



June 17, 2014

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

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: 2014 SUMMARY OF CHANGES TO FELONY JUDGMENT AND SENTENCING FORMS

The Washington Pattern Forms Committee updated the forms, below, to implement:

- Laws of 2014, ch. 111, Relating to Surrender of Weapons
- Laws of 2014, ch. 130, Relating to Offenses Committed Prior to Reaching 18 Years of Age
- Laws of 2014, ch. 176, Relating to Tribal Fishing – Conviction Vacation

No.	Form No.	Form Title and Descriptions of Changes
1.	NC 02.0200	<p>Domestic Violence No-Contact Order</p> <p>In the footer, add after RCW .045.050, <u>RCW 9.41.800.</u></p> <p>In paragraph 3, change the title to “Firearms, Weapons, and Concealed Pistol License, Defendant:”</p> <p>Change the text of paragraph 3 as follows:</p> <p><input type="checkbox"/> do not obtain, own, possess or control a firearm. (RCW 9.41.040.)</p> <p><input type="checkbox"/> do not obtain or possess a firearm, other dangerous weapon, or concealed pistol license. <u>(RCW 9.41.800.)</u>(Pre-Trial, RCW 9.41.800. See findings in paragraph 7, below.)</p> <p><input type="checkbox"/> do not obtain, own, possess or control a firearm. (Post Conviction or Pre-Trial, RCW 9.41.040.)</p> <p><input type="checkbox"/> shall immediately surrender all firearms and other dangerous weapons within the defendant’s possession or control and any concealed pistol</p>

		<p>license to the following law enforcement agency: _____ _____. (Pre-Trial Order, RCW 9.41.800.)</p> <p>In the Warning box, after Violation delete of the provisions. Also in the last sentence, the last word is changed from application to <u>request</u>.</p> <p>Under "Findings of Fact," in paragraph 5, add after domestic violence offense, "<u>that the defendant represents a credible threat to the physical safety of the protected person,</u>" and . . ."</p> <p>In paragraph 6, change the text as follows:</p> <p>The court further finds that the defendant's relationship to a person protected by this order is an <input type="checkbox"/> Intimate partner(former/current spouse; parent of common <u>a child in common</u>; or former/current cohabitant <u>as part of a dating relationships</u> as intimate partners) or <input type="checkbox"/> Other family member as defined by Ch. 10.99 RCW: _____</p> <p>In paragraph 7 following RCW 9.41.800 add <u>(1) and (2)</u>:</p> <p>In the box "Additional Warnings to Defendant," in the second paragraph following RCW 9.41.040, add "<u>In addition to other state and federal firearm restrictions, if you and the protected person are intimate partners, you cannot obtain or possess a firearm, other dangerous weapon, or concealed pistol license for as long as this order is in effect. A violation is a felony and will subject you to arrest.</u></p> <p>In paragraph 9, delete "in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants" and replace it with "into the Washington Crime Information Center."</p>
2.	CR 84.0440	<p>Sexual Assault Protection Order</p> <p>In the footer delete "Laws of 2006, ch.138 § 16" and replace it with "<u>RCW 7.90.150.</u>"</p>

		<p>In paragraph 2 after pursuant to, delete Laws of 2006, ch.138 § 16 and replace it with "<u>RCW 7.90.150.</u>"</p> <p>After "Defendant," delete "<i>is restrained from.</i>" Change lines A., B., and C. as follows:</p> <p>"A. Having do not any contact with the protected person(s) directly, indirectly, <u>in person or through others regardless of whether or not the others know of the order or through third parties regardless of whether those third parties know of the order.</u></p> <p>B. Do not knowingly coming come within or knowingly remaining stay within _____ (distance) of the protected person'(s) <input type="checkbox"/> residence <input type="checkbox"/> school <input type="checkbox"/> place of employment <input type="checkbox"/> other:"</p> <p>C. <input type="checkbox"/> (Pretrial: crimes defined as serious offenses) <u>Do not Obtaining, owning, possessing or controlling a firearm. (Pretrial: crimes defined as serious offenses)</u> <input type="checkbox"/> (Conviction) Do not Obtaining, owning, possessing or controlling a firearm. (Post-conviction)"</p> <p>In the Warning box, change the heading as follows: "Warnings to the Defendant."</p> <p>Under <i>It Is Further Ordered</i>, and immediately below the paragraph beginning with "<i>The pretrial orders for crimes...</i>" insert the following paragraphs:</p> <p>The court finds that the defendant's relationship to a person protected by this order is: <input type="checkbox"/> spouse or former spouse <input type="checkbox"/> current or former domestic partner <input type="checkbox"/> parent of a child in common <input type="checkbox"/> current or former cohabitant as part of a dating relationship.</p> <p>(It is unclear whether the court can order under RCW 7.90.150 the restraints necessary to qualify for mandatory surrender of weapons under RCW 9.41.800(3). If the court determines it can make the necessary findings, additional findings and orders may be attached.)</p>
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		<p>In the box that begins with “This order is issued . . .” change the first sentence as follows:</p> <p style="padding-left: 40px;">This order is issued in accordance with Full Faith and Credit provisions of <u>Violence Against Women Act</u>. <u>VAWA: 18 U.S.C. § 2265</u>. <u>Federal penalties may apply.</u></p> <p>Also, delete everything after the changes described above.</p> <p>In the box that begins with “It is further ordered . . .” add a heading “WACIC Data Entry.” In the text delete “in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants,” and replace it with “<u>into the Washington Crime Information Center.</u>”</p>
3.	CR 84.0400	<p>Felony Judgment and Sentence – Prison</p> <p>In paragraph 2.1, in the list of special verdicts and findings, after the 3rd check box that begins with “The defendant used a deadly weapon other than a firearm . . .” insert the following two (2) check boxes:</p> <p><input type="checkbox"/> Count _____, is aggravated murder in the first degree committed while the defendant was <input type="checkbox"/> under 16 years of age <input type="checkbox"/> 16 or 17 years of age when the offense was committed.</p> <p><input type="checkbox"/> Count _____, was committed while the defendant was under 18 years of age and the time of confinement is over 20 years.</p> <p>In paragraph 4.2 Community Custody, at the end of the sentence in parentheses, add “RCW 10.95.030(3).”</p> <p>In paragraph 4.2 beneath “(B)” insert a new subsection “(C)” as follows:</p> <p style="padding-left: 40px;">(C) <u>If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:</u></p> <p style="padding-left: 80px;">(i) As long as the defendant’s conviction is not for</p>

		<p>aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.</p> <p>(ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.</p>
4.	CR 84.0400	<p>Felony Judgment and Sentence – Prison (Sex Offense and Kidnapping of a Minor)</p> <p>In paragraph 2.1, in the list of special verdicts and findings, after the 3rd check box that begins with “The defendant used a deadly weapon other than a firearm . . .” insert the following two (2) check boxes:</p> <p><input type="checkbox"/> Count _____, is aggravated murder in the first degree committed while the defendant was <input type="checkbox"/> under 16 years of age <input type="checkbox"/> 16 or 17 years of age when the offense was committed.</p> <p><input type="checkbox"/> Count _____, was committed while the defendant was under 18 years of age and the time of confinement is over 20 years.</p> <p>In paragraph 4.2 Community Custody, at the end of the sentence in parentheses, add “RCW 10.95.030(3).”</p> <p>In paragraph 4.2 beneath “(C)” insert a new subsection “(D)” as follows:</p> <p><u>(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:</u></p> <p>(i) As long as the defendant’s conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or</p>

		<p>committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.</p> <p>(ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.</p>
5.	CrRLJ CR 09.0500	<p>Motion and Declaration for an Order Vacating Conviction - Treaty Indian Fishing Rights</p> <p>This is a new form based upon Laws of 2014, ch. 176.</p>
6.	CrRLJ CR 09.0600	<p>Notice of Hearing</p> <p>This is a new form based upon Laws of 2014, ch. 176.</p>
7.	CrRLJ CR 09.0700	<p>Order on Motion Re: Vacating Conviction - Treaty Indian Fishing Rights</p> <p>This is a new form based upon Laws of 2014, ch. 176.</p>