

December 7, 2017

TO: Judicial and Legal Community

FROM: Mark DeForrest, AOC Sr. Legal Analyst

RE: Amendments to Felony Judgment and Sentence Forms

The Washington Pattern Forms Committee adopted revisions to the following Felony Judgment and Sentence forms:

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| 1. CR 84.0400 | Felony Judgment and Sentence Drug Offender Sentencing Alternative |
| 2. CR 84.0400 | Felony Judgment and Sentence First-Time Offender |
| 3. CR 84.0400 | Felony Judgment and Sentence Jail One Year or Less |
| 4. CR 84 0400 | Felony Judgment and Sentence Parenting Alternative |
| 5. CR 84.0400 | Felony Judgment and Sentence Persistent Offender |
| 6. CR 84.0400 | Felony Judgment and Sentence Prison (Nonsex Offense) |
| 7. CR 84.0400 | Felony Judgment and Sentence Prison (Sex Offense) |
| 8. CR 84.0400 | Felony Judgment and Sentence Special Sex Offender Sentencing Alternative |

The changes implement approved recommended changes and:

* Laws of 2017, ch. 272 (ESSHB 1163) relating to the definition of relationships for family or household member in relation to the crime of Felony Assault 4 under RCW 9A.36.041(3). This law became effective at 12:01 am on Sunday, July 23, 2017.

The following table contains detailed descriptions of the changes:

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| 1. **CR 84.0400 Felony Judgment and Sentence Drug Offender Sentencing Alternative** |
| To implement Laws of 2017, ch. 272 and to provide consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 on page 1 after the sentence that reads: “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  To conform to RCW 9.94A.660 and RCW 9.94.731, paragraph 4.1(a) should be revised as follows:  Work release is authorized, if eligible and approved.~~If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731.~~  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| 1. **CR 84.0400 Felony Judgment and Sentence First-Time Offender** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 on page 1 after the sentence that reads: “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| 1. **CR 84.0400 Felony Judgment and Sentence Jail One Year or Less (Nonsex Offense)** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 on page 1 after the sentence that reads: “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.1(a) under the checkbox for “Alternative to total conferment” revise the second sub-checkbox as follows so the explanatory parenthetical includes the citation to the Revised Code of Washington:  ***Alternatives to total confinement*** were not used because of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  criminal history  failure to appear (finding required for nonviolent offenders only~~)~~ RCW 9.94A.680).  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| **4. CR 84.0400 Felony Judgment and Sentence Jail One Year or Less (Sex Offense)** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 on page 1 after the sentence that reads: “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.1(a) under the checkbox for “Alternatives to total confinement” revise the second sub-checkbox as follows so the explanatory parenthetical includes the citation to the Revised Code of Washington:  ***Alternatives to total confinement*** were not used because of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  criminal history  failure to appear (finding required for nonviolent offenders only~~)~~ RCW 9.94A.680).  In paragraph 4.3a the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| **5. CR 84.0400 Felony Judgment and Sentence Parenting Sentencing Alternative** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 after the sentence that reads: “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| **6. CR 84.0400 Felony Judgment and Sentence Persistent Offender** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 on page 1 after the checkbox that reads “Additional current offenses are attached in Appendix 2.1a.”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| **7. CR 84.0400 Felony Judgment and Sentence Prison (Nonsex Offense)** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 under the sentence that reads: “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| **8. CR 84.0400 Felony Judgment and Sentence Prison (Sex Offense)** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 after the sentence that reads “The jury returned a special verdict or the court made a special finding with regard to the following:”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.3 the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |
| **9. CR 84.0400 Felony Judgment and Sentence Special Sex Offender Sentencing Alternative** |
| To implement Laws of 2017, ch. 272 and to provide for consistency in the use of docket codes in the form, the following new text should be added to paragraph 2.1 on page 1, under the checkbox that reads “Additional current offenses are attached in Appendix 2.1a.”  ***GV***  For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence** **– intimate partner** as defined in RCW 9A.36.041(4) was pled and proved.  ***GV*** For the crime(s) charged in Count \_\_\_\_\_\_\_\_\_\_\_\_, **domestic violence (other)** was pled and proved.RCW 10.99.020.  In paragraph 4.3a the criminal filing fee should be revised as follows to include the amount of the fee:  Criminal filing fee $200.00 FRC |