



SUMMARY OF CHANGES

TO: Superior Court and District Court Judges and Commissioners, Court Administrators, County Clerks, Prosecuting Attorneys, Defense Attorneys, and Law Libraries

FROM: Tom Creekpaum, Senior Legal Analyst
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DATE: January 1, 2021

RE: Changes Required By 2SSB 6211, ESSHB 1517, and RCW 16.52.200.

The table below outlines changes to the CrR 4.2(g) Statement of Defendant on Plea of Guilty (non-sex offense), Felony Judgment and Sentence - DOSA, DOSA Pre-Sentence Examination Community Residential, DOSA Pre-Sentence Prison, Order Revoking Residential DOSA, Order Granting [] Relief from the Duty to Register (ORGRDR), [] Exemption from Community Notification (ORGEEN), and Order Denying Petition (ORDYMT) - RR 1.0400 forms, based upon newly enacted legislation and an existing statute.

The changes are based upon the following:

- [Chapter 252, §1, §3, Laws of 2020 \(2SSB 6211\)](#);
- [Chapter 263, §502-§504, Laws of 2019 \(ESSHB 1517\)](#);
- [RCW 16.52.200\(4\)\(b\)](#); and
- [Chapter 249, §1\(7\), Laws of 2020 \(ESB 6180\)](#).

Form(s)	Authority and Changes
<p>1. Statement on Plea of Guilty (Non-Sex Offense)- CrR 4.2(g), Felony Judgment and Sentence- DOSA, DOSA Pre-Sentence Examination Community Residential, DOSA Pre-Sentence Prison and Order</p>	<p style="text-align: center;"><u>Terminology Change</u></p> <p>Chapter 252, §1, §2, Laws of 2020 (2SSB 6211) amends RCW 9.94A.660 and RCW 9.94A.662 to remove references to “chemical dependency” and instead use “substance use disorder.” This terminology change is exclusive to DOSAs while other statutes still using the term “chemical dependency” were not modified.</p> <p>To implement this change, all references made to “chemical dependency,” when related to DOSA sentences, were changed to “substance use disorder” in any form that references a DOSA.</p> <p>The PFC considered whether other areas in the forms that discuss “chemical dependency” should be modified to promote consistency. For example, the Parenting Sentencing Alternative under RCW 9.94A.655 still uses the term “chemical dependency.” Thus, the guilty plea form uses “chemical dependency” when discussing this sentencing alternative. The</p>

<p>Revoking Residential DOSA</p>	<p>PFC decided that references to “chemical dependency” in these other areas should not be changed until the legislature updates terminology in those areas.</p>
<p>2. Statement on Plea of Guilty (Non-Sex Offense)- CrR 4.2(g)</p>	<p><u>Domestic Violence Assessment and Treatment - Prison DOSA</u></p> <p>Chapter 263, §503(1) Laws of 2019 (ESSHB 1517) amends RCW 9.94A.662 and for co-occurring crimes involving domestic violence, a DOSA sentence must include an appropriate domestic violence treatment program by a state-certified domestic violence treatment facility.</p> <p>To implement this change, a new sentence was added to the second paragraph of Section 6(v):</p> <p>If the judge imposes the prison-based alternative, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance use disorder assessment and to participate in treatment. <u>If this crime involves domestic violence, I will be required to undergo a comprehensive domestic violence assessment and to participate in a domestic violence treatment program provided by a state-certified treatment provider during the term of community custody.</u> The judge will also impose a term of community custody of one-half of the midpoint of the standard range.</p>
<p>3. Statement on Plea of Guilty (Non-Sex Offense)- CrR 4.2(g)</p>	<p><u>Length of Community Custody for a Residential DOSA Sentence</u></p> <p>Chapter 252, §1, §3, Laws of 2020 (2SSB 6211) amends RCW 9.94A.664 and RCW 9.94A.660 in a manner that results in the community custody period on a residential DOSA to always be 24 months.</p> <p>The midpoint of the standard range for an offender receiving a Residential DOSA sentence cannot be longer than 26 months under §1 (RCW 9.94A.660). The community custody imposed must be half the midpoint, or 24 months, whichever is longer under §3 (RCW 9.94A.664(1)(a)). Because the midpoint can't be longer than 26 months to qualify for a residential DOSA, half of the midpoint can never be more than 13 months. So, 24 months will always be the longer term and must be imposed.</p> <p>To implement this change, the following changes were made to the third paragraph of Section 6(v):</p> <p>If the judge imposes the residential chemical dependency <u>substance use disorder treatment-based alternative</u>, the sentence will consist of a <u>two-year</u> term of community custody equal to one-half of the midpoint</p>

	<p>of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency substance use disorder treatment program for a period of three up to six months, as set by the court.</p>
<p>4. Statement on Plea of Guilty (Non-Sex Offense)- CrR 4.2(g)</p>	<p align="center"><u>Domestic Violence Assessment and Treatment & Intermediate Term of Confinement - Residential DOSA</u></p> <p>Chapter 263, §504(2), Laws of 2019 (ESSHB 1517) amends RCW 9.94A.664 and for co-occurring crimes involving domestic violence, a DOSA sentence must include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider during the term of community custody.</p> <p>Chapter 252, §3(1)(b), Laws of 2020 (2SSB 6211) amends RCW 9.94A.664 and allows a residential DOSA sentence to include an intermediate term of confinement to facilitate direct transfer to treatment.</p> <p>To implement these changes, two new sentences were added to the end of the third paragraph of Section 6(v):</p> <p>If the judge imposes the residential substance use disorder treatment-based alternative, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential substance use disorder treatment program for up to six months, as set by the court. <u>If this crime involves domestic violence, I will be required to undergo a comprehensive domestic violence assessment and to participate in a domestic violence treatment program provided by a state-certified treatment provider. The sentence may also include an indeterminate term of confinement of no more than 30 days in a facility operated under contract by the county, in order to facilitate direct transfer to a residential substance use disorder treatment facility.</u></p>
<p>5. Statement on Plea of Guilty (Non-Sex Offense)- CrR 4.2(g)</p>	<p align="center"><u>\$30 Per Month Offset Fee for Compliance with NCO</u></p> <p>Chapter 263, §502(6), Laws of 2019 (ESSHB 1517) amends RCW 9.94A.660 and includes the cost of GPS monitoring for compliance with a no contact order, reflected in the offenders' \$30 per month monitoring offset payment.</p> <p>To implement this change, Section 6(v) was amended:</p> <p>During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring <u>or, in cases of domestic violence, pay for monitoring with global positioning</u></p>

	<p><u>system technology for compliance with a no-contact order</u>, and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(h).</p>
<p>6. Statement on Plea of Guilty (Non-Sex Offense)- CrR 4.2(g)</p>	<p style="text-align: center;"><u>Animal Cruelty 1st Degree Conviction- Lifetime Ban on Animal Ownership</u></p> <p>A conviction for Animal Cruelty in the First Degree results in a lifetime ban on animal ownership. RCW 16.52.200(4)(b).</p> <p>To implement this requirement, a new subsection was added to Section 6:</p> <p><u>(pp) If I am pleading guilty to Animal Cruelty in the First Degree, I will be permanently prohibited from owning, caring for, or residing with any animal. RCW 16.52.200.</u></p>
<p>7. Felony Judgment and Sentence- DOSA</p>	<p style="text-align: center;"><u>Length of Community Custody for a Residential DOSA Sentence</u></p> <p>Chapter 252, §1, §3, Laws of 2020 (2SSB 6211) amends RCW 9.94A.664 and RCW 9.94A.660 in a manner that results in the community custody period of a residential DOSA to always be 24 months.</p> <p>To implement this change, the first sentence to subsection (2) (previously subsection 1) was modified:</p> <p>(A term equal to one-half of the midpoint of the standard range or two years, whichever is greater)<u>A two year term</u> under the supervision of the Department of Corrections (DOC), on the condition that the defendant enters and remains in residential chemical dependency <u>substance use disorder treatment</u> certified under chapter 70.96A RCW for _____ months.</p>
<p>8. Felony Judgment and Sentence- DOSA</p>	<p style="text-align: center;"><u>Certification by the Department of Health</u></p> <p>Chapter 252, §1(5), Laws of 2020 (2SSB 6211) amends RCW 9.94A.660 and requires substance use disorder treatment programs to be certified by the Department of Health.</p> <p>To implement this change, Section 4.2(a) was amended:</p> <p>(a) Undergo and successfully complete a substance use disorder treatment program approved <u>certified</u> by the Department of Social and Health Services <u>Health</u>.</p>

<p>9. Felony Judgment and Sentence-DOSA</p>	<p style="text-align: center;"><u>Domestic Violence Evaluation and Treatment</u></p> <p>Chapter 263, §503(1), Laws of 2019 (ESSHB 1517) amends RCW 9.94A.662 and requires the court to order appropriate domestic violence evaluation and treatment by a state-certified domestic violence treatment provider for co-occurring drug and domestic violence crimes.</p> <p>To implement this change, a new subsection (d) was added to Section 4.2:</p> <p><u>(d) [] Domestic Violence: Because this crime involved domestic violence, the defendant shall participate in and successfully complete a domestic violence treatment program provided by a state-certified treatment provider.</u></p>
<p>10. Felony Judgment and Sentence-DOSA</p>	<p style="text-align: center;"><u>GPS Technology for Compliance with NCO</u></p> <p>Chapter 263, §502(6), Laws of 2019 (ESSHB 1517) amends RCW 9.94A.660 and includes the cost of GPS monitoring for compliance with a no contact order in the offenders \$30 per month monitoring offset payment, pursuant to a DOSA sentence. This change effectively authorizes monitoring by GPS for compliance with a no-contact order pursuant to a DOSA sentence.</p> <p>To implement this change, a new box was added Section. 4.5:</p> <p><u>[] The defendant shall be monitored by global positioning system technology for compliance with this no contact order.</u></p>
<p>11. Order Granting [] Relief from the Duty to Register (ORGRDR), [] Exemption from Community Notification (ORGE CN), Order Denying Petition (ORDYMT) - RR 1.0400</p>	<p style="text-align: center;"><u>Docket Code Change</u></p> <p>Chapter 249, §1(7), Laws of 2020 (ESB 6180), amends RCW 13.40.162 and creates a process for persons required to register, following a sentence under the Special Sex Offender Disposition Alternative, to obtain relief from the duty to register. The Juvenile Forms Subcommittee decided to create a new form to accommodate this process. The new form will assume the docket code ORDYMT, currently used in the Order Denying Petition section of RR 1.0400. The Order Denying Petition section of RR 1.0400 will be assigned the new docket code ORDRDR.</p> <p>To implement this change, the title of RR 1.0400 was amended:</p> <p>[] Order Denying Petition (ORDYMTRDR)</p> <p>Also, the Juvenile Forms Subcommittee made various stylistic changes to this form, such as capitalization and replacement of pronouns with other gender neutral language. See the Juvenile Forms Subcommittee</p>

	Summary of Changes for more details.
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