

July 22, 2017

**TO**: Judicial and Legal Community

**FROM**: Merrie Gough, AOC Sr. Legal Analyst

**RE**: 2017 Amendment to the JuCR 7.7 Guilty Plea

On June 28, 2017, the Washington State Supreme Court adopted an amendment to the JuCR 7.7 Statement on Plea of Guilty. The amendment will become effective when it is published in the Official Advance Sheets, Washington Reports, 188 Wn. 2d No 7. The anticipated publication date is August 1, 2017.

The amendment is based upon Laws of 2017, ch. 272 (E2SHB 1163), relating to domestic violence.

The following table contains detailed descriptions of the proposed amendment:

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| **JuCR 7.7, Statement on Plea of Guilty** |
| RCW 43.43.754(1) requires the collection of a biological sample for DNA identification analysis from adult and juveniles who are convicted of specified crimes or equivalent juvenile offenses. Laws of 2017, ch. 272, §4 amended RCW 43.43.754(1)(a) by adding a new crime or juvenile offense:  “…(1)(a)(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);…”  To implement Laws of 2017, ch. 272, §4, change paragraph 12[C] as follows:  DNA TESTING: Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, assault in the fourth degree where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, or violation of a sexual assault protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. |