

June 19, 2018

**TO:** District and Municipal Court Judges and Commissioners, Court Administrators, Prosecuting Attorneys, Defense Attorneys, Law Libraries, and Public

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

**SUBJECT:** 2018 Updates to the Misdemeanor Judgment and Sentencing Forms

The Courts of Limited Jurisdiction Forms Subcommittee and the Washington Pattern Forms Committee updated the DUI Sentencing Grid, the Washington State Misdemeanor DUI Sentencing Attachment and the misdemeanor judgment and sentencing forms listed in the table below. The updates are based upon:

* *State v. Granath*, No 94892-5 (Filed April 26, 2018)
* Laws of 2018, ch. 269 (E2SHB 1783), Legal Financial Obligations
* Laws of 2018, ch. 234 (SB 6298) Domestic Violence Harassment – Unlawful possession of a firearm 2nd
* Laws of 2018, ch. 276 (SB 5987) Pretrial Release
* Recommended changes

Following are detailed descriptions of the changes.

|  |  |
| --- | --- |
| **Misdemeanor Judgment and Sentencing** | |
| 1. **CrRLJ 04.0300** | **Conditions of Release for Impaired Driving Offense**  Immediately below the heading “**Order**,” insert the following check box option:  “ You must not possess or consume any intoxicating liquors or drugs not prescribed to you, and you must submit to testing for your compliance with this condition.”  In the sentence before the four existing check box options, delete “Defendant” and capitalize the “Y” in “You.” |
| 1. **CrRLJ 04.0500** | **~~Home Detention Order~~Order for Electronic Home Monitoring (Misdemeanor)**  In the caption change the **docket code in parentheses from “HDOR” to “EHMO**.”  Change the first sentence as follows:  “Defendant, the court ordered you to serve ~~Home Detention~~electronic home monitoring.”  In the text box beginning with “**Warning to Defendant**,” change “home detention” to “electronic home monitoring.”  In the footer, change the form title to “Order for Electronic Home Monitoring,” change the docket code to “EHMO,” and change “Laws of 2015 ch. 287, §4” to “RCW 10.21.015.” |
|  | **DUI Sentencing Grid**  Change all of the statutory effective dates from “July 23, 2017” to “June 7, 2018.”  Laws of 2018, ch. 269, §16 amends RCW 3.62.085. The court shall not impose the criminal conviction fee of forty-three dollars “… on a defendant who is indigent as defined in RCW 10.101.010(3)(a)-(c).  To implement this change, on page 3, in the section titled “**Mandatory Monetary Penalty**,” change the first sentence as follows:  “Criminal Conviction Fee, RCW 3.62.085, shall not be imposed if defendant is indigent as defined in RCW 10.101.010(3)(a)-(c).” |
|  | **Washington State Misdemeanor DUI Sentencing Attachment**  To implement Laws of 2018, ch. 269, §16, the municipal and district court version of this automated form now allows the user to delete the $43.00 criminal conviction fee. |
| 1. **CrRLJ 07.0100** | **Judgment and Sentence (DUI/Physical Control)**  Immediately above the section titled “**Pay**,” insert the following check box option:  “ The defendant is indigent as defined in RCW 10.101.010(3)(a) – (c).”  Make the following changes in the section titled “**Pay**:”  In the check box for “fine” delete “of.”  In the column of check boxes on the right, change the order and add fee amounts as follows:  Alcohol violator fee DUC $ 250.00  criminal conviction fee $ 43.00  criminal traffic fee $ 102.50  probation/monitoring fee $  booking fee $  ~~criminal conviction fee $~~  public defender recoupment $  Passenger under 16 fine $  Delete the line for restitution, add a paragraph return and replace the restitution line with the following:  “ restitution of $ \_\_\_\_\_\_\_\_\_\_\_\_ (set by separate order.)  restitution to be left open for \_\_\_\_\_\_\_ days.”  Below the line that ends with “**Total: $\_\_\_\_\_\_\_**-,” insert the following:  “Financial obligations are due and payable immediately unless the court has set a payment schedule.  Pay total financial obligations at $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per month starting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.  Pay schedule set by separate order.” |
| 1. **CrRLJ 07.0110** | **Judgment and Sentence**  Immediately above “Defendant shall pay to the clerk of this court,” insert the following check box option:  “ The defendant is indigent as defined in RCW 10.101.010(3)(a) – (c).”  Make the following changes to the check box options after “Defendant shall pay to the clerk of this court:”  In the column of check boxes on the left, change the check box for “DNA fee” as follows:  “ DNA fee (RCW 43.43.7541) $ 100.00  Waived. DNA previously collected”  In the column of check boxes on the right, delete check boxes, change the order, and add fee amounts as follows:  ~~BAC fee $~~  criminal conviction fee $ 43.00  criminal traffic fee $ 102.50  probation/monitoring fee $  booking fee $  public defender recoupment $  ~~domestic violence assessment $~~  DPO Assessment for DV conviction $ 15.00  ~~criminal conviction fee $~~  ~~violation of RCW 26.50 DVPO $~~  domestic violence assessment $ 100.00  DPR fee (RCW 26.50.110) $ 30.70  Delete the line for restitution and replace the restitution line with the following:  “ restitution of $ \_\_\_\_\_\_\_\_\_\_\_\_ (set by separate order.)  restitution to be left open for \_\_\_\_\_\_\_ days.”  Below the line that ends with “***Total****:* **$\_\_\_\_\_\_\_**-,” insert the following:  “Financial obligations are due and payable immediately unless the court has set a payment schedule.  Pay total financial obligations at $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per month starting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.  Pay schedule set by separate order.”  Below the heading “**Additional Conditions of Sentence**,” in the fifth check box option, after the check box for “Anger Management,” insert the following check box option:  “ Victim Awareness Education” |
| 1. **CrRLJ 07.0800** | **Notice of Ineligibility to Possess Firearm**  Change the first paragraph and check box options as follows:  **“To the ~~Above-Named~~ Defendant**:You ~~are hereby advised that you~~ have been convicted of one or more of the following crimes committed ~~by~~ against a~~one~~ family or household member ~~against another~~:~~.~~  Fourth Degree Assault  Coercion  Stalking  Reckless Endangerment  Criminal Trespass in the First Degree  Violation of a Protection Order or No-Contact Order  Harassment committed on or after June 7, 2018.  Change the paragraph beginning with “You must **immediately surrender**…” as follows:  “You must **immediately surrender** any firearm ~~or other dangerous weapon~~ and any concealed pistol license**. You may not possess, own or have under your control** a firearm, and under federal law any firearm or ammunition ~~other dangerous weapon,~~ or a concealed pistol license until your right has been restored by the court of record that ordered the prohibition on possession of a firearm or the superior court where you live, and by a federal court if required. Violation is of these laws is a felony.”  Change the line beginning with “Submit to,” as follows:  “Submit to: Dept. of Licensing, Business & Professions Firearms Unit, [firearms@dol.wa.gov](mailto:firearms@dol.wa.gov), (PO Box 9649, Olympia, WA 98507-9649).”  In the footer, change the RCW citation as follows:  “RCW 9.41.040~~, .800~~” |
| 1. **NC 02.0100** | **Domestic Violence No-Contact Order**  Change section 4 as follows:  “**This no-contact order expires** **on** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date and time) or  1 year  2 years  5 years from today’s date.  ~~If no date is entered and no box is checked, this order expires 5 years from today’s date.~~ The court may extend a no-contact order even if the defendant does not appear at arraignment.” |