

July 24, 2018

**TO:** Judicial and Legal Communities

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

**RE:** 2018 Amendments to the CrRLJ 4.2(g) Guilty Plea and Attachments

On July 11, 2018, the Washington State Supreme Court adopted amendments to the following:

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| 1. CrRLJ 4.2(g) | Statement of Defendant on Plea of Guilty |
| 2. CrRLJ 4.2(g) DUI1 | “DUI” Attachment |
| 3. CrRLJ 4.2(g) DUI2 | Washington State Misdemeanor DUI Sentencing Attachment (sample form) |

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 approved recommended changes and:

* Laws of 2018, ch. 269 (E2SHB 1783), Legal Financial Obligations

The table below contains detailed descriptions of the proposed amendments.

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| 1. **CrRLJ 4.2(g)** | **Statement of Defendant on Plea of Guilty**  In paragraph 6(h), delete the last sentence as follows:  “The crime of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has a mandatory minimum sentence of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ days in jail and $\_\_\_\_\_\_\_\_\_\_\_\_ fine plus costs and assessments. ~~The law does not allow any reduction of this sentence.~~”  Statutes allow reduction of the mandatory minimum jail sentence in some instances. Statutes also allow courts to reduce or waive legal financial obligations or prohibit the court from imposing legal financial obligations, such as certain costs and the criminal conviction fee per Laws of 2018, ch. 269, §§ 6, 9, 10, 16. |
| 1. **CrRLJ 4.2(g) DUI1** | **“DUI” Attachment**  Change the statutory effective dates from “July 23, 2017” to “June 7, 2018.”  Laws of 2018, ch. 269, §16 amends RCW 3.62.085 to include the requirement that the court shall not impose the criminal conviction fee of forty-three dollars “… on a defendant who is indigent as defined in RCW 10.101.010(3)(a)-(c).”  To implement this change, on page 3, in the section titled “**Mandatory Monetary Penalty**,” change the first sentence as follows:  “Criminal Conviction Fee, RCW 3.62.085, shall not be imposed if defendant is indigent as defined in RCW 10.101.010(3)(a)-(c).” |
| 1. **CrRLJ 4.2(g) DUI2** | **Washington State Misdemeanor DUI Sentencing Attachment** (sample page)  This sample page was originally developed to inform the judicial and legal communities of the existence of the automated *Washington State Misdemeanor DUI Sentencing Attachment* which is available on the Washington Courts’ web page (<http://www.courts.wa.gov/>) under the links “Resources, Publications, and Reports” and “DUI Sentencing Grids.”  The sample page did not successfully accomplish its purpose and it has been deleted.  The Administrative Office of the courts will publish the automated version of the *Washington State Misdemeanor DUI Sentencing Attachment* on the Court Forms page (<https://www.courts.wa.gov/forms/>) below “Browse Forms by Category” under the “Criminal Law” heading and the “Guilty Plea” link. |