

July 24, 2018

**TO**: Judicial and Legal Communities

**FROM**: Merrie Gough, AOC Sr. Legal Analyst

**RE**: 2018 Amendments to the JuCR 7.7 Guilty Plea Form

On July 11, 2018, the Washington State Supreme Court adopted amendments to the JuCR 7.7 Statement on Plea of Guilty.

The amendments become effective when they are published in the Official Advance Sheets, Washington Reports, 190 Wn.2d No. 10. The anticipated publication date is July 31, 2018.

The changes implement recommended changes and:

* Laws of 2018, ch. 162 (E2SSB 6160), Exclusive adult jurisdiction and extending Juvenile Court Jurisdiction to age 25
* Laws of 2018, ch. 22 (HB 2368), Correction to RCW cross references
* Laws of 2018, ch. 234 (SB 6298), DV harassment – prohibited from possessing a firearm

The following table contains detailed descriptions of the proposed amendments:

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| **JuCR 7.7, Statement on Plea of Guilty** |
| Throughout the form, change “Juvenile Rehabilitation Administration (JRA)” to “Rehabilitation Administration (RA).”  To implement Laws of 2018, ch. 162, §3, in paragraph 7, in the table after the second check box option for “Rehabilitation Administration (RA) Commitment,” change the middle column as follows:  WEEKS AT REHABILITATION ADMINISTRATION (RA) FACILITY  15 - 36  30 - 40  52 - 65  80 - 100  103 - 129   129 – 260  180 - Age 21  15 - 36  30 - 40  52 - 65  80 - 100  103 - 129   129 – 260  180 - Age 21  15 - 36  30 - 40  52 - 65  80 - 100  103 - 129   129 – 260  180 - Age 21  To implement Laws of 2018, ch. 162, §§ 6 and 7, change paragraph 9 as follows:  “MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am  21 years old   25 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.  To implement RCW 43.43.7541, change paragraph 12[C] as follows:  “DNA TESTING: Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, assault in the fourth degree where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, or violation of a sexual assault protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a $100 DNA fee. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.”  To implement Laws of 2018, ch. 234, change paragraph 12[J] as follows:  “RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as: (1) a felony, or  (2) any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence, or (3) harassment committed by one family or household member against another, committed on or after June 7, 2018; that I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so has been restored by the court in which I am adjudicated or the superior court in Washington State where I live, and by a federal court if required.”  To implement Laws of 2018, ch. 22, §7 and Laws of 2018, ch. 162, §5, change paragraph 12[K][i] as follows:  “Minimum 10 Days for Possession under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040(2)(a)(~~iii~~iv), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.”  To implement Laws of 2018, ch. 162, §6, change paragraphs 12[K][iv] –[vi] as follows:  “[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, unless the felony is a “violent offense” as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. If the felony is a “violent offense” as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, then a period of 12 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.  [v] Armed During Violent Offense at Age 16 or 17 with Gang Involvement: I further understand that the offense I am pleading guilty to includes a finding that (a) I was 16 or 17 years old during the commission of a robbery in the first degree, drive-by shooting, burglary in the first degree, or any “violent offense” as defined in RCW 9.94A.030,  (b) during commission of the offense I was armed with a firearm, and (c) my participation in the offense was related to membership in a criminal street gang or advanced the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang; therefore, a period of 3 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.  [vi] Unlawful Possession of a Firearm in the 1st or 2nd degree. I understand that if I am pleading guilty to Unlawful Possession of a Firearm in the 1st or 2nd degree, I must participate in a “qualifying program” unless there is no such program available or the court makes a written finding based on the juvenile court risk assessment that participation in the program would not be appropriate. A qualifying program means an aggression replacement training program, a functional family therapy program, or another cost-beneficial, evidence, or research based approved program applicable to the juvenile firearm offender population.” |