



April 29, 2022

Justices of the Washington Supreme Court
P.O. Box 40929
Olympia, Washington 98504-0929
VIA E-MAIL: supreme@courts.wa.gov

RE: Proposed Changes to CrR 4.2(g)

Dear Justices:

The Washington Defender Association (WDA) opposes parts of the Washington Pattern Forms Committee's proposal to amend CrR 4.2(g), which governs felony plea forms, and we support other parts of the proposal.

We oppose removing several subsections of the current forms:

- Current subsection 6(mm) of the non-sex offense form notifies the accused that some convictions for firearm offenses can result in a duty to register as a felony firearm offender. If imposed pursuant to RCW 9.41.330, the registration requirement is a direct and serious consequence of a guilty plea. While the proposal maintains an attachment with this information, we are concerned it may not always be appended to the plea form.
- Current subsection 6(m) of both the non-sex offense form and the sex offense form explains a conviction will result in loss of the right to possess a firearm under both state and federal law. This notice can help a person who has pleaded guilty to a felony avoid firearms charges in the future. The information about loss of firearm rights in proposed subsection 6(k) is less detailed.
- Current subsection 6(n) of both the non-sex offense form and the sex offense form discusses the right to vote. Voting is an important part of American governance, and failure to highlight loss and possible reinstatement of the right may further disenfranchise people accused of felonies. Proposed subsection 6(m) of the non-sex offense form and proposed subsection 6(n) of the sex offense form mention the right to vote but lump it in with other consequences.
- Current subsection 6(nn) of the non-sex offense plea form explains that a person who pleads guilty to unlawful practices in obtaining assistance will lose government assistance. This is a significant fact about a means of survival. Proposed subsection 6(m) includes less information about the loss of assistance and lumps it in with other consequences.
- Current paragraph 5 of both the non-sex offense form and the sex offense form lists constitutional trial rights. Removing the language in subsection (e) of paragraph 5 that

says a plea of guilty relieves the State of its burden to prove guilt beyond a reasonable doubt may cause confusion about the finality of a guilty plea.

Some of the proposed changes would improve the forms:

- Proposed subsection 6(m) of the non-sex offense form and proposed subsection 6(n) of the sex offense form say that there may be consequences of a guilty plea not mentioned in the forms, letting people accused of felonies know they may lose rights not specifically noted.
- Proposed subsection 6(g) of the non-sex offense form summarizes information about community custody more clearly than current subsection 6(i) of that form.

Thank you for your time and consideration.

Sincerely,

/s/Magda Baker

Magda Baker, WSBA #30655

Misdemeanor Resource Attorney

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To: [Linford, Tera](#)
Subject: FW: comment on proposed CrR 4.2(g)
Date: Friday, April 29, 2022 4:50:55 PM
Attachments: [04.29.22_WDA comment CrR 4.2g.pdf](#)

From: Magda Baker [mailto:Magda@defensenet.org]
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To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Attached is the Washington Defender Association's comment on proposed changes to CrR 4.2(g).

Thank you for your time and assistance.

Magda Baker
She/her
Washington Defender Association
Cell: 206-226-9512
magda@defensenet.org