



August 29, 2012

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

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: 2012 SUMMARY OF CHANGES TO FELONY JUDGMENT AND SENTENCING FORMS

The Pattern Forms Committee approved the following updates to the Felony Judgment and Sentencing forms. The changes are based upon 2012 legislation and recommended changes:

No.	Form No.	Form Title and Descriptions of Changes
1.	WPF CR 84.0320	<p>Order for Community Residential DOSA Screen and Pre-Sentence Examination per RCW 9.94A.660</p> <p>In the caption, below the defendant's "DOB," change "CCN" to "PCN."</p> <p>Insert the following new check box option immediately above the lines for the date and judge's signature:</p> <p style="padding-left: 40px;">"<input type="checkbox"/> <input type="checkbox"/> Prosecuting Attorney <input type="checkbox"/> Defense Attorney will fax this order to <b>Spectrum Health Systems</b>: Phone: 253-572-3398; Fax: 253-779-0801."</p> <p>Below the signature sections for the attorneys and the defendants, delete:</p> <p style="padding-left: 40px;"><del>"The court will fax this order to <b>Spectrum Health Systems</b>: Phone 253-572-3398; Fax: 253-779-0801."</del></p>

2.	WPF CR84.0400	<p>Felony Judgment and Sentence – DOSA</p> <p>On page 1, in paragraph 2.1, insert “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.”</p>
3.	WPF CR 84.0400	<p>Felony Judgment and Sentence – First Time Offender Waiver</p> <p>On page 1, in paragraph 2.1, insert “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.”</p>
4.	WPF CR 84.0400	<p>Felony Judgment and Sentence --Jail One Year or Less</p> <p>In paragraph 2.1, add “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.” Move the check box option, with the “<b>GV</b>” code, to the first page and place it immediately below “The jury returned a special verdict or the court made a special finding with regard to the following:” Delete the check box from its previous location.</p> <p>On page 2, still in paragraph 2.1, add the following as the fourth check box option on the page:</p> <p><u>“<b>GY</b> [ ] In Count _____, the defendant had (number of) <b>passenger(s) under the age of 16</b> in the vehicle. RCW 9.94A.533.”</u></p> <p>On page 3, below the table in paragraph 2.3, add a comma and the following new enhancement abbreviation:</p> <p>“(P16) Passenger(s) under age 16.”</p>

		<p>In paragraph 2.5, "Legal Financial Obligations/Restitution," add the following new check box option:</p> <p style="text-align: center;">"<input type="checkbox"/> _____ (Name of agency) _____'s  <u>costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).</u>"</p> <p>In paragraph 4.1, "Confinement," change the paragraph beginning with "The sentence herein shall run consecutively..." as follows:</p> <p style="text-align: center;"><del>"The</del><u>This</u> sentence herein shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____ but <del>concurrently to any other felony cause not referred to in this judgment. RCW 9.94A.589.</del>"</p> <p>In paragraph 4.3, "Legal Financial Obligations," change the line regarding emergency response costs as follows:</p> <p style="text-align: center;"><del>"RTN/RJNDEF</del> \$ _____ Emergency response costs (<del>Vehicular Assault, Vehicular Homicide, Felony DUI only, \$1,000 maximum, \$2,500 max.</del> <u>effective Aug. 1, 2012</u>) RCW 38.52.430, Agency: _____."</p>
5.	WPF CR 84.0400	<p>Felony Judgment and Sentence --Jail One Year or Less (Sex Offense and Kidnapping of a Minor)</p> <p>In paragraph 2.1, add "<b>GV</b>" in front of the check box option "For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020." Move the check box option, with the</p>

	<p><b>“GV”</b> code, to the first page and place it immediately below “The jury returned a special verdict or the court made a special finding with regard to the following:” Delete the check box from its previous location.</p> <p>On page 2, still in paragraph 2.1, add the following as the sixth check box option on the page:</p> <p><b>“GY [ ]</b> In Count _____, the defendant had (number of) _____ <b>passenger(s) under the age of 16</b> in the vehicle. <u>RCW 9.94A.533.</u>”</p> <p>On page 3, below the table in paragraph 2.3, add a comma and the following new enhancement abbreviation:</p> <p>“(P16) Passenger(s) under age 16.”</p> <p>In paragraph 2.5, “Legal Financial Obligations/Restitution,” add the following new check box option:</p> <p><b>“[ ]</b> (Name of agency) _____’s <u>costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).</u>”</p> <p>In paragraph 4.1, “Confinement,” change the paragraph beginning with “The sentence herein shall run consecutively...” as follows:</p> <p><del>“The</del><u>This</u> sentence herein shall run consecutively with the sentence in <u>the following</u> cause number(s) <u>(see RCW 9.94A.589(3))</u>: _____ <del>but concurrently to any other felony cause not referred to in this judgment. RCW 9.94A.589.</del>”</p> <p>In paragraph 4.2, “Community Custody,” insert the following as the fifth check box option under “The</p>
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		<p>court orders that during the period of supervision the defendant shall:</p> <p style="text-align: center;"><u>“ [ ] participate in an education program about the negative costs of prostitution.”</u></p> <p>In paragraph 4.3, “Legal Financial Obligations,” below the line for “Specialized Forest Products,” insert the following new fine:</p> <p style="text-align: center;"><u>“PPI \$ _____ Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.) RCW 9A.40.100, 9A.88.120, 9.68A.105.”</u></p> <p>Also in paragraph 4.3, change the line regarding emergency response costs as follows:</p> <p style="text-align: center;"><u>“RTN/RJNDEF \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide, Felony DUI only, \$1,000 maximum, \$2,500 max. effective Aug. 1, 2012) RCW 38.52.430, Agency: _____.”</u></p>
6.	WPF CR84.0400	<p>Felony Judgment and Sentence – Parenting Sentencing Alternative</p> <p>On page 1, in paragraph 2.1, insert “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.”</p> <p>In paragraph 2.4, delete the citation to “Laws of 2012 ch. 244, §2” and replace it with “RCW 9.94A.655.”</p>

		<p>In paragraph 4.1, delete the citation to “Laws of 2012 ch. 244, §2” and replace it with “RCW 9.94A.655.”</p>
<p>7.</p>	<p>WPF CR 84.0400</p>	<p>Felony Judgment and Sentence – Persistent Offender</p> <p>In paragraph 2.1, add “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.” Move the check box option, with the “<b>GV</b>” code, to the first page and place it immediately below “[ ] Additional current offenses are attached in Appendix 2.1a.” Delete the check box from its previous location.</p> <p>On page 2, still in paragraph 2.1, below the check box option relating to “[ ] vehicular homicide [ ] vehicular assault” and above the check box option relating to “attempting to elude,” insert the following check box option:</p> <p><b>“GY [ ] In Count _____, the defendant had (number of) _____ <u>passenger(s) under the age of 16</u> in the vehicle. RCW 9.94A.533.”</b></p> <p>On page 4, below the table in paragraph 2.3, add a comma and the following new enhancement abbreviation:</p> <p>“(P16) Passenger(s) under age 16.”</p> <p>In paragraph 2.5, “Legal Financial Obligations/Restitution,” add the following new check box option:</p> <p><b>“[ ] _____ (Name of agency) _____’s <u>costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).</u>”</b></p>

		<p>In paragraph 4.1, "Confinement," change the paragraph beginning with "The sentence herein shall run consecutively..." as follows:</p> <p style="padding-left: 40px;"><del>"The</del><u>This</u> sentence herein shall run consecutively with the sentence in <u>the following</u> cause number(s) <u>(see RCW 9.94A.589(3))</u>: _____ <del>but concurrently to any other felony cause not referred to in this judgment. RCW 9.94A.589."</del></p> <p>In paragraph 4.3, "Legal Financial Obligations," change the line regarding emergency response costs as follows:</p> <p style="padding-left: 40px;"><del>"RTN/RJNDEF</del> \$ _____ Emergency response costs (<del>Vehicular Assault, Vehicular Homicide, Felony DUI only,</del> \$1,000 maximum, <u>\$2,500 max. effective Aug. 1, 2012</u>) RCW 38.52.430, Agency: _____."</p>
8.	WPF CR 84.0400	<p>Felony Judgment and Sentence – Prison</p> <p>In paragraph 2.1, add "<b>GV</b>" in front of the check box option "For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020." Move the check box option, with the "<b>GV</b>" code, to the first page and place it immediately below "The jury returned a special verdict or the court made a special finding with regard to the following." Delete the check box from its previous location.</p> <p>On page 2, still in paragraph 2.1, below the check box option relating to "[ ] vehicular homicide [ ] vehicular assault" and above the check box option relating to "attempting to elude," insert the following check box option:</p>

		<p><u>“GY[] In Count _____, the defendant had (number of) _____ passenger(s) under the age of 16 in the vehicle. RCW 9.94A.533.”</u></p> <p>On page 3, below the table in paragraph 2.3, add a comma and the following new enhancement abbreviation:</p> <p>“(P16) Passenger(s) under age 16.”</p> <p>In paragraph 2.5, “Legal Financial Obligations/Restitution,” add the following new check box option:</p> <p><u>“[] (Name of agency) _____’s costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).”</u></p> <p>In paragraph 4.1, “Confinement,” change the paragraph beginning with “The sentence herein shall run consecutively...” as follows:</p> <p><u>“This sentence herein shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____ but concurrently to any other felony cause not referred to in this judgment. RCW 9.94A.589.”</u></p> <p>In paragraph 4.2, Community Custody, at the end of section “(A),” insert and indent:</p> <p><u>“Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.”</u></p> <p>In paragraph 4.3, “Legal Financial Obligations,” change the line regarding emergency response costs as follows:</p>
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		<p><del>“RTN/RJNDEF</del> \$ _____ Emergency response costs  <del>(Vehicular Assault,  Vehicular Homicide, Felony  DUI only, \$1,000  maximum, \$2,500 max.  effective Aug. 1, 2012)</del>  RCW 38.52.430, Agency:  _____.”</p>
<p>9.</p>	<p>WPF CR84.0400</p>	<p>Felony Judgment and Sentence – Prison (Sex Offense and Kidnapping of a Minor)</p> <p>In paragraph 2.1, add “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.” Move the check box option, with the “<b>GV</b>” code, to the first page and place it immediately below “The jury returned a special verdict or the court made a special finding with regard to the following.” Delete the check box from its previous location.</p> <p>On page 2, still in paragraph 2.1, below the check box option relating to “[ ] vehicular homicide [ ] vehicular assault” and above the check box option relating to “attempting to elude,” insert the following check box option:</p> <p><u>“<b>GY</b>[ ] In Count _____, the defendant had (number of) _____ passenger(s) under the age of 16 in the vehicle. RCW 9.94A.533.”</u></p> <p>On page 4, below the table in paragraph 2.3, add a comma and the following new enhancement abbreviation:</p> <p>“(P16) Passenger(s) under age 16.”</p> <p>In paragraph 2.5, “Legal Financial Obligations/Restitution,” add the following new check box option:</p>

		<p><u><input type="checkbox"/> _____ (Name of agency) _____ 's costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012)."</u></p> <p>In paragraph 4.1, "Confinement," change the paragraph beginning with "The sentence herein shall run consecutively..." as follows:</p> <p><del>"The</del><u>This</u> sentence herein shall run consecutively with the sentence in <u>the following</u> cause number(s) <u>(see RCW 9.94A.589(3))</u>: _____ <del>but concurrently to any other felony cause not referred to in this judgment. RCW 9.94A.589."</del></p> <p>In paragraph 4.2, Community Custody, below "The court orders that during the period of supervision the defendant shall," insert the following as the fifth check box option:</p> <p><u><input type="checkbox"/> participate in an education program about the negative costs of prostitution."</u></p> <p>In paragraph 4.3a, "Legal Financial Obligations," below the line for "Specialized Forest Products," insert the following new fine:</p> <p><u>"<del>PPI</del> \$ _____ Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.) RCW 9A.40.100, 9A.88.120, 9.68A.105"</u></p> <p>Also in paragraph 4.3a, change the line regarding emergency response costs as follows:</p> <p><u>"<del>RTN/RJNDEF</del> \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide, Felony DUI only, \$1,000 maximum, \$2,500 max.</u></p>
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		<p style="text-align: right;"><u>effective Aug. 1, 2012)</u>  <u>RCW 38.52.430, Agency:</u>  <u>_____.</u></p> <p>Still in paragraph 4.3a, delete two lines for “Restitution” amounts and align the codes “RTN/RJN” with the remaining line for “Restitution.”</p> <p>Renumber paragraph” 5.9” as “5.8.”</p>
10.	WPF CR84.0400	<p>Felony Judgment and Sentence – Sex Offender Sentencing Alternative</p> <p>In paragraph 2.1, add “<b>GV</b>” in front of the check box option “For the crime(s) charged in Count _____, <b>domestic violence</b> was pled and proved. RCW 10.99.020.” Move the check box option, with the “<b>GV</b>” code, to the first page and place it immediately below “[ ] Additional current offenses are attached in Appendix 2.1a.” Delete the check box from its previous location.</p> <p>In paragraph 4.2, Community Custody Conditions below “...(6) be subject to the following terms and conditions or other conditions that may be imposed by the court or DOC during community custody,” insert the following as the sixth check box option:</p> <p style="text-align: center;"><u>“[ ] participate in an education program about the negative costs of prostitution.”</u></p> <p>In paragraph 4.3a, “Legal Financial Obligations,” below the line for “Specialized Forest Products,” insert the following new fine:</p> <p>“<u>PPI</u> \$ _____ <u>Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.) RCW 9A.40.100, 9A.88.120, 9.68A.105.”</u></p>

11.	WPF CR84.0400	<p>Additional Criminal History and Current Offense Sentencing Data (Appendix 2.2 and 2.3, Judgment and Sentence)</p> <p>In paragraph 2.3, below the table, after "...RCW 9.94A.533(12)," add a comma and the following new enhancement abbreviation:</p> <p style="text-align: center;">“(P16) Passenger(s) under age 16.”</p>
<b>Domestic Violence No-Contact Orders</b>		
12.	NC 02.0100	<p>Domestic Violence No-Contact Order</p> <p>On page 1, in section 1, to the right of the “Protected Person’s Identifiers,” change the instructions relating to a protected minor, as follows:</p> <p style="text-align: center;">“If a minor, use initials instead of name, <u>provide other info</u>, and complete a Law Enforcement Information Sheet (LEIS).”</p> <p>In section 4, change the expiration date from:</p> <p style="text-align: center;"><b>“This no-contact order expires on:</b> _____. Five years from today if no date is entered.”</p> <p>To:</p> <p style="text-align: center;"><b>“This no-contact order expires on</b> <input type="checkbox"/> _____(date and time) or <input type="checkbox"/> 1 year <input type="checkbox"/> 2 years from today’s date. If no date is entered and no box is checked, this order expires 5 years from today’s date. The court may extend a no-contact order even if the defendant does not appear at arraignment.”</p> <p>On page 2, in the section “<i>Additional Warnings to Defendant</i>,” in the first paragraph, second sentence, change “The defendant is...” to “You are...”</p>

		<p>In section 9, after the second check box option and before "Police Department" insert "City."</p> <p>Change the "date" line as follows:</p> <p style="text-align: center;">"Dated: _____ <u>Time</u>        _____ a.m./p.m. <input type="checkbox"/> in open court with the        defendant present."</p>
13.	NC 02.0200	<p>Pre-Charge Domestic Violence No-Contact Order</p> <p>This is a new form.</p>
Relief from Offender Registration Requirements		
14.	RR 01.0100	<p>Petition for <input type="checkbox"/> Relief from the Duty to Register  <input type="checkbox"/> Exemption from Community Notification</p> <p>On page 3, in section C., I Base my Request on this Information," change the second to last check box option, as follows:</p> <p style="text-align: center;">"<input type="checkbox"/> <u>Any</u> input of the victim."</p>
Vacating Record of Felony Conviction		
15.	CR 08.0900	<p>Motion and Declaration for Order Vacating Record of Felony Conviction</p> <p>On page 2, in paragraph 2.4, in the first sentence, change the RCW citation in parentheses as follows:</p> <p style="text-align: center;">"RCW 9.94A.640(2)(b), (c), <u>(g)</u>"</p> <p>In the table in paragraph 2.4, add a third row and insert the following text in the new row:</p> <p style="text-align: center;">"A class C felony described in        RCW 46.61.502(6) or 46.61.504(6)"</p> <p>In paragraph 2.6, delete:</p> <p style="text-align: center;"><del>"Or  <input type="checkbox"/> The offense I committed was a class C        felony described in RCW 46.61.502(6) or</del></p>

		<p><del>46.61.504(6) and at least ten years have passed since the date I was discharged under RCW 9.94A.637 or expiration of probation (RCW 9.94A.640(2)(g)).</del>"</p>
16.	CR 08.0920	<p>Order on Motion re: Vacating Record of Felony Conviction</p> <p>In the caption, after "Clerk's Action Required, insert ", para.3.6."</p> <p>On page 2, in paragraph 2.4, which began on page 1, change the RCW citation in the second check box option as follows:</p> <p style="text-align: center;">"RCW 9.94A.640(2)(b), (c), <u>(g)</u>"</p> <p>In the table in paragraph 2.4 following the second check box option, add a third row and insert the following text in the new row:</p> <p style="text-align: center;"><u>"A class C felony described in RCW 46.61.502(6) or 46.61.504(6)."</u></p> <p>In paragraph 2.6, delete:</p> <p style="text-align: center;"><del>"Or  <input type="checkbox"/> The offense for which the defendant was convicted was a class C felony described in RCW 46.61.502(6) or 46.61.504(6) and it has been at least ten years since the date of discharge under RCW 9.94A.637 or expiration of probation (RCW 9.94A.640(2)(g))."</del></p>
17.	CR 08.0930	<p>Vacation of Record of Felony Conviction</p> <p>Below the sentence "You may <b>not</b> have the record of your felony conviction vacated if any of the following are true," insert the following as the fifth bullet:</p> <p style="text-align: center;">❖ <u>"The offense was a class C felony described in RCW 46.61.502(6) or RCW 46.61.504(2)."</u></p>

		<p>Delete the following bullet:</p> <ul style="list-style-type: none"><li>❖ <del>“You were convicted of a class C felony described in RCW 46.61.502(6) or 46.61.504(2) and less than ten years have passed since the date you were discharged.”</del></li></ul>
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