

July 28, 2013

TO: Judicial and Legal Community

FROM: Merrie Gough, AOC Sr. Legal Analyst

RE: 2013 AMENDMENTS TO CrR 4.2(g) GUILTY PLEAS

On July 10, 2013, the Washington State Supreme Court adopted amendments to the CrR 4.2(g) Statements of Defendant on Plea of Guilty. The amendments become effective when they are published in the Official Advance Sheets, Washington Reports. The anticipated publication date is August 20, 2013. The table, below, contains descriptions of the amendments, which are based upon recommended changes and:

* Laws of 2013, ch. 183; Concerning information on firearm offenders
* Laws of 2013, ch. 270, Crimes - Pharmacies
* Laws of 2012, ch. 136, Concerning the reduction of the commercial sale of sex.

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| 1. **CrR 4.2(g), Statement of Defendant on Plea of Guilty to Non Sex Offense** |
| To implement Laws of 2013, ch. 270, §2, in paragraph 6(a), Standard Sentence Range, below the table, insert the following new enhancement code and definition :  “(RPh) Robbery of a pharmacy”  Also, reorganize the list of enhancement codes as follows:  ~~“\* Each sentencing enhancement will run consecutively to all other parts of my entire sentence, including other enhancements and other counts. The enhancement codes are: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation,  RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude, (P16) Passenger(s) under age 16~~**~~.”~~**  “\*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.”  In paragraph 6(f), **delete**:  “[ ] For offenses committed after July 1, 2000 but prior to July 26, 2009, the court may impose a community custody range as follows: for serious violent offenses, 24 to 36 months; for crimes against persons, 9 to 12 months; for offenses under 69.50 and 69.52, 9 to 12 months.”  To implement Laws of 2013, ch. 183, insert a new paragraph 6(z):  “I may be required to register as a felony firearm offender under RCW 9.41.\_\_\_\_ . The specific registration requirements are in the ‘Felony Firearm Offender Registration’ Attachment.” |
| 1. **CrR 4.2(g), Statement of Defendant on Plea of Guilty to Sex Offense** |
| To implement Laws of 2013, ch. 270, §2, in paragraph 6(a), Standard Sentence Range, below the table, insert the following new enhancement code and definition :  “(RPh) Robbery of a pharmacy”  Also, reorganize the list of enhancement codes as follows:  ~~“\* Each sentencing enhancement will run consecutively to all other parts of my entire sentence, including other enhancements and other counts. The enhancement codes are: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation,  RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude, (P16) Passenger(s) under age 16~~**~~.”~~**  “\*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.”  To implement Laws of 2013, ch. 183, insert a new paragraph 6(z):  “I may be required to register as a felony firearm offender under RCW 9.41.\_\_\_\_ . The specific registration requirements are in the ‘Felony Firearm Offender Registration’ Attachment.”  To implement Laws of 2012, ch. 136, §2, amend paragraph 6(cc) as follows:  “If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. ~~the~~ The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible~~, if feasible~~. ~~and this~~ If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.” |
| 1. **CrR 4.2(g), “Felony Firearm Offender Registration” Attachment** |
| This is a new form based upon Laws of 2013, ch. 183, §4. |