

December 14, 2015

TO: Judicial and Legal Community

FROM: Merrie Gough, AOC Sr. Legal Analyst

RE: 2015 AMENDMENT TO THE JuCR 7.7 GUILTY PLEA AND ATTACHMENT

On December 2, 2015, the Washington State Supreme Court adopted amendments to the JuCR 7.7 Statement on Plea of Guilty and the “Offender Registration” Attachment. The amendments become effective when they are published in the Official Advance Sheets, Washington Reports, 184 Wn. 2d No.5. The anticipated publication date is December 22, 2015. The amendments are based upon:

* Laws of 2015, Ch. 261 (SSB 5154), relating to registered sex or kidnapping offenders.
* Laws of 2015, Ch. 265, (E2SSB 5564), relating to juvenile records and fines.

The following table contains detailed descriptions of the proposed amendment:

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| **JuCR 7.7, Statement on Plea of Guilty** |
| Laws of 2015, Ch. 265, §8, amends RCW 6.68.035. The $100 Crime Victim Compensation fee is only imposed if the offense is a most serious offense as defined by RCW 9.94A.030 or a sex offense under RCW Chapter 9A.44. The court must order from 0 to 7 additional hours of community restitution if there is a victim and the offense is NOT a most serious offense as defined by RCW 9.94A.030 or a sex offense under RCW Chapter 9A.44. RCW 7.68.020 defines a “victim” as someone who suffered bodily injury or death. To implement these changes, change paragraph 7 as follows:  In paragraph 7, in the table below the check box for “Local Sanctions,” delete the entire column with the heading “CVC”.  In the same section, below the table, add the following paragraph as the second paragraph:  “In addition to these conditions, the court will order me to perform up to 7 hours of community restitution per offense involving a victim who suffered bodily injury or death and which is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under RCW Chapter 9.44. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, 7.68.020.”  Also in paragraph 7, in the table below the check box for “Juvenile Rehabilitation Administration (JRA) Commitment),” delete the entire column with the heading “CVC”.  In the same section, below the table, add the following paragraph as the second paragraph:  “In addition to these conditions, the court will order me to perform up to 7 hours of community restitution per offense involving a victim who suffered bodily injury or death and which is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under RCW Chapter 9.44. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, 7.68.020.”  Add the following new paragraph 12[F]:  [F] $100 CVC Fee for Most Serious or sex Offense:I understand that if I am pleading guilty to a most serious offense as defined by RCW 9.94A.030 and/or a sex offense under RCW Chapter 9A.44, I will be required to pay a mandatory Crime Victim’s Compensation Fee of $100. RCW 7.68.035.  To implement Laws of 2015, Ch. 265, which makes most fees, fines and assessments inapplicable to juveniles, delete the following three provisions:  ~~[F] DOMESTIC VIOLENCE ASSESSMENT: If this offense involves domestic violence, I may be required to pay a domestic violence assessment of up to $100.~~  ~~[G] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay $100 for the State Patrol Crime Lab fees to test the substance.~~  [H] ~~MANDATORY PROSTITUTION/INDECENT EXPOSURE/COMMERCIAL SEXUAL ABUSE OF A MINOR/ TRAFFICKING ASSESSMENTS: I have been informed that the court will order me to pay a mandatory assessment as required under RCW 9A.88.120, RCW 9.68A.105, or RCW 9A.40.100. The court may reduce up to two-thirds of this assessment if the court finds that I am not able to pay the assessment.~~  Renumber the remaining paragraphs.  In paragraph 12[M], change the RCW citation from “RCW 9.41.\_\_\_” to “RCW 9.41.330.” |
| **JuCR 7.7, “Offender Registration” Attachment** |
| To implement Laws of 2015, Ch. 261, §3, which amended RCW 9A.44.130(4)(a)(i) amend paragraph 1 by adding the following as the third sub-paragraph:  “While in custody, if I am approved for partial confinement, I must register when I transfer to partial confinement with the person designated by the agency that has jurisdiction over me. I must also register within three business days from the end of partial confinement or release from confinement with the sheriff of the county where I reside.”  To implement Laws of 2015, Ch. 261, §3, which amended RCW 9A.44.130(4)(a)(iv) amend paragraph 2 as follows:  “**2. Offenders Who are New Residents, Temporary Residents, or Returning Washington Residents**: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state. If I am visiting and intend to reside or be present 10 or more days in Washington, then I must register the location where I plan to stay or my temporary address with the sheriff of each county where I will be staying within three business days of my arrival.”  To implement Laws of 2015, Ch. 261, §3, which amended RCW 9A.44.130 by adding a new subsection (3), add a new paragraph 5, as follows:  “**5. Travel Outside the United States:** If I intend to travel outside the United States, I must provide, signed written notice of the details of my plan to travel out of the country to the sheriff of the county where I am registered. Notice must be provided at least 21 days before I travel. Notice may be provided to the sheriff by certified mail, with return receipt requested, or in person.  If I cancel or postpone this travel, I must notify the sheriff within three days of canceling or postponing my travel or on the departure date I provide in my notice, whichever is earlier.  If I travel routinely across international borders for work, or if I must travel unexpectedly due to a family or work emergency, I must personally notify the sheriff at least 24 hours before I travel. I must explain to the sheriff in writing why it is impractical for me to comply with the notice required by RCW 9A.44.130(3).” |