 (~~him or her~~) such witness protection from arrest and the service of  
38 civil and criminal process, he or she shall issue a summons, with a  
39 copy of the certificate attached, directing the witness to attend and  
40 testify in the court where the prosecution is pending, or where a

1 grand jury investigation has commenced or is about to commence and of  
2 any other state through which the witness may be required to travel  
3 by ordinary course of travel, at a time and place specified in the  
4 certificate. In any such hearing the certificate shall be prima facie  
5 evidence of all the facts stated therein.

6 (3) If said certificate recommends that the witness be taken into  
7 immediate custody and delivered to an officer of the requesting state  
8 to assure (~~his or her~~) such person's attendance in the requesting  
9 state, such judge may, in lieu of notification of the hearing, direct  
10 that such witness be forthwith brought before (~~him or her~~) such  
11 judge for said hearing; and the judge at the hearing being satisfied  
12 of the desirability of such custody and delivery, for which  
13 determination the certificate shall be prima facie proof of such  
14 desirability may, in lieu of issuing subpoena or summons, order that  
15 said witness be forthwith taken into custody and delivered to an  
16 officer of the requesting state.

17 (4) If the witness, who is summoned as above provided, after  
18 being paid or tendered by some properly authorized person the sum of  
19 ten cents a mile for each mile by the ordinary traveled route to and  
20 from the court where the prosecution is pending and five dollars for  
21 each day, that (~~he or she~~) such person is required to travel and  
22 attend as a witness, fails without good cause to attend and testify  
23 as directed in the summons, (~~he or she~~) such person shall be  
24 punished in the manner provided for the punishment of any witness who  
25 disobeys a summons issued from a court of record in this state.

26 (5) The summons of a witness to testify in the prosecution or a  
27 grand jury investigation in another state is prohibited if such  
28 prosecution or grand jury investigation is related to the provision,  
29 receipt, attempted provision or receipt, assistance in the provision  
30 or receipt, or attempted assistance in the provision or receipt of  
31 protected health care services as defined in section 2 of this act  
32 that are lawful in the state of Washington.

33 **Sec. 8.** RCW 10.88.250 and 1971 ex.s. c 46 s 6 are each amended  
34 to read as follows:

35 (~~The~~) (1) Except as provided in subsection (2) of this section,  
36 the governor of this state may also surrender, on demand of the  
37 executive authority of any other state, any person in this state  
38 charged in such other state in the manner provided in RCW 10.88.220  
39 with committing an act in this state, or in a third state,

1 intentionally resulting in a crime in the state whose executive  
2 authority is making the demand, and the provisions of this chapter  
3 not otherwise inconsistent, shall apply to such cases, even though  
4 the accused was not in that state at the time of the commission of  
5 the crime, and has not fled therefrom.

6 (2) The governor of this state shall not surrender any person  
7 described in subsection (1) of this section where the charge against  
8 the person is based on the provision, receipt, attempted provision or  
9 receipt, assistance in the provision or receipt, or attempted  
10 assistance in the provision or receipt of protected health care  
11 services as defined in section 2 of this act that are lawful in the  
12 state of Washington.

13 **Sec. 9.** RCW 10.88.320 and 2010 c 8 s 1075 are each amended to  
14 read as follows:

15 (1) Whenever any person within this state shall be charged on the  
16 oath of any credible person before any judge or magistrate of this  
17 state with the commission of any crime in any other state and, except  
18 in cases arising under RCW 10.88.250, with having fled from justice,  
19 or with having been convicted of a crime in that state and having  
20 escaped from confinement, or having broken the terms of ((his or  
21 her)) such person's bail, probation, or parole, or whenever complaint  
22 shall have been made before any judge or magistrate in this state  
23 setting forth on the affidavit of any credible person in another  
24 state that a crime has been committed in such other state and that  
25 the accused has been charged in such state with the commission of the  
26 crime, and, except in cases arising under RCW 10.88.250, has fled  
27 from justice, or with having been convicted of a crime in that state  
28 and having escaped from confinement, or having broken the terms of  
29 ((his or her)) such person's bail, probation, or parole and is  
30 believed to be in this state, the judge or magistrate shall issue a  
31 warrant directed to any peace officer commanding ((him or her)) such  
32 officer to apprehend the person named therein, wherever ((he or she))  
33 such person may be found in this state, and to bring ((him or her))  
34 such person before the same or any other judge, magistrate or court  
35 who or which may be available in or convenient of access to the place  
36 where the arrest may be made, to answer the charge or complaint and  
37 affidavit, and a certified copy of the sworn charge or complaint and  
38 affidavit upon which the warrant is issued shall be attached to the  
39 warrant.



1       (2) Any person making such charge or complaint and affidavit  
2 under this section with information that the charge for the  
3 commission of the crime in another state is related to criminal  
4 liability that is based on the provision, receipt, attempted  
5 provision or receipt, assistance in the provision or receipt, or  
6 attempted assistance in the provision or receipt of protected health  
7 care services as defined in section 2 of this act that are lawful in  
8 the state of Washington has an affirmative duty to disclose to the  
9 judge or magistrate that the charge for the commission of the crime  
10 in another state is related to criminal liability that is based on  
11 the provision, receipt, attempted provision or receipt, assistance in  
12 the provision or receipt, or attempted assistance in the provision or  
13 receipt of protected health care services as defined in section 2 of  
14 this act that are lawful in the state of Washington and shall provide  
15 an attestation stating whether such charge or complaint relates to  
16 criminal liability that is based on such protected health care  
17 services. Any false attestation submitted under this subsection is  
18 subject to a statutory penalty of \$10,000 per violation. Submission  
19 of such attestation subjects the attester to the jurisdiction of the  
20 courts of Washington state for any suit, penalty, or damages arising  
21 out of a false attestation under this section.

22       (3) Except in cases arising under RCW 10.88.220, the issuance of  
23 a warrant is prohibited for a charge or complaint that is related to  
24 criminal liability that is based on the provision, receipt, attempted  
25 provision or receipt, assistance in the provision or receipt, or  
26 attempted assistance in the provision or receipt of protected health  
27 care services as defined in section 2 of this act that are lawful in  
28 the state of Washington.

29       **Sec. 10.** RCW 10.88.330 and 2010 c 8 s 1076 are each amended to  
30 read as follows:

31       (1) The arrest of a person may be lawfully made also by any peace  
32 officer or a private person, without a warrant upon reasonable  
33 information that the accused stands charged in the courts of a state  
34 with a crime punishable by death or imprisonment for a term exceeding  
35 one year, but when so arrested the accused must be taken before a  
36 judge or magistrate with all practicable speed and complaint must be  
37 made against him or her under oath setting forth the ground for the  
38 arrest as in RCW 10.88.320; and thereafter his or her answer shall be  
39 heard as if he or she had been arrested on a warrant.

1 (2) An officer of the United States customs service or the  
2 immigration and naturalization service may, without a warrant, arrest  
3 a person if:

4 (a) The officer is on duty;

5 (b) One or more of the following situations exists:

6 (i) The person commits an assault or other crime involving  
7 physical harm, defined and punishable under chapter 9A.36 RCW,  
8 against the officer or against any other person in the presence of  
9 the officer;

10 (ii) The person commits an assault or related crime while armed,  
11 defined and punishable under chapter 9.41 RCW, against the officer or  
12 against any other person in the presence of the officer;

13 (iii) The officer has reasonable cause to believe that a crime as  
14 defined in (b) (i) or (ii) of this subsection has been committed and  
15 reasonable cause to believe that the person to be arrested has  
16 committed it;

17 (iv) The officer has reasonable cause to believe that a felony  
18 has been committed and reasonable cause to believe that the person to  
19 be arrested has committed it; or

20 (v) The officer has received positive information by written,  
21 telegraphic, teletypic, telephonic, radio, or other authoritative  
22 source that a peace officer holds a warrant for the person's arrest;  
23 and

24 (c) The regional commissioner of customs certifies to the state  
25 of Washington that the customs officer has received proper training  
26 within the agency to enable that officer to enforce or administer  
27 this subsection.

28 (3) The arrest of a person is prohibited if the arrest is related  
29 to criminal liability that is based on the provision, receipt,  
30 attempted provision or receipt, assistance in the provision or  
31 receipt, or attempted assistance in the provision or receipt of  
32 protected health care services as defined in section 2 of this act  
33 that are lawful in the state of Washington.

34 **Sec. 11.** RCW 10.96.020 and 2008 c 21 s 3 are each amended to  
35 read as follows:

36 This section shall apply to any criminal process allowing for  
37 search of or commanding production of records that are in the actual  
38 or constructive possession of a recipient who receives service

1 outside Washington, regardless of whether the recipient or the  
2 records are physically located within the state.

3 (1) When properly served with criminal process issued under this  
4 section, the recipient shall provide the applicant all records sought  
5 pursuant to the criminal process. The records shall be produced  
6 within twenty business days of receipt of the criminal process,  
7 unless the process requires earlier production. An applicant may  
8 consent to a recipient's request for additional time to comply with  
9 the criminal process.

10 (2) Criminal process issued under this section must contain the  
11 following language in bold type on the first page of the document:  
12 "This [warrant, subpoena, order] is issued pursuant to RCW [insert  
13 citation to this statute]. A response is due within twenty business  
14 days of receipt, unless a shorter time is stated herein, or the  
15 applicant consents to a recipient's request for additional time to  
16 comply."

17 (3) If the judge finds reason to suspect that failure to produce  
18 records within twenty business days would cause an adverse result,  
19 the criminal process may require production of records within less  
20 than twenty business days. A court may reasonably extend the time  
21 required for production of the records upon finding that the  
22 recipient has shown good cause for that extension and that an  
23 extension of time would not cause an adverse result.

24 (4) When properly served with criminal process issued under this  
25 section, a recipient who seeks to quash the criminal process must  
26 seek relief from the court where the criminal process was issued,  
27 within the time originally required for production of records. The  
28 court shall hear and decide the motion no later than five court days  
29 after the motion is filed. An applicant's consent, under subsection  
30 (1) of this section, to a recipient's request for additional time to  
31 comply with the criminal process does not extend the date by which a  
32 recipient must seek the relief designated in this section.

33 (5) The issuance of criminal process is prohibited if such  
34 process is related to criminal liability that is based on the  
35 provision, receipt, attempted provision or receipt, assistance in the  
36 provision or receipt, or attempted assistance in the provision or  
37 receipt of protected health care services as defined in section 2 of  
38 this act that are lawful in the state of Washington.

1       **Sec. 12.** RCW 10.96.040 and 2008 c 21 s 5 are each amended to  
2 read as follows:

3       (1) A Washington recipient, when served with process that was  
4 issued by or in another state that on its face purports to be valid  
5 criminal process, shall comply with that process as if that process  
6 had been issued by a Washington court if the criminal process  
7 includes an attestation, made under penalty of perjury, stating that  
8 such process does not relate to criminal liability that is based on  
9 the provision, receipt, attempted provision or receipt, assistance in  
10 the provision or receipt, or attempted assistance in the provision or  
11 receipt of protected health care services as defined in section 2 of  
12 this act that are lawful in the state of Washington. Any false  
13 attestation submitted under this section is subject to a statutory  
14 penalty of \$10,000 per violation. Submission of such attestation  
15 subjects the attester to the jurisdiction of the courts of Washington  
16 state for any suit, penalty, or damages arising out of a false  
17 attestation under this section.

18       (2) A Washington recipient shall not be required to comply with a  
19 criminal process issued by or in another state that is related to  
20 criminal liability that is based on the provision, receipt, attempted  
21 provision or receipt, assistance in the provision or receipt, or  
22 attempted assistance in the provision or receipt of protected health  
23 care services as defined in section 2 of this act that are lawful in  
24 the state of Washington.

25   **PART III**  
26   **ENFORCEMENT AND REMEDIES**

27       **NEW SECTION. Sec. 13.** (1) It is the public policy of Washington  
28 to protect the provision of protected health care services that are  
29 lawful in the state of Washington by a person duly licensed under the  
30 laws of the state of Washington and the provision of insurance  
31 coverage for such services regardless of the location of the person  
32 receiving the services.

33       (2) A law of another state that authorizes the imposition of  
34 civil or criminal penalties or liability related to the provision,  
35 receipt, attempted provision or receipt, assistance in the provision  
36 or receipt, or attempted assistance in the provision or receipt of  
37 protected health care services that are lawful in the state of  
38 Washington is against the public policy of this state. Accordingly:

1 (a) A state court, judicial officer, court employee or clerk, or  
2 public employee or official shall not issue or effectuate a warrant  
3 for the arrest of any person in connection with the provision,  
4 receipt, attempted provision or receipt, assistance in the provision  
5 or receipt, or attempted assistance in the provision or receipt of  
6 protected health care services that are lawful in the state of  
7 Washington and a state or local law enforcement agency or officer  
8 shall not effectuate such a warrant or knowingly arrest, or knowingly  
9 participate in the arrest of, any person for the provision, receipt,  
10 attempted provision or receipt, assistance in the provision or  
11 receipt, or attempted assistance in the provision or receipt of such  
12 protected health care services.

13 (b) A state or local agency, commission, board, or department, or  
14 any employee thereof, acting in their official capacity, shall not  
15 cooperate with or provide information to any individual, agency,  
16 commission, board, or department from another state or, to the extent  
17 permitted by federal law, to a federal law enforcement agency, for  
18 the purpose of enforcing another state's law or an investigation  
19 related to another state's law that asserts criminal or civil  
20 liability for the provision, receipt, attempted provision or receipt,  
21 assistance in the provision or receipt, or attempted assistance in  
22 the provision or receipt of protected health care services that are  
23 lawful in the state of Washington.

24 (c) A state court, judicial officer, court employee or clerk, or  
25 attorney shall not issue a subpoena, warrant, court order, or other  
26 civil or criminal legal process pursuant to any state law in  
27 connection with a proceeding in another state related to the  
28 provision, receipt, attempted provision or receipt, assistance in the  
29 provision or receipt, or attempted assistance in the provision or  
30 receipt of protected health care services that are lawful in the  
31 state of Washington.

32 (d)(i) A business entity that is incorporated, or has its  
33 principal place of business, in Washington that provides electronic  
34 communication services as defined in RCW 9.73.260 may not:

35 (A) Knowingly provide records, information, facilities, or  
36 assistance in response to a subpoena, warrant, court order, or other  
37 civil or criminal legal process that relates to an investigation  
38 into, or the enforcement of, another state's law that asserts  
39 criminal or civil liability for the provision, receipt, attempted  
40 provision or receipt, assistance in the provision or receipt, or

1 attempted assistance in the provision or receipt of protected health  
2 care services that are lawful in the state of Washington; or

3 (B) Comply with a subpoena, warrant, court order, or other civil  
4 or criminal legal process for records, information, facilities, or  
5 assistance related to protected health care services that are lawful  
6 in the state of Washington unless the subpoena, warrant, court order,  
7 or other civil or criminal legal process includes, or is accompanied  
8 by, an attestation, made under penalty of perjury, stating that the  
9 subpoena, warrant, court order, or other civil or criminal legal  
10 process does not seek documents, information, or testimony relating  
11 to an investigation into, or the enforcement of, another state's law  
12 that asserts criminal or civil liability for the provision, receipt,  
13 attempted provision or receipt, assistance in the provision or  
14 receipt, or attempted assistance in the provision or receipt of  
15 protected health care services that are lawful in the state of  
16 Washington. Any false attestation submitted under this section is  
17 subject to a statutory penalty of \$10,000 per violation. Submission  
18 of such attestation subjects the attester to the jurisdiction of the  
19 courts of Washington state for any suit, penalty, or damages arising  
20 out of a false attestation under this section.

21 (ii) Any business entity described in (d)(i) of this subsection  
22 that is served with a subpoena, warrant, court order, or other civil  
23 or criminal legal process described in (d)(i) of this subsection is  
24 entitled to rely on the representations made in an attestation  
25 described in (d)(i) of this subsection in determining whether the  
26 subpoena, warrant, court order, or other civil or criminal legal  
27 process relates to an investigation into, or the enforcement of,  
28 another state's law that asserts criminal or civil liability for the  
29 provision, receipt, attempted provision or receipt, assistance in the  
30 provision or receipt, or attempted assistance in the provision or  
31 receipt of protected health care services that are lawful in the  
32 state of Washington.

33 (3) Nothing in this section prohibits the investigation of any  
34 criminal activity in this state that may involve the alleged  
35 provision, receipt, attempted provision or receipt, assistance in the  
36 provision or receipt, or attempted assistance in the provision or  
37 receipt of protected health care services occurring in the state of  
38 Washington. Any information relating to any protected health care  
39 services provided to a specific individual shall not be shared with  
40 an agency, department, or individual from another state for the

1 purpose of investigating or enforcing another state's law that  
2 asserts criminal or civil liability for the provision, receipt,  
3 attempted provision or receipt, assistance in the provision or  
4 receipt, or attempted assistance in the provision or receipt of  
5 protected health care services that are lawful in the state of  
6 Washington.

7 (4) A state court, judicial officer, court employee or clerk, or  
8 public employee or official shall not apply to a case or controversy  
9 heard in state court any law that is contrary to this state's public  
10 policy as described in this section.

11 NEW SECTION. **Sec. 14.** (1)(a) A claim for interference with  
12 protected health care services arises when:

13 (i) Any underlying action is commenced against an aggrieved party  
14 in any court, state or federal, in the United States or any of its  
15 territories, where liability in the underlying action is based in  
16 whole or in part on:

17 (A) The aggrieved party's provision, receipt, attempted provision  
18 or receipt, assistance in the provision or receipt, or attempted  
19 assistance in the provision or receipt of protected health care  
20 services that are lawful in the state of Washington;

21 (B) Conduct occurring in this state; and

22 (C) A cause of action or criminal liability that is not available  
23 under Washington law or the law of another state that is  
24 substantially similar to Washington law; or

25 (ii)(A) Any person in the state of Washington receives a subpoena  
26 from any court, state or federal, in the United States or any of its  
27 territories, where the information sought concerns the provision,  
28 receipt, attempted provision or receipt, assistance in the provision  
29 or receipt, or attempted assistance in the provision or receipt of  
30 protected health care services that are lawful in the state of  
31 Washington; and

32 (B) Where liability in the underlying action is based in whole or  
33 in part on a cause of action or criminal liability that is not  
34 available under Washington law or the law of another state that is  
35 substantially similar to Washington law.

36 (b) An underlying action is based on conduct occurring in this  
37 state if any part of the acts or omissions that form the basis of  
38 liability in the underlying action occur in Washington state, whether  
39 or not such acts or omissions are alleged in the action.

1 (2) A person may maintain a claim for interference with protected  
2 health care services under this section if the underlying action is  
3 objectively baseless and brought for an improper purpose.

4 (a) An underlying action is objectively baseless under this  
5 section if:

6 (i) The court in the underlying action lacked jurisdiction over  
7 the aggrieved party;

8 (ii) The underlying action impedes the right to travel; or

9 (iii) Other factors exist that the court determines demonstrate  
10 the objective baselessness of the underlying action.

11 (b) An underlying action is brought for an improper purpose under  
12 this section if:

13 (i) A purpose of the underlying action is to deter acts or  
14 omissions in Washington state that are permitted under the laws of  
15 the state of Washington; or

16 (ii) Other factors exist that the court determines demonstrate  
17 the underlying action was brought for an improper purpose.

18 (3) If a court finds for the aggrieved party in an action  
19 asserting a claim for interference with protected health care  
20 services authorized by this section, the aggrieved party may recover  
21 damages from any party that brought the underlying action.  
22 Recoverable damages include:

23 (a) Actual damages including, but not limited to, costs and  
24 reasonable attorneys' fees spent in defending the underlying action;

25 (b) Costs and reasonable attorneys' fees incurred in bringing an  
26 action under this section as may be allowed by the court; and

27 (c) Statutory damages up to \$10,000 if the underlying action is  
28 found to be frivolous.

29 (4) The provisions of this section do not apply to a judgment  
30 entered in another state that is based on an action:

31 (a) Founded in tort, contract, or statute, and for which a  
32 similar claim would exist under the laws of this state, brought by  
33 the person who received the protected health care services upon which  
34 the original lawsuit was based or the person's authorized legal  
35 representative, for damages suffered by the person or damages derived  
36 from an individual's loss of consortium of the person;

37 (b) Founded in contract, and for which a similar claim would  
38 exist under the laws of this state, brought or sought to be enforced  
39 by a party with a contractual relationship with the person that is  
40 the subject of the judgment entered in another state; or



1 (c) Where no part of the acts that formed the basis for liability  
2 occurred in this state.

3 NEW SECTION. **Sec. 15.** Any person in the state of Washington  
4 that receives a subpoena from any court, state or federal, in the  
5 United States or any of its territories, may, pursuant to the  
6 Washington rules of civil procedure, move to modify or quash the  
7 subpoena on the grounds that it is inconsistent with the public  
8 policy of Washington under this chapter if:

9 (1) The information sought concerns the provision, receipt,  
10 attempted provision or receipt, assistance in the provision or  
11 receipt, or attempted assistance in the provision or receipt of  
12 protected health care services that are lawful in the state of  
13 Washington; and

14 (2) Liability in the underlying action is based in whole or in  
15 part on a cause of action or criminal liability that is not available  
16 under Washington law or the law of another state that is  
17 substantially similar to Washington law.

18 NEW SECTION. **Sec. 16.** (1) The attorney general may bring an  
19 action to enjoin any person from violating any provision of this  
20 chapter. Upon proper showing, the superior court may grant a  
21 permanent or temporary injunction, restraining order, writ of  
22 mandamus, or any additional orders or judgments necessary to enjoin  
23 such persons from violating this chapter. For any action in which the  
24 attorney general prevails, the attorney general may recover the costs  
25 of the action, including a reasonable attorney's fee.

26 (2) In furtherance of enforcing the provisions of this chapter  
27 and ensuring compliance with the public policy of Washington, the  
28 attorney general's office shall maintain a current list of any laws  
29 of another state that impose criminal liability for the provision,  
30 receipt, attempted provision or receipt, assistance in the provision  
31 or receipt, or attempted assistance in the provision or receipt of  
32 protected health care services that are lawful in Washington and make  
33 such list available to the Washington state patrol.

34 NEW SECTION. **Sec. 17.** The courts of this state shall give full  
35 faith and credit as provided for in the United States Constitution to  
36 the public acts, records, and judicial proceedings of another state

1 and nothing in this act shall be construed to undermine the primacy  
2 of that clause.

3 **Sec. 18.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to  
4 read as follows:

5 (1)(a) An adult person, a parent or guardian acting on behalf of  
6 a minor, or a guardian acting on behalf of an incapacitated person,  
7 as defined in RCW 11.88.010, (b) any election official as described  
8 in RCW 9A.90.120 who is a target for threats or harassment prohibited  
9 under RCW 9A.90.120(2)(b) (iii) or (iv), and any family members  
10 residing with ~~((him or her, and))~~ such person (c) any criminal  
11 justice participant as defined in RCW 9A.46.020 who is a target for  
12 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
13 (iv) and any criminal justice participant as defined in RCW 9A.90.120  
14 who is a target for threats or harassment prohibited under RCW  
15 9A.90.120(2)(b) (iii) or (iv), and any family members residing with  
16 ~~((him or her))~~ such person, and (d) any protected health care  
17 services provider, employee, or an affiliate of such provider, who  
18 provides, attempts to provide, assists in the provision, or attempts  
19 to assist in the provision of protected health care services as  
20 defined in section 2 of this act, and any family members residing  
21 with such person, may apply to the secretary of state to have an  
22 address designated by the secretary of state serve as the person's  
23 address or the address of the minor or incapacitated person. The  
24 secretary of state shall approve an application if it is filed in the  
25 manner and on the form prescribed by the secretary of state and if it  
26 contains:

27 (i) A sworn statement, under penalty of perjury, by the applicant  
28 that the applicant has good reason to believe (A) that the applicant,  
29 or the minor or incapacitated person on whose behalf the application  
30 is made, is a victim of domestic violence, sexual assault,  
31 trafficking, or stalking and that the applicant fears for ~~((his or~~  
32 ~~her))~~ the applicant's safety or ~~((his or her))~~ the applicant's  
33 children's safety, or the safety of the minor or incapacitated person  
34 on whose behalf the application is made; (B) that the applicant, as  
35 an election official as described in RCW 9A.90.120, is a target for  
36 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
37 (iv); ~~((or))~~ (C) that the applicant, as a criminal justice  
38 participant as defined in RCW 9A.46.020, is a target for threats or  
39 harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or

1 that the applicant, as a criminal justice participant as defined in  
2 RCW 9A.90.120 is a target for threats or harassment prohibited under  
3 RCW 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a  
4 protected health care services provider, employee, or an affiliate of  
5 such provider, who provides, attempts to provide, assists in the  
6 provision, or attempts to assist in the provision of protected health  
7 care services as defined in section 2 of this act, is a target for  
8 threats or harassment prohibited under RCW 9A.90.120 or 9A.46.020;

9 (ii) If applicable, a sworn statement, under penalty of perjury,  
10 by the applicant, that the applicant has reason to believe they are a  
11 victim of (A) domestic violence, sexual assault, or stalking  
12 perpetrated by an employee of a law enforcement agency, (~~(or)~~) (B)  
13 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
14 (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment  
15 as described in (a)(i)(D) of this subsection;

16 (iii) A designation of the secretary of state as agent for  
17 purposes of service of process and for the purpose of receipt of  
18 mail;

19 (iv) The residential address and any telephone number where the  
20 applicant can be contacted by the secretary of state, which shall not  
21 be disclosed because disclosure will increase the risk of (A)  
22 domestic violence, sexual assault, trafficking, or stalking, (~~(or)~~)  
23 (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)  
24 or (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or  
25 harassment as described in (a)(i)(D) of this subsection;

26 (v) The signature of the applicant and of any individual or  
27 representative of any office designated in writing under RCW  
28 40.24.080 who assisted in the preparation of the application, and the  
29 date on which the applicant signed the application.

30 (2) Applications shall be filed with the office of the secretary  
31 of state.

32 (3) Upon filing a properly completed application, the secretary  
33 of state shall certify the applicant as a program participant.  
34 Applicants shall be certified for four years following the date of  
35 filing unless the certification is withdrawn or invalidated before  
36 that date. The secretary of state shall by rule establish a renewal  
37 procedure.

38 (4)(a) During the application process, the secretary of state  
39 shall provide each applicant a form to direct the department of  
40 licensing to change the address of registration for vehicles or

1 vessels solely or jointly registered to the applicant and the address  
2 associated with the applicant's driver's license or identicard to the  
3 applicant's address as designated by the secretary of state upon  
4 certification in the program. The directive to the department of  
5 licensing is only valid if signed by the applicant. The directive may  
6 only include information required by the department of licensing to  
7 verify the applicant's identity and ownership information for  
8 vehicles and vessels. This information is limited to the:

9 (i) Applicant's full legal name;

10 (ii) Applicant's Washington driver's license or identicard  
11 number;

12 (iii) Applicant's date of birth;

13 (iv) Vehicle identification number and license plate number for  
14 each vehicle solely or jointly registered to the applicant; and

15 (v) Hull identification number or vessel document number and  
16 vessel decal number for each vessel solely or jointly registered to  
17 the applicant.

18 (b) Upon certification of the applicants, the secretary of state  
19 shall transmit completed and signed directives to the department of  
20 licensing.

21 (c) Within 30 days of receiving a completed and signed directive,  
22 the department of licensing shall update the applicant's address on  
23 registration and licensing records.

24 (d) Applicants are not required to sign the directive to the  
25 department of licensing to be certified as a program participant.

26 (5) A person who knowingly provides false or incorrect  
27 information upon making an application or falsely attests in an  
28 application that disclosure of the applicant's address would endanger

29 (a) the applicant's safety or the safety of the applicant's children  
30 or the minor or incapacitated person on whose behalf the application

31 is made, (b) the safety of any election official as described in RCW  
32 9A.90.120 who is a target for threats or harassment prohibited under

33 RCW 9A.90.120(2)(b) (iii) or (iv), ~~((e))~~ (c) the safety of any  
34 criminal justice participant as defined in RCW 9A.46.020 who is a

35 target for threats or harassment prohibited under RCW 9A.46.020(2)(b)  
36 (iii) or (iv) or of any criminal justice participant as defined in

37 RCW 9A.90.120 who is a target for threats or harassment prohibited  
38 under RCW 9A.90.120(2)(b) (iii) or (iv), or (d) the safety of any

39 person as described in subsection (1)(a)(i)(D) of this section who is  
40 a target for threats or harassment, or any family members residing

1 with (~~him or her~~) such person, shall be punished under RCW  
2 40.16.030 or other applicable statutes.

3 NEW SECTION. **Sec. 19.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 20.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect immediately.

11 NEW SECTION. **Sec. 21.** Sections 1, 2, and 13 through 17 of this  
12 act constitute a new chapter in Title 7 RCW.

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