



WASHINGTON
COURTS

July 17, 2012

TO: Judicial and Legal Community

FROM: Merrie Gough, AOC Sr. Legal Analyst

RE: 2012 AMENDMENTS TO THE JuCR 7.7 GUILTY PLEA

On June 7, 2012, 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, 174 Wn.2d No.5. The anticipated publication date is July 24, 2012. The table, below, contains descriptions of the amendments, which are based upon Laws of 2012, ch. 134, Prostitution and Trafficking Crimes – Penalties.

JuCR 7.7, Statement on Plea of Guilty

Laws of 2012, ch. 134, §1, amends RCW 9A.40.100 by adding a new subsection (3) which requires the court to impose a fee of \$3,000 for a person convicted for a violation of trafficking crime.

Laws of 2012, ch. 134, §1, RCW 9A.40.100(3)(b) states that the court:

“...shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.”

Laws of 2012, ch. 134, §3, amends RCW 9A.88.120 by increasing assessments for:

- (1)(b) permitting prostitution;
- (1)(c) patronizing a prostitute.

Under new subsection RCW 9A.88.120(3), the court cannot reduce, waive, or suspend payment of assessments for prostitution, indecent exposure, permitting prostitution, and patronizing a prostitute unless:

- the court finds, on the record;
- the offender does not have the ability to pay; then
- the court can reduce the fee up to two-thirds the maximum allowable fee.

Under new subsection RCW 9A.88.120(4), the new assessed fees are collected by the clerk of the court and remitted to the county treasurer, or to the city treasurer, if the offense occurred in a city or town that provides for its own law enforcement.

Laws of 2012, ch. 134, §4, amends RCW 9.68A.105(1)(b). The court cannot reduce the \$5,000 fee for violations of 9.68A.100 (commercial sexual abuse of a minor), 9.68A.101, (promoting commercial sexual abuse of a minor), or 9.68A.102, (promoting travel for commercial sexual abuse of a minor), unless the court finds on the record that the person is unable to pay. In that case, the court can reduce the fee by up to two-thirds of the maximum allowable fee.

To implement Laws of 2012, ch. 134, §§ 1, 3, and 4, insert a new paragraph 12[H]:

“[H] MANDATORY PROSTITUTION/INDECENT EXPOSURE/COMMERCIAL SEXUAL ABUSE OF A MINOR/TRAFFICKING ASSESSMENTS: I have been informed that the court will order me to pay a mandatory assessment as required under RCW 9A.88.120, RCW 9.68A.105, or RCW 9A.40.100. The court may reduce up to two-thirds of this assessment if the court finds that I am not able to pay the assessment.”

Renumber the remaining sub-paragraphs of paragraph 12.

In the “Interpreter’s declaration,” change “defendant” to “respondent.”