



September 4, 2012

TO: District and Municipal Court Judges and Commissioners, Court Administrators, Prosecuting Attorneys, Defense Attorneys, and Law Libraries

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: 2012 CHANGES TO DUI SENTENCING GRID AND MISDEMEANOR JUDGMENT AND SENTENCING FORMS

The Courts of Limited Jurisdiction Forms Subcommittee and the Pattern Forms Committee updated the DUI Sentencing Grid and the misdemeanor judgment and sentencing forms listed in the table, below. The updates are based upon approved recommended changes and:

- Laws of 2012, Ch. 42, (ESHB 2302), driving under the influence - child in vehicle, effective June 7, 2012;
- Laws of 2012, ch. 183, (2SHB 2443), increasing accountability of persons who drive impaired, effective August 1, 2012;
- Laws of 2012, ch. 134, (ESHB 1983), prostitution and trafficking crimes – penalties, effective June 7, 2012;
- Laws of 2012, ch. 142, (ESB 6255), human trafficking and prostitution – victims, effective June 7, 2012;
- Laws of 2012, ch. 223, (ESHB 2363), domestic violence and harassment – victims, effective June 7, 2012.

The DUI Sentencing Grid is available on the courts' website via:

<http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/duigrid/index>.

The misdemeanor judgment and sentencing forms are available via:

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=27>.

The domestic violence no-contact orders and forms to modify or terminate those orders are available via: <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=86>.

The relief from offender registration requirement forms are available via:

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=85>.

The following table contains detailed descriptions of the changes that became effective June 7, 2012, and August 1, 2012:

1.	DUI Sentencing Grid (as amended through August 1, 2012)
	<p>Laws of 2012, Ch. 42, §2 amends RCW 46.61.5055(6). If a person is convicted of DUI or physical control when there is a passenger under age 16 in the vehicle, the court shall order an ignition interlock device for 6 months. The court shall also order a fine. Per RCW 46.61.5055, the fines are:</p> <ul style="list-style-type: none"> • (6)(b) no prior offense within 7 years: \$1,000 - \$5,000; \$1,000 not suspended or deferred, unless the offender is indigent. • (6)(c) 1 prior offense within 7 years: \$2,000- \$5,000; \$1,000 not suspended or deferred unless the offender is indigent. • (6)(d) 2 or 3 prior offenses within 7 years: \$3,000 - \$10,000; \$1,000 not suspended or deferred unless the offender is indigent. <p>To implement Laws of 2012, Ch. 42, §2, and to make room on the first page, make the following changes:</p> <p>Below the first three tables, delete “* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 4.”</p> <p>In the last table, change the first sentence as follows:</p> <p style="padding-left: 40px;">“Restriction remains in effective, until IID vendor certifies to DOL that none of the following incidents occurred within four months before <u>prior to</u> date of release:...”</p> <p>To add the new fines:</p> <p>Add a new row to the DUI Sentencing Grid, in both sections, “BAC Result <.15 or No Test Result,” and BAC Result ≥ .15 or Test Refusal.” The new row provisions are:</p> <p style="padding-left: 40px;">Row heading: “If Passenger Under 16 Minimum/Maximum⁴ No Prior Offense: \$1,000/\$1,000-\$5,000 + assessments One Prior Offense: \$1,000/\$2,000-\$5,000 + assessments Two or Three Prior Offenses: \$1,000/\$3,000-\$10,000 + assessments</p> <p>To add the new ignition interlock requirement:</p> <p>Add a new row to the DUI Sentencing Grid, in both sections, “BAC Result <.15 or No Test Result,” and BAC Result ≥ .15 or Test Refusal.” Below the rows for “II Driver’s License, II Device.” The new row provisions are:</p> <p style="padding-left: 40px;">Row heading: “If Passenger Under 16 II Device”</p>

No Prior Offense: 6 Months
One Prior Offense: 6 Months
Two or Three Prior Offenses: 6 Months

On page 2, below "Mandatory Monetary Penalty," add a new section:

"**If Passenger Under 16:** The interpretation of RCW 46.61.5055(6) is unsettled. Some interpret it as setting a new mandatory minimum and maximum fine, replacing a fine in RCW 46.61.5055(1) – (3). Some interpret it as a fine that is in addition to one of those fines. Apply applicable assessments."

On page 4, in Court Ordered Discretionary Ignition Interlock (II) Device, insert the following at the end of the paragraph; but before the RCW citation:

"...and after any DOL mandated II device restriction. The court sets the calibration level."

Also on page 4, in "Passenger Under Age 16," after "The Court shall order the installation and use of an II device for" insert "an additional six months," and delete the rest of the sentence.

Laws of 2012, ch. 183, §12, amends RCW 46.61.5055 as follows:

RCW 46.61.5055(2)(a)(i): a person with one prior, with a BAC of less than .15, "in lieu of the mandatory minimum term of 60 days of EHM, the court may order at least an additional 4 days in jail."

RCW 46.61.5055(2)(b)(i): a person with one prior, with a BAC of more than .15, "in lieu of mandatory minimum term of 90 days EHM, the court may order at least an additional 6 days in jail."

RCW 46.61.5055(3)(a)(i): a person with two or three priors, and BAC of less than .15, "in lieu of mandatory minimum term of 120 days of EHM, the court may order at least an additional 8 days in jail."

RCW 46.61.5055(3)(b)(i): a person with two or three priors, and BAC of more than .15, "in lieu of mandatory minimum term of 150 days of EHM, the court may order at least an additional 10 days in jail."

To implement these changes, on page 1, in the table for offenses with "BAC Result < .15 or No Test Result" and in the table for offenses with "BAC Result > .15 or Test Refusal," change the row heading "EHM" to "EHM/Jail Alternative." Change the "One Prior Offense," and "Two or Three Prior Offenses," provisions as follows:

"BAC Result < .15 or No Test Result
One Prior Offense: 60 Days Mandatory/4 Days Jail
Two or Three Prior Offenses: 120 Days Mandatory/8 Days Jail

BAC Result > .15 or Test Refusal

One Prior Offense: 90 Days Mandatory/6 Days Jail

Two or Three Prior Offenses: 150 Days Mandatory/10 Days Jail"

Laws of 2012, ch. 183, §12, amends RCW 46.61.5055(5) by deleting provisions requiring the court to order a person to apply for an ignition interlock driver's license and use an ignition interlock device or to comply with alcohol monitoring if the person does not operate a vehicle for a specified period of time.

RCW 46.61.5055(5) now states that:

- the court shall order a person to "...comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device..."
- If the court orders a person to refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring and require the person to pay for monitoring unless the court specifies another source of the funds to pay the cost.

To implement these changes, on page 1, in the table for offenses with "BAC Result < .15 or No Test Result" and in the table for offenses with "BAC Result > .15 or Test Refusal," in the rows with the heading "II Driver's License, II Device," delete "required" and replace it with "DOL imposed."

Also, delete the table "Court Ordered Ignition Interlock Driver's License and Device Requirements, RCW 46.20.720(2), 46.61.5055, 46.20.385, effective January 1, 2009*" and the note beginning with "+" immediately below that table.

That table should also be deleted because of Laws of 2012, ch. 183, §9 which amended RCW 46.20.720(2) as follows:

"(2) Under RCW 46.61.5055 and subject to the exceptions listed in that statute, the court shall order any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to ~~apply for an ignition interlock driver's license from the department under RCW 46.20.385 and to have~~ comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person..."

Laws of 2012, ch. 183, §12, amends RCW 46.61.5055(14)(a)(ix) by adding to the definition of "prior offense" a deferred prosecution granted in another state for DUI/physical control or equivalent, when deferred prosecution is equivalent to deferred under chapter 10.05 RCW including requirement that defendant participate in chem. dependency treatment.

To implement the new provision, on page 2, below "Prior Offenses," and below "Deferred Prosecution Granted for the following," after "(RCW 46.61.522) and before "If a deferred prosecution is revoked..." insert the following abbreviated description:

“An equivalent out-of-state deferred prosecution for DUI or Phys. Contr., including a chemical dependency treatment program.”

On page 2, to implement the changes to RCW 46.61.5055(2)(a)(i), (2)(b)(i), (3)(a)(i), and (3)(b)(i), in the section “Mandatory Jail and Electronic Home Monitoring (EHM),” add the following new sentence to the end of the paragraph:

“Instead of mandatory, EHM the court may order additional jail time. RCW 46.61.5055(1)(a)(i), (2)(a)(i), (3)(a)(i).”

Since RCW 46.61.5055(5) and RCW 46.20.720(2) no longer require the court to order ignition interlock driver’s license requirements, in the table “Ignition Interlock Driver’s License, RCW 46.20.380, 46.20.385” on page 4, in the last row, delete “and 46.61.5055.”

To implement the changes to RCW 46.61.5055(5), on page 4, change the first heading below the table as follows: “Court Order to Comply with Rules and Requirements of DOLed Ignition Interlock (II) Driver’s License and Device,”

Change the section below that heading as follows:

“(A) The court orders the person to comply with the rules and requirements of DOL regarding the installation and use of a functioning II device on all motor vehicles operated by the person. If the court orders a person to refrain from consuming any alcohol, and requires the person to apply for an II driver’s license, and the person states that he or she does not operate a motor vehicle, or the person is ineligible to obtain an II driver’s license, then the court shall the court may order the person to submit to alcohol monitoring for the period of mandatory license suspension or revocation, and to pay for the monitoring unless the court specifies the cost will be paid with funds available from an alternative source identified by the court. RCW 46.61.5055(5). ~~(B) The court may waive requirements to apply for an II Driver’s License upon written findings of fact when: (i) the person lives out-of-state and the devices are not reasonably available in the person’s local area, (ii) the person does not operate a motor vehicle, (iii) the person is not eligible to receive the driver’s license under RCW 46.20.385 because the person is not a resident of Washington, is a habitual traffic offender, has already applied for or is already in possession of an II driver’s license; has never had a driver’s license, has been certified under Ch. 74.20A RCW as noncompliant with a child support order, or is subject to any other condition or circumstance that makes the person ineligible to obtain an II driver’s license. (C) II device is not required on vehicles owned, leased, or rented by a person’s employer or on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person’s employer as a requirement of employment during business hours upon proof to DOL of employment affidavit. The court sets the calibration level.~~”

Laws of 2012, ch. 183, §9 amended RCW 46.30.720(3) relating to DOL imposed II device requirements. When the employer’s vehicle is assigned exclusively to the restricted driver

and used solely for commuting to and from employment, the employer exemption does not apply.

To implement this change, on page 4, below "DOL Imposed Ignition Interlock (II) Device – RCW 46.20.720," after "employment affidavit" and before "DOL may waive requirement.." insert:

"However, when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment, the employer exemption does not apply."

Laws of 2012, ch. 183, §9 also amended RCW 46.30.720 by adding a new subsection (6). In addition to other costs of using an IID, the restricted person shall pay an additional fee of \$20 per month, paid directly to the company (who will deposit it in an IID revolving account).

To implement this change, on page 5, below "DOL Imposed Ignition Interlock (II) Device – RCW 46.20.720," and immediately after the new sentence beginning with "However," insert:

"The person must pay a \$20 fee per month in addition to costs to install, remove, and lease the ignition interlock device."

Court – Reckless Driving/Negligent Driving – 1st Degree Sentencing Grid

Laws of 2012, ch. 183, §8 also amends RCW 46.20.385 by adding a new subsection (8): A person licensed under Chapter 46.20 RCW who is convicted of violating RCW 46.61.500 (reckless driving) when the original charge was DUI or physical control, may apply for an II driver's license.

A person who is eligible to apply under RCW 46.20.385; but does not have a driver's license, may apply for an II license. The department may require the person to take a licensing examination and apply and qualify for a temporary restricted driver's license.

To implement these provisions, create separate sections in the Grid for Reckless Driving and for Negligent Driving in the 1st degree.

In the new Grid for Reckless Driving, change the row heading "Driver's License" to "II Driver's License, and change the text as follows:

- "As imposed by DOL. May apply for II driver's license if original charge was violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance. If the Defendant is eligible to apply; but does not have a Washington driver's license, the defendant may apply for an II license. DOL may require the defendant to take a licensing examination and apply and qualify for a temporary restricted driver's license."

	<p>Laws of 2012, ch. 183, §11 amends RCW 46.61.500(2) by adding a new subsection (2)(b). When a reckless driving conviction was for a crime originally charged as DUI/physical control, DOL shall grant credit on a day-for-day basis for any portion of suspension, revocation, or denial already served under administrative sanctions arising out of the same incident.</p> <p>During any period of suspension, revocation or denial, a person who has obtained an II driver's license under RCW 46.20.385 may continue to drive without getting a separate temporary restricted driver's license.</p> <p>Also, under RCW 46.20.385(6), a person who applies for a II driver's license must pay the cost to install, remove, and lease the II device and pay an additional fee of \$20.00.</p> <p>To implement these changes, in the Reckless Driving section, under "II Device," insert new bullet points:</p> <ul style="list-style-type: none"> • "DOL will give day-for-day credit as allowed by law. • Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month." <p>Under "II Driver's License," insert the following bullet point:</p> <p style="padding-left: 40px;">"During any period of suspension, revocation or denial, a person who has obtained an II driver' license under RCW 46.20.385 may continue to drive without getting a separate temporary restricted driver's license."</p>
2.	<p>CrRLJ 07.0100, Judgment and Sentence (DUI/Physical Control/Reckless Driving/Negligent Driving – 1st Degree)</p>
	<p>In the section "Pay:"</p> <p>Delete "plus" in all of the check box options.</p> <p>Below the check box option for "criminal conviction fee," add a new check box option "Passenger under 16 penalty".</p> <p>Delete the check box option "DUI emergency response fee".</p> <p>Above the check box option for restitution, insert the following check box option: "DUI emergency response reimbursement to (agency):_____ \$_____".</p> <p>Below "Mandatory Conditions of Sentence – DUI/Physical Control:"</p> <p>Change the pre-checked check box option that begins with "Comply with mandatory..." as follows:</p>

	<p><input checked="" type="checkbox"/> Comply with mandatory <u>the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device requirements as imposed by the Department of Licensing.</u></p> <p>Change the check box option beginning with “Comply with the requirements...” as follows:</p> <p><input type="checkbox"/> Comply with the requirement to apply for an ignition interlock driver’s license and to install an ignition interlock device for 6 months on all vehicles operated by the defendant as required <u>imposed by the Department of Licensing. (RCW 46.20.720(2), 46.20.385, and RCW 46.61.5055(5), (6).)</u></p> <p>Change the check box option that begins with “The court has ordered the defendant to refrain from consuming any alcohol,” as follows:</p> <p><input type="checkbox"/> The court has ordered the defendant to refrain from consuming any alcohol. <u>The defendant must comply with alcohol monitoring as authorized by law.</u> <input type="checkbox"/> <u>The defendant shall pay the cost of monitoring.</u> <input type="checkbox"/> <u>The cost of monitoring shall be paid by _____, and has required the defendant to apply for an ignition interlock driver’s license.</u> <input type="checkbox"/> <u>The defendant says he or she does not operate a vehicle or</u> <input type="checkbox"/> <u>the defendant is not eligible to obtain an ignition interlock driver’s license. Therefore, the defendant shall comply with alcohol monitoring requirements through</u> <input type="checkbox"/> <u>alcohol detection breathalyzer device</u> <input type="checkbox"/> <u>transdermal sensor device,</u> <input type="checkbox"/> <u>other: _____, as imposed by the court for the period of the mandatory license suspension or revocation as ordered by DOL. (RCW 46.61.5055(5)).</u></p> <p>Delete the check box option “The court waives the requirement that the defendant apply for an ignition interlock driver’s license because,” and delete the three sub-check options below it.</p> <p>Delete the check box option beginning with “Unless otherwise stated...”</p>
3.	CrRLJ 07.0110, Judgment and Sentence
	<p>Below the table for count, crime, and RCW or Ordinance, change the check box option regarding domestic violence, as follows:</p> <p><u>GV</u> <input type="checkbox"/> For the crime(s) charged in count(s) _____, d<u>Domestic violence was pled and proved. <u>RCW 10.99.020.</u></u></p> <p>Please Note: “GV” signifies “guilty – domestic violence pled and proven.”</p> <p>Below “Defendant shall pay to the clerk of this court:”</p> <p>Move the check box option “other” in the left column to the right column, below the check box option “criminal conviction fee.”</p>

	<p>In the left column, below the check box option “DNA fee (RCW 43.43.7541),” insert the following new check box option:</p> <p style="text-align: center;"><input type="checkbox"/> PPIA _____ \$ _____ <u>(RCW 9A.88.120(1)(b), (c))</u></p>
4.	<p>CrRLJ 07.0500, Standing Order of Requirements for Defendants Prohibited from Operating a Vehicle that is not Equipped with a Functioning Ignition Interlock Device Under RCW 46.20.720(1),(2) or 46.61.5055(5),(6), (11)</p>
	<p>Change the caption as indicated above.</p> <p>In the paragraph beginning with “THE COURT sets requirements...”, change the two RCW citations as follows:</p> <p style="text-align: center;">“RCW 46.20.720(1),(2) or 46.61.5055(5),(6), (11).”</p> <p>Change paragraph 3 as follows:</p> <p style="text-align: center;">“The defendant shall have an ignition interlock device installed by a Washington State Patrol certified ignition interlock device vendor on any motor vehicle the defendant will operate; <u>The ignition interlock device must use photo identification technology if the Washington State Patrol determines that technology is reasonably available in the area.</u>”</p> <p>Change paragraph as follows:</p> <p style="text-align: center;">“This order shall not apply to vehicles owned, leased, or rented by defendant’s employer, and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of the defendant’s employer as a requirement of employment during working hours. <u>However, the employer exemption does not apply if the employer’s vehicle is assigned exclusively to the defendant and used solely for commuting to and from employment.</u>”</p> <p>In the footer, change the RCW citations as follows:</p> <p style="text-align: center;">“RCW 46.20.720(1),(2) or 46.61.5055(5),(6), (11).”</p>

5.	CrRLJ 09.0100, Motion and Declaration for Order Vacating Conviction
	<p>In paragraph 2.3, in the table, add a new row at the top of the table and insert the following text:</p> <p style="padding-left: 40px;">“A first prostitution offense that I committed as a result of being a victim of trafficking under RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, or trafficking in persons under the trafficking victims protection act of 200, 22 U.S.C. §7101 et seq. If it is, skip to paragraph 2.8.”</p> <p>Also in the table in paragraph 2.3, below the row beginning with “Operating a railroad...” and above the row containing “A violation of chapter 9A.44 RCW (sex offenses), add two new rows. In the first new row, insert the following text:</p> <p style="padding-left: 40px;">“An offense considered a “prior offense” under RCW 46.61.5055 and I have had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense.”</p> <p>In the second new row, insert the following text:</p> <p>“A ‘prior offense’ means:</p> <ul style="list-style-type: none">• Vehicular Homicide while under the influence of intoxicating liquor or any drug. (RCW 46.61.520).• Vehicular Assault while under the influence of intoxicating liquor or any drug. (RCW 46.61.522).• Vehicular Homicide or Vehicular Assault committed in a reckless manner or with disregard for the safety of others if the original charge was for Vehicular Homicide or Vehicular Assault while under the influence of intoxicating liquor or any drug.• Negligent Driving in the 1st degree (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or equivalent out of state or local ordinance, if the original charge was, DUI, Actual physical control while under the influence, vehicular homicide, or vehicular assault.• Deferred prosecution for DUI/Physical control or equivalent local ordinance.• Deferred prosecution for Negligent Driving in the 1st degree if the original charge was DUI, actual physical control, vehicular homicide, vehicular assault.• (Effective August 1, 2012) An equivalent out-of-state Deferred prosecution for DUI/Physical control, including chemical dependency treatment program.” <p>Insert the following new paragraph 2.8:</p> <p>“<input type="checkbox"/> 2.8 First conviction for a prostitution offense that was committed while the defendant was a victim of trafficking under state or federal law or of promoting prostitution in the first degree:</p>

	<ul style="list-style-type: none">• The offense listed in paragraph 2.1 is a prostitution offense that I committed as a result of being a victim of trafficking under RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, or trafficking in persons under the trafficking victims protection act of 200, 22 U.S.C. §7101 et seq;• There are no criminal charges pending against me in any court of this state, or another state, or in any federal court.• I have not been convicted of another crime in this state, another state, or federal court since the date of conviction.• I have never had the record of another prostitution conviction vacated.”
6.	CrRLJ 09.0200, Order on Motion Re: Vacating Conviction
	<p>In paragraph 2.2, in the table below the second check box option, add a new row at the top of the table and insert the following text:</p> <p>“A first prostitution offense that the defendant committed as a result of being a victim of trafficking under RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, or trafficking in persons under the trafficking victims protection act of 200, 22 U.S.C. §7101 et seq. If it is, skip to paragraph 2.4.”</p> <p>Also in the table in paragraph 2.2, below the row beginning with “Operating a railroad...” and above the row containing “A violation of chapter 9A.44 RCW (sex offenses), add two new rows. In the first new row, insert the following text:</p> <p>“An offense considered a “prior offense” under RCW 46.61.5055 and the defendant has had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense.”</p> <p>In the second new row, insert the following text:</p> <p>“A ‘prior offense’ means:</p> <ul style="list-style-type: none">• Vehicular Homicide while under the influence of intoxicating liquor or any drug. (RCW 46.61.520).• Vehicular Assault while under the influence of intoxicating liquor or any drug. (RCW 46.61.522).• Vehicular Homicide or Vehicular Assault committed in a reckless manner or with disregard for the safety of others if the original charge was for Vehicular Homicide or Vehicular Assault while under the influence of intoxicating liquor or any drug.• Negligent Driving in the 1st degree (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or equivalent out of

	<p>state or local ordinance, if the original charge was, DUI, Actual physical control while under the influence, vehicular homicide or vehicular assault.</p> <ul style="list-style-type: none"> • Deferred prosecution for DUI/Physical control or equivalent local ordinance. • Deferred prosecution for Negligent Driving in the 1st degree if the original charge was DUI, actual physical control, vehicular homicide, vehicular assault. • (Effective August 1, 2012) An equivalent out-of-state Deferred prosecution for DUI/Physical control, including chemical dependency treatment program.” <p>Insert the following new paragraph 2.4:</p> <p>“<input type="checkbox"/> 2.4 First conviction for a prostitution offense that was committed while the defendant was a victim of trafficking under state or federal law or of promoting prostitution in the first degree:</p> <ul style="list-style-type: none"> • The defendant committed a prostitution offense as a result of being a victim of trafficking under RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, or trafficking in persons under the trafficking victims protection act of 200, 22 U.S.C. §7101 et seq; • There are no criminal charges pending against the defendant in any court of this state, or another state, or in any federal court. • The defendant has not been convicted of another crime in this state, another state, or federal court since the date of conviction. • The defendant has never had the record of another prostitution conviction vacated.”
7.	CrRLJ 09.0300, Instructions for Vacating Misdemeanor and Gross Misdemeanor Convictions
	<p>In the third paragraph, change “new law” to “law” in both locations.</p> <p>Below “If you meet the following criteria, a court may, in its discretion, vacate the conviction,” and after the fifth bullet “The conviction you are seeking to have vacated is not for one of the following crimes,” add a new row at the top of the table and insert the following text:</p> <p style="padding-left: 40px;">“A first prostitution offense that you committed as a result of being a victim of trafficking under RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, or trafficking in persons under the trafficking victims protection act of 200, 22 U.S.C. §7101 et seq. If it is, skip to the symbol “>,” below.”</p> <p>Also in the table, below the row beginning with “Operating a railroad...” and above the row containing “A violation of chapter 9A.44 RCW (sex offenses),” add two new rows. In the first new row, insert the following text:</p>

“An offense considered a “prior offense” under RCW 46.61.5055, and you have had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense.”

In the second new row, insert the following text:

“A ‘prior offense’ means:

- Vehicular Homicide while under the influence of intoxicating liquor or any drug. (RCW 46.61.520).
- Vehicular Assault while under the influence of intoxicating liquor or any drug. (RCW 46.61.522).
- Vehicular Homicide or Vehicular Assault committed in a reckless manner or with disregard for the safety of others if the original charge was for Vehicular Homicide or Vehicular Assault while under the influence of intoxicating liquor or any drug.
- Negligent Driving in the 1st degree (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or equivalent out of state or local ordinance, if the original charge was, DUI, Actual physical control while under the influence, vehicular homicide, or vehicular assault.
- Deferred prosecution for DUI/Physical control or equivalent local ordinance.
- Deferred prosecution for Negligent Driving in the 1st degree if the original charge was DUI, actual physical control, vehicular homicide, vehicular assault.
- (Effective August 1, 2012) An equivalent out-of-state Deferred prosecution for DUI/Physical control, including chemical dependency treatment program.”

After the bullet beginning with “If the crime you are seeking to have vacated did not involve domestic violence...” add the following new text:

- “First conviction for a prostitution offense that was committed while the defendant was a victim of trafficking under state or federal law or of promoting prostitution in the first degree:
 - ❖ If the crime you are seeking to have vacated is a prostitution offense that you committed as a result of being a victim of:
 - ❖ trafficking, RCW 9A.40.100,
 - ❖ promoting prostitution in the first degree, RCW 9A.88.070, or
 - ❖ trafficking in persons under the trafficking victims protection act of 200, 22 U.S.C. §7101 et seq.

And if you meet the following criteria, a court may, in its discretion, vacate the conviction:

	<ul style="list-style-type: none">❖ There are no criminal charges pending against you in any court of this state, or another state, or in any federal court.❖ You have not been convicted of another crime in this state, another state, or federal court since the date of conviction.❖ You have never had the record of another prostitution conviction vacated.” <p>In the paragraph beginning with “If you can satisfy each of the above requirements...,” delete “above.”</p>
8.	NC 02.0100, Domestic Violence No-Contact Order
	<p>On page 1, in section 1, to the right of the “Protected Person’s Identifiers,” change the instructions relating to a protected minor, as follows:</p> <p style="padding-left: 40px;">“If a minor, use initials instead of name, <u>provide other info</u>, and complete a Law Enforcement Information Sheet (LEIS).”</p> <p>In section 4, change the expiration date from:</p> <p style="padding-left: 40px;">“This no-contact order expires on: _____ . Five years from today if no date is entered.”</p> <p>To:</p> <p style="padding-left: 40px;">“This no-contact order expires on</p> <p style="padding-left: 40px;"><input type="checkbox"/> _____(date and time) or</p> <p style="padding-left: 40px;"><input type="checkbox"/> 1 year <input type="checkbox"/> 2 years from today’s date.</p> <p style="padding-left: 40px;">If no date is entered and no box is checked, this order expires 5 years from today’s date.</p> <p style="padding-left: 40px;">The court may extend a no-contact order even if the defendant does not appear at arraignment.”</p> <p>On page 2, in the section “<i>Additional Warnings to Defendant</i>,” in the first paragraph, second sentence, change “The defendant is...” to “You are...”</p> <p>In section 9, after the second check box option and before “Police Department” insert “City.”</p> <p>Change the “date” line as follows:</p> <p style="padding-left: 40px;">“Dated: _____ <u>Time</u> _____ a.m./p.m. <input type="checkbox"/> in open court with the defendant present.”</p>

9.	Pre-Charge Domestic Violence No-Contact Order
	This is a new form.
10.	RR 01.0100, Petition for <input type="checkbox"/> Relief from the Duty to Register <input type="checkbox"/> Exemption from Community Notification
	On page 3, in section C., "I Base my Request on this Information," change the second to last check box option, as follows: " <input type="checkbox"/> <u>Any</u> input of the victim."