

June 4, 2004

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

FROM: Merrie Gough, Legal Analyst

SUBJECT: FELONY JUDGMENT AND SENTENCE FORM AND CERTIFICATE
AND ORDER OF DISCHARGE FORMS - 2004 SUMMARY OF
CHANGES

Following is a list of changes to the Felony Judgment and Sentence form, the Notes on Usage and Local Options memorandum and a list of new forms and instructions for obtaining a Certificate and Order of Discharge:

1.	WPF CR 84.0400	<p>Judgment and Sentence</p> <p>Paragraph 2.1, Current Offense(s): RCW 9.94A.518, containing Table 4, Drug Offenses Included within each Seriousness Level, became effective July 1, 2003. The type of drug involved in an offense impacts the seriousness level and proper calculation of the offender score and the sentence. The Sentencing Guidelines Commission requested that the list of current offenses in paragraph 2.1 include the type of drug involved in the offense. To provide this information the following parenthetical phrase was added below the Current Offense(s) table in paragraph 2.1, both on page 1 of the judgment and sentence and on Appendix 2.1:</p> <p style="text-align: center;">(If the crime is a drug offense, include the type of drug in the second column.)</p> <p>In paragraph 2.1, below the Current Offense(s) table, the 2003 Session Law citations in the third and fourth check box options were deleted and replaced with: "9.94A.533."</p> <p>Laws of 2004, ch. 15 (SSB 6384) §, 2 adds a new section to chapter 10.99 RCW, which provides in relevant part:</p>
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		<p>All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty assessment not to exceed one hundred dollars on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.</p> <p>To implement this new provision, the following line was inserted in paragraph 4.1, after “Victim assessment” and before “Court costs....”</p> <p style="text-align: center;">\$ _____ Domestic Violence assessment Laws of 2004, ch. 15 § 2.</p> <p>Paragraph 4.1: The second to last check box option, copied below, was deleted:</p> <p style="text-align: center;">The defendant shall pay the costs of services to collect unpaid legal financial obligation. RCW 36.18.190 and RCW 9.94A.780(5).</p> <p>In paragraph 4.5 Confinement Over One Year, the following check box option was inserted after the subparagraph beginning with “Actual number of months....” and before the subparagraph beginning with “All counts shall be served....”</p> <p style="text-align: center;">“<input type="checkbox"/> The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.</p> <p>Laws of 2004, ch. 166 (E2SSB 6358) § 11 added the following new section to chapter 9.94A. RCW:</p> <p style="text-align: center;">When any person is convicted in a superior court, the judgment and sentence shall include a statement that if the offender is or becomes subject to court-ordered mental health or chemical dependency treatment, the offender must notify the department and the offender’s treatment information must be shared with the department of corrections for the duration of the offender’s incarceration and supervision. Upon a petition by an offender who does not have a history of one or more violent acts,</p>
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		<p>as defined in RCW 71.05.020, the court may, for good cause, find that public safety is not enhanced by the sharing of this offender’s information.</p> <p>To implement this section, the following new paragraph 5.9 was added to section “V. Notices and Signatures”:</p> <p style="padding-left: 40px;">5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant’s treatment information must be shared with DOC for the duration of the defendant’s incarceration and supervision. Laws of 2004, ch. 166 § 11.</p> <p>Section “Identification of Defendant”: “SSN” was deleted from the “Identification of Defendant” section of the judgment and sentence form. The Social Security Number is a restricted number and should not appear on publicly accessible court documents.</p> <p>“Additional Current Offenses, Criminal History and Current Offense Sentencing Data (Appendix 2.1, 2.2 and 2.3, Judgment and Sentence): Pursuant to the earlier discussion, the following was added immediately below the current offense table:</p> <p style="padding-left: 40px;">(If the crime is a drug offense, include the type of drug in the second column.)</p>
2.	Memorandum	<p>Felony Judgment and Sentence: Notes on Usage and Local Options</p> <p>A defendant’s SID number is increasingly more important. To emphasize the importance of including the SID number on judgment and sentence forms, the following note was added to the first page of the Felony Judgment and Sentence Form: Notes on Usage and Local Options:</p> <p style="padding-left: 40px;">SID: Include the SID number in the caption and the “Identification of Defendant” section of the Judgment and Sentence form. If the offender does not have an SID number, use the offender’s date of birth. The SID number is used by several state</p>

		<p>agencies to link an offender to judgment and sentence data. The Caseload Forecast Council (CFC) used to obtain data for its purposes from the Department of Corrections (DOC), but after recent statutory changes, DOC no longer maintains records of all felony sentences. The CFC now relies upon the Sentencing Guidelines Commission (SGC) for complete felony sentencing data. The SGC data cannot be accessed without an SID number.</p>
3.	WPF CR 08.0600	<p>Petition for Certificate and order of Discharge</p> <p>This is a proposed new form based upon RCW 9.94A.637.</p>
4.	WPF CR 08.0650	<p>Certificate and Order of Discharge</p> <p>This is a proposed new form based upon RCW 9.94A.637.</p>
5.	WPF CR 08.0670	<p>Obtaining a Certificate of Discharge</p> <p>This document contains instructions for requesting and obtaining a Certificate and Order of Discharge.</p>