



Felony Judgement and Sentence Summary of Changes Effective June 6, 2024

Form Changes related to legislation or case law.

1.	CR 08.0440 Felony Judgement and Sentence Mental Health Sentencing Alternative	<p><u>Added</u> delaying release for confinement section to section 4.1 to give a delayed release option to comply with SB 5588 making changes to RCW 9.94A.695 (6).</p> <p><u>Added</u> to the Credit for Time Served section in 4.1 to comply with (12)(c): If the court orders the defendant to serve a term of total confinement, the defendant shall receive credit for any time previously served in confinement <u>and for time served while in compliance and actively supervised in the community.</u></p>
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<p>2.</p>	<p>Felony Judgement and Sentence (All that contain the changed language.)</p>	<p><u>Changed</u> section 2.4 to the following to accommodate different exceptional sentences:</p> <p>[] Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:</p> <p style="padding-left: 40px;"><input type="checkbox"/> below the standard range for <input type="checkbox"/> confinement term(s) <input type="checkbox"/> community custody term(s) on count(s) _____.</p> <p><u>Added</u> the following to section 2.5 Legal Financial obligations: “[] Under RCW 10.101.010(3)(d), the court finds the defendant is indigent.”</p> <p><u>Changed</u> section 4.1 to add clarity. Language varies slightly across forms affected. Sample language:</p> <p>4.1 Confinement and Community Custody. The court sentences the defendant to total confinement and community custody as follows: (A) Confinement and Community Custody. A term of total confinement in the custody of the Department of Corrections (DOC) under RCW 9.94A.589 and, if required by RCW 9.94A.701, a term of community custody supervised by DOC. <input type="checkbox"/> The defendant was under 18 at the time of the offense and shall be initially placed in the custody of the Department of Children, Youth, and Families (DCYF). In table: Count No.; Base Sentence (not including enhancements); Plus Enhancements; Total Sentence; Community Custody The “total sentence” in the above table contains enhancements for <input type="checkbox"/> firearm <input type="checkbox"/> deadly weapon <input type="checkbox"/> VUCSA in a protected zone <input type="checkbox"/> manufacture of methamphetamine with a juvenile present <input type="checkbox"/> impaired driving. <input type="checkbox"/> The confinement time on count(s) _____ contain(s) a mandatory minimum term of _____.</p> <p>Actual number of months of total confinement ordered is: _____</p> <p>The community custody term includes <input type="checkbox"/> 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate) <input type="checkbox"/> 18 months for Violent Offenses <input type="checkbox"/> 36 months for Serious Violent</p>
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		<p>Offenses.</p> <p>Note: If the combined term of confinement and community custody for any particular count exceeds the count's statutory maximum set forth in Section 2.3, the court must reduce the community custody term. RCW 9.94A.701.</p> <p>(B) Confinement and Community Custody. RCW 10.95.030(2) (Aggravated murder and under age 18.) The court orders the following: Count _____ minimum term: _____ maximum term: Life Count _____ minimum term: _____ maximum term: Life</p> <p>Before the expiration of the minimum term, the defendant will be reviewed for releasability by the Indeterminate Sentence Review Board (ISRB). Once released by the ISRB, the defendant is subject to the supervision of DOC for a period of time to be determined by the ISRB.</p> <p>(C) Concurrent/Consecutive Confinement and Community Custody All confinement terms shall be served concurrently, except for the portion of those confinement terms for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____ The following confinement term(s) shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____ Confinement shall commence immediately unless otherwise set forth here: _____ Community custody on all counts shall be served concurrently, except for the following counts, which shall be served consecutively: _____ The community custody terms of this sentence shall run consecutively with the community custody term in the following cause number(s) (see RCW 9.94A.589(2)(a)): _____</p> <p>(D) Credit for Time Served. The defendant shall receive credit for eligible time served prior to sentencing, if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.</p> <p>(E) <input type="checkbox"/> Work Ethic Program. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for a work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of a</p>
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		<p>work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of confinement.</p> <p><u>Changed</u> section to 4.2 Community Custody Conditions to make clear the conditions that are mandatory v. waivable. Language varies slightly across forms affected. Sample language:</p> <p>4.2 Community Custody Conditions Mandatory Conditions: While on community custody, the defendant shall: (1) inform DOC of court-ordered treatment; If any court orders mental health or substance use disorder treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562. (2) comply with any conditions imposed by the DOC under RCW 9.94A.704; (3) not reside in a community protection zone (if the defendant was sentenced under RCW 9.94A.507 for an offense listed in RCW 9.94A.507(1)(a), and the victim of the offense was under 18 years of age at the time of the offense); (4) not serve in any paid or volunteer capacity where he or she has control or supervision of minors under the age of 13 (if the offender was sentenced under RCW 9A.36.120); Waivable Conditions (strike out conditions that are waived) While on community custody, the defendant shall: (1) Report to and be available for contact with the assigned community corrections officer as directed; (2) Work at department-approved education, employment, or community restitution, or any combination thereof; (3) Refrain from possessing or consuming controlled substances, including marijuana, except pursuant to lawfully issued prescriptions/authorizations; (4) Obtain prior approval of the department for the offender's residence location and living arrangements. Discretionary Conditions (check conditions that are imposed)</p>
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		<p>The court orders that, during the period of supervision, the defendant shall:</p> <p><input type="checkbox"/> Remain within, or outside of, a specified geographical boundary, to wit: _____;</p> <p><input type="checkbox"/> Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals, to wit: _____;</p> <p><input type="checkbox"/> Participate in crime-related treatment or counseling services, to wit: _____.</p> <p><input type="checkbox"/> Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender’s risk of reoffending, or the safety of the community, to wit _____.</p> <p><input type="checkbox"/> Refrain from possessing or consuming alcohol;</p> <p><input type="checkbox"/> Comply with the following crime-related prohibitions:</p> <p>Special Conditions</p> <p>As authorized by RCW 9.94A.703(4), the defendant shall: _____</p>
<p>3.</p>	<p>WS 900 Petition to Restore Firearm Rights and WS 901 Order re: Restoring Firearm Rights</p>	<p><u>Changed</u> “Date of Sentence” to “Conviction Date.”</p> <p><u>Added</u> RCW 10.77.086 to the Type of Petition Section under Commitment or Incompetency to comply with changes made by SB 6246 section 1.</p>

		<p><u>Added</u> a section about case information to the Petition.</p> <p><u>Added</u> "There are no active Extreme Risk Protection Orders or Orders to Surrender or Prohibit Weapons entered against me/them." The additional requirement sections under involuntary commitment or incompetency comply with changes to RCW 9.41.047 (3)(b)(v) made by SB 6246.</p>
4.	FW 1 Voluntary Waiver of Firearms Rights and FW 2 Revocation of Voluntary Waiver of Firearm Rights	<p><u>Changed</u> Washington State Patrol to Washington State Patrol Firearms Background Check Program.</p>