



SUMMARY OF CHANGES

TO: Superior Court and District Court Judges and Commissioners, Court Administrators, County Clerks, Prosecuting Attorneys, Defense Attorneys, and Law Libraries

FROM: Joy Moore, Sr. Legal Analyst
AOC, Legal Services and Appellate Court Support
Court Services Division (CSD)

DATE: January 1, 2022

RE: Changes Required By RCW 46.20.285, HB 1078 Voter eligibility after a felony conviction, and GR 39

The table below outlines changes to the Felony Judgment and Sentence forms listed below based upon newly enacted legislation, rules, and an existing statute.

Form(s)	Authority and Changes
<p>1. CR 84.0400 Felony Judgment and Sentence (All)</p>	<p><u>Added</u> "... in a manner that endangered persons or property." to motor vehicle requirement. RCW 46.20.285.</p> <p><u>Changed</u> voting rights statement in any Judgment and Sentence that includes a period of total confinement and removed it in <i>Judgment and Sentences</i> that did not include a period of total confinement to comply with HB 1078.</p> <p>The voting rights statement is now:</p> <p>"Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction and sentence of total confinement. If I am registered to vote, my voter registration will be cancelled. My right to vote will be restored when I am not serving a sentence of total confinement in the custody of DOC. My right to vote is automatically restored but I must reregister to vote prior to voting. Voting or registering to vote before the right is restored is a class C felony. RCW 29A.84.140."</p>

<p>2. CR 84.0400 Felony Judgment and Sentence (DOSA)</p>	<p><u>Added</u> “... in a manner that endangered persons or property.” to motor vehicle requirement. RCW 46.20.285.</p> <p><u>Changed</u> voting rights statement.</p> <p><u>Added</u> (4) [] The sentence includes an indeterminate term of confinement of no more than thirty days in a facility operated or utilized under contract by the count in order to facilitate direct transfer to a residential substance use disorder treatment facility to comply with RCW 9.94.664(1)(b).</p> <p><u>Changed</u> “approved” to “certified” in sec. 4.2 Community Custody Conditions. (a) when discussing completing a treatment program certified by the Department of Health. RCW 9.94A.660and. 662.</p> <p><u>Deleted</u> “[] HIV Testing. The defendant shall submit to HIV testing. RCW 70.24.340”.</p> <p><u>Added</u> “(e) If you are ordered to serve a term of total confinement for violating the conditions or requirements of this sentence or if you failed to make satisfactory progress in treatment, you shall receive credit for time previously served in total or partial confinement and inpatient treatment for this offense. You shall also receive fifty percent credit for time previously served in community custody related to this offense.” RCW 9.94.664(7)(d)</p>
<p>3. DUI Sentencing Attachment</p>	<p><u>Changed</u> .025% to .02%for the ignition interlock requirement to comply with legislative changes to RCW 46.20.720.</p>
<p>4. WPF NC 02.0100 Domestic Violence No-Contact Order</p>	<p><u>Removed</u> the credible-threat language from paragraph 5 and moved it to its own paragraph. The credible threat language is now in paragraph seven and includes a checkbox. Added a heading, “Weapons Surrender Finding of Fact”, and instructions were added for clarity.</p>
<p>5. CR 08.0700, CR 08. 701, CR 08.720, CR 08.750, and CR 08.760 (Provisional Voting Rights Forms)</p>	<p><u>Removed</u> forms related to revoking provisional voting rights based on HB 1078 voter eligibility after a felony conviction.</p>
<p>6. CR 08.0800 Petition re: Legal Financial Obligation and CR</p>	<p>CR 08.0800 Motion for Order Waiving or Reducing Interest on Legal Financial Obligations (MTAF) and CR 08.0810 Order Waiving or Reducing Interest on legal</p>

<p>08.0810 Order re: Legal Financial Obligations</p>	<p>financial obligations have been updated to reflect the new court rule GR 39. The forms have been retitled and now address all legal financial obligations (LFO), not just interest on LFOs.</p> <p>The forms now address interest, restitution, discretionary LFOs, a request for additional time to pay LFOs, removing LFOs from collection, and converting discretionary LFOS to community restitution across all court levels.</p> <p>GR 39 makes these forms <u>mandatory use</u>.</p>
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