



WASHINGTON  
COURTS

July 29, 2014

**TO:** Judicial and Legal Community  
**FROM:** Merrie Gough, AOC Sr. Legal Analyst  
**RE:** Amendments to the CrRLJ 4.2(g) Statement of Defendant on Plea of Guilty and Attachments

On July 9, 2014, the Washington State Supreme Court adopted amendments to the following:

1. CrRLJ 4.2(g)	Statement of Defendant On Plea of Guilty
2. CrRLJ 4.2(g) DUI1	“DUI” Attachment
3. CrRLJ 4.2(g) DUI2	Washington State Misdemeanor DUI Sentencing Attachment

The amendments become effective when they are published in the Official Advance Sheets, Washington Reports, 180 Wn. 2d No.8. The anticipated publication date is August 5, 2014. The amendments are based upon Laws of 2014, Ch. 100, §1, which amends:

- RCW 46.61.5055(5)(c). Where 24/7 sobriety program monitoring is available, the court may order 6 months of 24/7 sobriety program monitoring, or ignition interlock device requirement, or both.
- RCW 46.61.5055(14). Convictions for five crimes were added to the list of prior offenses.

The following table contains detailed descriptions of the proposed amendments:

Laws of 2014, Ch. 100 (SB 6413) effective June 12, 2014.	
1. CrRLJ 4.2(g)	<p><b>Statement of Defendant on Plea of Guilty</b></p> <p>In paragraph 6(p), below the check box for “these penalties: Mandatory minimum sentence,” change the fourth bulleted section as follows:</p> <ul style="list-style-type: none"> <li>• <u>Effective January 1, 2014</u> <u>If 24/7 sobriety program is available</u>, if I have 2 or 3 prior offenses, a 6-month period</li> </ul>

	<p>of 24/7 sobriety program monitoring, <del>if available</del>; or <u>6 months of ignition interlock device requirement; or both.</u></p> <p>Also in paragraph 6(p), below “If I have prior offense(s),” change the second bulleted section as follows:</p> <ul style="list-style-type: none"><li>• instead of mandatory electronic home monitoring, the judge may order me to serve additional jail time. <del>Effective January 1, 2014</del> <u>If 24/7 sobriety program is available</u>, if I have 1 prior offense, instead of additional jail time, the judge may order a 6-month period of <u>24/7 sobriety program monitoring; or 6 months ignition interlock requirement; or both.</u></li></ul>
<p><b>2. CrRLJ 4.2(g) DUI</b></p>	<p><b>“DUI” Attachment</b></p> <p>Change all effective dates listed in the text to “June 12, 2014.”</p> <p>On page 1, in the “Court – DUI Sentencing Grid,” for BAC Result &lt;.15 or No Test Result, in the row “24/7 Sobriety Program,” in the column for “Two or Three Prior Offenses” change “Mandatory” to “As ordered.”</p> <p>Also in the “Court – DUI Sentencing Grid,” for BAC Result &gt; .15 or Test Refusal, in the row “24/7 Sobriety Program,” in the column for “Two or Three Prior Offenses” change “Mandatory” to “As ordered.”</p> <p>On page 2, under “Prior Offenses,” change the first section as follows:</p> <p><b>“Original Convictions for the following (including equivalent local ordinances): (1) DUI (RCW 46.61.502) <del>(or an equivalent local ordinance)</del>; (2) Phys. Cont. (RCW 46.61.504) <del>(or an equivalent local ordinance)</del>; (3) Commercial Vehicle DUI/Phys. Control, RCW 46.25.110; (4) Watercraft DUI, RCW 79A.60.040; (5) Aircraft DUI, RCW 47.68.220; (6) Nonhighway vehicle DUI; RCW 46.09.470(2); (7) Snowmobile DUI, RCW 46.10.490(2); <del>(38)</del> Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (49) Equiv. out-of-state statute for any of the above offenses.”</b></p>

	<p>Below the heading “Mandatory Jail, Electronic Home Monitoring (EHM), and 24/7 Sobriety Program,” change the second paragraph, as follows:</p> <p><del>“(Effective January 1, 2014) If the 24/7 sobriety program is available: Where there is one prior offense, instead of mandatory EHM or additional jail time, the court may order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. Where there are two or three prior offenses, the court shall order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. The 24/7 sobriety program is a 24 hour and 7 days a week sobriety program which requires tests of the defendant’s blood, breath, urine or other bodily substances to find out if there is alcohol, marijuana, or any controlled substance in his/her body. The defendant will be required to pay the fees and costs for the program. RCW 46.61.5055(1), (2), (3), (5). RCW 36.28A.330. Laws of 2013, 2d Spec. Sess., ch. 35, §26.”</del></p>
<p><b>3. CrRLJ 4.2(g) DUI2</b></p>	<p><b>Washington State Misdemeanor DUI Sentencing Attachment</b></p> <p>In the sample page of the automated Washington State Misdemeanor DUI Sentencing Attachment available on the Washington Courts’ web page: <a href="http://www.courts.wa.gov/">http://www.courts.wa.gov/</a>, under the links “Resources, Publications, and Reports” and” DUI Sentencing Grids,” make the following change:</p> <p>Immediately below “RELEVANT FINDINGS”, change the next line as follows:</p> <p style="text-align: center;"><del>FOR OFFENSES OCCURRING SEPTEMBER 28, 2013 JUNE 12, 2014 OR LATER</del></p>