

July 19, 2016

TO: Judicial Community and Legal Community

FROM: Merrie Gough, AOC Sr. Legal Analyst

RE: 2016 Amendments to the JuCR 7.7 Guilty Plea Forms

On June 29, 2016, the Washington State Supreme Court adopted amendments to the following:

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| 1. JuCR 7.7 | Statement on Plea of Guilty |
| 3. JuCR 7.7 | “Felony Firearm Offender Registration” Attachment |

The amendments become effective when they are published in the Official Advance Sheets, Washington Reports, 185 Wn.2d No. 10. The anticipated publication date is August 2, 2016.

The changes implement approved recommended changes and:

* Laws of 2016, Ch. 94, relating to the firearm conviction database
* Laws of 2016, Ch. 136, relating to juvenile offenders - rehabilitation and integration

The following table contains detailed descriptions of the proposed amendment:

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| **JuCR 7.7, Statement on Plea of Guilty** |
| To implement Laws of 2016, Ch. 136, delete paragraph 12[A]:  ~~[A] SUSPENSION/REVOCATION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040(2)(a)(iii) or chapters 66.44, 69.41, 69.50, or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.~~  and replaced with:  [A] SUSPENSION/REVOCATION OF DRIVING PRIVILEGE:  I have been informed that the Department of Licensing will be notified and my privilege to drive suspended or revoked:  **Over 13 & Alcohol, Drugs, UPFA <18, or Armed with F/A (not first offense)**:  (1) Ifthe court finds me guilty of one of the following offenses and I was 13 years or older at the time I committed the offense: Alcohol under RCW 66.44; VUCSA under RCW 69.50; Legend drug under RCW 69.41; Imitation drugs under RCW 69.52; UPFA < 18 RCW 9.41.040(2)(iv); and/or, an offense while Armed with a Firearm RCW 13.40.196; AND, (2) I have a prior offense for the same offense.  See, RCW 13.40.265.  **UPFA or Armed During Offense In Which Vehicle Used (with priors)**:  (1) If the court finds me guilty of one of the following offenses: UPFA 1 or 2 under RCW 9.41.040; and/or, an offense while Armed with a Firearm RCW 13.40.196 during which the court found a motor vehicle served an integral function during the offense; AND, (2) I previously committed one or more of the following offenses: Alcohol under RCW 66.44; VUCSA under RCW 69.50; Legend drug under RCW 69.41; Imitation drugs under RCW 69.52; UPFA under RCW 9.41.040; and/or, an offense while Armed with a Firearm RCW 13.40.196.  See, RCW 9.41.040(5).  **Certain Motor Vehicle Offenses** – If the court finds me guilty of one of the following offenses: DUI; Physical Control; DWLS 1&2; Vehicular Assault/Homicide; Hit & Run Attended; Reckless Driving; any felony which a vehicle used in commission (except TMVOOP2 where the court finds I was a passenger only in committing the offense); False Statements under RCW 46; Felony Elude; Unattended Child in Running Vehicle (2nd or subsequent conviction); Reckless Endangerment of Road Workers; and/or Theft of Motor Vehicle Fuel.  See, RCW 46.20.285, 46.61.5055(9), 46.20.342(2), 46.61.524, 46.52.020(6), 46.61.500(2), 46.61.024(3), 46.61.685(2), 46.61.527(5), 46.61.740(2), and, 46.20.270.  Delete former paragraph 12[B]:  ~~B] SUSPENSION/REVOCATION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.~~  because its provisions were moved to new paragraph 12[A], **Certain Motor Vehicle Offenses.**  Renumber the remaining paragraphs.  As part of implementing Laws of 2016, Ch. 94, change paragraph 12[L] as follows:  FELONY FIREARM OFFENDER REGISTRATION: I ~~may be required to register as a~~ am subject to court ordered felony firearm offender registration pursuant to ~~under~~ RCW 9.41.330. The specific registration requirements are in the “Felony Firearm Offender Registration” Attachment. |
| **JuCR 7.7, “Felony Firearm Offender Registration” Attachment** |
| Laws of 2016, Ch. 94, §1 amends RCW 9.41.330 by adding new subsections “(3)” and “(4)”. To implement the changes, change the introduction in paragraph 1, General Applicability and Requirements, as follows:  **1. General Applicability and Requirements**: The defendant is required to register because this crime involves a felony firearm offense as defined in RCW 9.41.010, and:   * after considering statutory factors, the court decided the defendant must register; or * the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030. |