



WASHINGTON
COURTS

June 10, 2020

TO: District and Municipal Court Judges and Commissioners, Court Administrators, Prosecuting Attorneys, Defense Attorneys, Law Libraries, and Public

FROM: Shannon Hinchcliffe, Legal Services and Appellate Court Support Manager, and J Benway, Sr. Legal Analyst

SUBJECT: 2020 Updates to the Misdemeanor Judgment and Sentencing, Small Claims Forms, and Protection Orders

The updates are based upon:

- Laws of 2020, ch. 189 (ESSB 5434), Restricting Possession of Weapons in Certain Locations
- Laws of 2020, ch. 25 (SHB 2295), Concerning Enforcement of Small Claims Court Judgments
- Laws of 2020, ch. 276 (SHB 2473), Concerning Domestic Violence
- Laws of 2020 ch. 76 (ESHB 1551), Modernizing the Control of Certain Communicable Diseases
- Recommended changes – adding “And Prohibit” to the titles and body of No-Contact orders

Following are detailed descriptions of the changes.

Misdemeanor Judgment and Sentencing	
1. CrRLJ 04.0200	<p>Statement of Defendant on Plea of Guilty</p> <p><i>Section 4</i></p> <p><input type="checkbox"/> Count(s) _____ was (were) committed against an intimate partner (RCW 9A.36.041 and RCW 26.50.010(7)).</p> <p><input type="checkbox"/> Count(s) _____ was (were) committed against a family or household member (RCW 26.50.010(6)).</p> <p><i>Section 5</i></p> <p>(e) I am <u>The right to be</u> presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;</p>

Section 6(k) is removed and subsequent sections re-lettered.

~~If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.~~

Section 6—addition of new (o); re-numbering the rest of the section.

(o) Concealed Pistol License:

My concealed pistol license (CPL) will be revoked until reinstated. RCW 9.41.270

OR

My concealed pistol license (CPL) will be revoked for a period of three (3) years from the date of conviction, and I am prohibited from applying for a CPL for three (3) years from the date of conviction. I must immediately surrender any concealed pistol license. RCW 9.41.270.

Section 6(x)

If this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation, or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register with the county sheriff as described in the “Offender Registration” Attachment.

Section 11

The crime(s) was (were) committed against intimate partner(s):

(name(s)) (RCW 9A.36.041 and 26.50.010(7)).

The crime(s) was (were) committed against family or household member(s): _____

(name(s)) (RCW 26.50.010(6)).

[**No statement made.**] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea, including a determination of my relationship to each victim as:

intimate partner(s):

_____ (name(s)).

(RCW 9A.36.041 and 26.50.010(7)).

family or household member(s):

_____ (name(s)).

	<p>(RCW 26.50.010(6))</p>
<p>2. CrRLJ 4.2(g) Offender Registration Attachment</p>	<p>“Offender Registration” Attachment: Sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, <u>or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW.</u> (If required, attach to Statement of Defendant on Plea of Guilty.)</p> <p>1. General Applicability and Requirements: Because this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, <u>or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW,</u> I will be required to register.</p>
<p>2. CrRLJ 07.0100</p>	<p>Misdemeanor Judgment and Sentence</p> <p>GV [] In count(s) _____, domestic violence – intimate partner as defined in RCW 9A.36.041 and RCW 26.50.010(7) was pled and proved.</p> <p>GV [] In count(s) _____, domestic violence – family or household member as defined in RCW 26.50.010(6) was pled and proved.</p> <p><i>DOL Notice</i></p> <p>[] Department of Licensing Notice – Violation of RCW 9.41.270CPL Revocation and Surrender.</p> <p>[] Count _____ is (a) a violation of RCW 9.41.270 (unlawful carrying or handling of weapons), a gross misdemeanor for which the penalty includes loss <u>and revocation</u> of the defendant’s concealed pistol license, if any.</p> <p>[] Count _____ is a violation of RCW 9.41.282 (<u>carrying a firearm at a child care center</u>), a gross misdemeanor for which the penalty includes (1) <u>revocation of the defendant’s concealed pistol license (CPL), if any, for three years from the date of conviction, and (2) immediate surrender of the defendant’s CPL, if any.</u></p> <p>NOTICE TO DEFENDANT: You have been convicted of RCW 9.41.282, which <u>requires immediate surrender of your concealed pistol license (CPL). You are ordered to immediately surrender your CPL, if any, to the court.</u></p>

<p>3. CrRLJ 07.0850</p>	<p>Notice to Department of Licensing Regarding <u>Conviction Resulting in Revocation of Defendant's Concealed Pistol License</u></p> <p>The defendant in the above entitled action has been convicted of the following offense(s), <u>a gross misdemeanor</u>:</p> <p><u><input type="checkbox"/> RCW 9.41.270: Unlawful carrying or handling of a weapon or weapons capable of producing bodily harm (RCW 9.41.270). This is a gross misdemeanor.</u></p> <p>Under RCW 9.41.270(1) it is unlawful for any person to carry, exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifest an intent to intimidate another or that warrants alarm for the safety of other persons. As a consequence of the defendant's conviction for violation of RCW 9.41.270(1), any concealed pistol license possessed or issued to the defendant is revoked under operation of law. RCW 9.41.270(2).</p> <p><u><input type="checkbox"/> RCW 9.41.282: Carrying a firearm at a child care center.</u> <u>The date of conviction is: _____</u></p> <p><u>NOTICE TO DEFENDANT: For a conviction under RCW 9.41.282, you must immediately surrender your CPL to the court.</u></p> <p>The Department of Licensing is hereby notified that the defendant's concealed pistol permit license (CPL) is shall be revoked:-</p> <p><u><input type="checkbox"/> until restored (RCW 9.41.270).</u></p> <p><u><input type="checkbox"/> for a period of three (3) years from the date of conviction (RCW 9.41.282).</u></p>
<p>Small Claims</p>	
<p>4. MISC 05.0500</p>	<p>Small Claims Judgment Form</p> <p>The court, having considered all the evidence presented, does hereby ORDER, ADJUDGE AND DECREE that a judgment is hereby granted to the plaintiff(s) against the defendant(s) as set out below:</p> <p><i>Note</i></p> <p>NOTE: The Clerk will enter this Judgment into the judgment docket of the court and, <u>if the losing party fails to pay the judgment within thirty days after such entry, reasonable costs and attorney fees are allowed in enforcing the Judgment. The Clerk will provide a certified copy of the Judgment to the prevailing party for no additional cost. Thereafter, reasonable costs and attorney fees are allowed in enforcing the Judgment.</u></p>

No Contact Orders	
CrRLJ 07.0980	No-Contact Order – Human Trafficking / Promoting Prostitution Under 4. Firearms, Dangerous Weapons, and Concealed Pistol License , in the second bracket option: Comply with the Order to Surrender <u>and Prohibit Weapons</u> filed separately. (RCW 9.41.800). Under 5. Findings of Fact: Pretrial surrender <u>and prohibition</u> of weapons. The court makes the following mandatory findings pursuant to RCW 9.41.800:
NC 02.0100	Domestic Violence No-Contact Order Under 3. Firearms, Weapons, and Concealed Pistol License, Defendant , in the third bracket option: shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license. Comply with the Order to Surrender <u>and Prohibit Weapons</u> filed separately. (RCW 9.41.800.)