

July 19, 2019

**TO:** Judicial and Legal Communities

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

**RE:** 2019 Amendments to the CrRLJ 4.2(g) Statement of Defendant on Plea of Guilty

On July 10, 2019, the Washington State Supreme Court adopted amendments to:

|  |  |
| --- | --- |
| CrRLJ 4.2(g) | Statement of Defendant on Plea of Guilty |

The amendments become effective when they are published in the Official Advance Sheets, Washington Reports, \*\*\* Wn.2d No. \*\*\*. The anticipated publication date is July 30, 2019.

The amendments implement approved recommended changes and:

* Laws of 2019, ch. 263 (E2SHB1517) relating to Domestic Violence definitions
* Laws of 2019, ch. 443 (SHB 1326) relating to collecting DNA Samples

The table below contains detailed descriptions of the proposed amendments:

|  |  |
| --- | --- |
| 1. **CrRLJ 4.2(g)** | **Statement of Defendant on Plea of Guilty**  Laws of 2019, ch. 263, §§ 203 and 204 amend the definition for “Domestic Violence” in RCW 10.99.010 and RCW 26.50.010, respectively. Domestic Violence relationships were classified as “Intimate partners,” RCW 26.50.010(7), and “Family or household members,” RCW 26.50.010(6).  To implement this change, paragraph 4, below the table in “(b),” the check box option is changed from:  “[ ] In count(s) \_\_\_\_\_\_\_\_\_, I committed the offense against another family or household member as defined in RCW 10.99.020”  to:  [ ] Count(s) \_\_\_\_\_\_\_\_\_ was (were) committed against an intimate partner (RCW 9A.36.041 and RCW 26.50.010(7)).  [ ] Count(s) \_\_\_\_\_\_\_\_\_ was (were) committed against a family or household member (RCW 26.50.010(6)).  Laws of 2019, ch. 443, § 3 amends RCW 43.43.745 by adding “indecent exposure” and comparable ordinances to the list of crimes that require DNA testing. To implement this change, paragraph 6(y) is updated as follows:  “(y) Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, indecent exposure, or violation of a sexual assault protection order granted under chapter 7.90 RCW, or comparable ordinance, I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.”  In paragraph 11, The paragraph heading is changed as follows: *Statement of Facts by Defendant*.  The check box below the lines is changed from:  “ I committed this crime against a family or household member as defined in  RCW 9A.36.041  RCW 10.99.020.”  to:  The crime(s) was (were) committed against intimate partner(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name(s)). (RCW 9A.36.041 and RCW 26.50.010(7)).  The crime(s) was (were) committed against family or household member(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name(s)) (RCW 26.50.010(6)).  The check box beginning with “Instead of making a statement” is changed as follows:  *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 RCW 26.50.010(7)).  family or household member(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name(s)). (RCW 26.50.010(6)). |