

WSR 24-01-044
RULES OF COURT
STATE SUPREME COURT
[December 7, 2023]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO ) NO. 25700-A-1551
JuCR 7.7—STATEMENT OF )
JUVENILE ON PLEA OF GUILTY )

The Pattern Forms Committee, having recommended the adoption of the suggested amendments to JuCR 7.7—Statement of Juvenile on Plea of Guilty, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 7th day of December, 2023.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULE JuCR 7.7

- 1. Proponent Organization
Pattern Forms Committee
2. Spokesperson & Contact Info
Commissioner Barb McInville
Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
bmcinva@piercecountywa.gov
3. Purpose of Proposed Rule Amendment
JuCR 7.7

Changes clarify language from HB 1324, Concerning the scoring of prior juvenile offenses in sentencing range calculations.

Is Expedited Consideration Requested?

Yes, requesting an effective date of January 1, 2024. In addition, we request that the rules not be published for comment. The Pattern Forms Committee is a multi-stakeholder group, including judicial officers, prosecutors, defense attorneys, court administrators, and other court staff. The proposals have already been vetted by representatives of those groups.

4. Is a Public Hearing Recommended?

No.

Attachment:

JuCR 7.7 Statement of Juvenile upon Plea of Guilty\_redline
JuCR 7.7 Statement of Juvenile upon Plea of Guilty\_clean

Superior Court of Washington, County of \_\_\_\_\_
Juvenile Court

Table with 2 columns: State of Washington v. Respondent and No: Statement on Plea of Guilty (STJOPG)

1. My true name is: \_\_\_\_\_
I am also known as: \_\_\_\_\_.

2. My age is \_\_\_\_\_. Date of Birth: \_\_\_\_\_.

3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor, and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.

4. I understand that I am charged with count 1

\_\_\_\_\_
the elements of which are \_\_\_\_\_

\_\_\_\_\_
Count 2 \_\_\_\_\_

\_\_\_\_\_
the elements of which are \_\_\_\_\_

[ ] Count(s) \_\_\_\_\_ was(were) committed against a family or household member.

[ ] Count(s) \_\_\_\_\_ was(were) committed against an intimate partner.

I have been given a copy of the charge(s).

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

a. I have the right to a speedy and public trial in the county where the offense(s) allegedly occurred.

b. I have the right to remain silent before and during trial and I need not testify against myself.

c. I have the right to hear and question witnesses who might testify against me.

d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.

e. I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty.

f. I have the right to appeal a finding of guilty after trial.

6. I have been informed that, in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

- a. \_\_\_\_\_
b. \_\_\_\_\_
c. \_\_\_\_\_
d. \_\_\_\_\_

e. \_\_\_\_\_  
f. \_\_\_\_\_

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6 above, is as follows:

[ ] LOCAL SANCTIONS:

COUNT	SUPERVISION	COMMUNITY SERVICE	DETENTION	RESTITUTION
[ ] 1	0 to 12 months	0 to 150 hours	0 to 30 Days	[ ] As required [ ] _____
[ ] 2	0 to 12 months	0 to 150 hours	0 to 30 Days	[ ] As required [ ] _____
[ ] 3	0 to 12 months	0 to 150 hours	0 to 30 Days	[ ] As required [ ] _____

I understand that if community supervision is imposed, I will be required to comply with various rules which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation, up to 30 days.

[ ] COMMITMENT TO DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES JUVENILE REHABILITATION (DCYFJR):

COUNT	WEEKS AT DCYFJR REHABILITATION FACILITY	RESTITUTION
[ ] 1	[ ] 15 - 36 [ ] 30 - 40 [ ] 52 - 65 [ ] 80 - 100 [ ] 103 - 129 [ ] 180 - Age 21 [ ] 129 - 260	[ ] As required [ ] _____
[ ] 2	[ ] 15 - 36 [ ] 30 - 40 [ ] 52 - 65 [ ] 80 - 100 [ ] 103 - 129 [ ] 180 - Age 21 [ ] 129 - 260	[ ] As required [ ] _____
[ ] 3	[ ] 15 - 36 [ ] 30 - 40 [ ] 52 - 65 [ ] 80 - 100 [ ] 103 - 129 [ ] 180 - Age 21 [ ] 129 - 260	[ ] As required [ ] _____

I understand that if I am committed to a DCYFJR rehabilitation facility following my release, I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community service, electronic monitoring, or urinalysis, and, if I am adjudicated of certain offenses, a program applicable to juvenile firearm offenders. Failure to comply with the conditions of parole may result in parole revocation and further confinement. If the offense to which I am pleading guilty is a sex offense, failure to comply with the conditions of parole may result in further confinement of up to 24 weeks.

I understand that if I am pleading guilty to 2 or more offenses, the disposition terms shall run consecutively (1 term after the other) subject to the limitations in RCW 13.40.180.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand that the judge must impose a sentence within the standard range unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed and fully understand that the maximum punishment I can receive is commitment until I am [ ] 21

years old [ ] 25 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

**10. COUNTS AS CRIMINAL HISTORY:** I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to 2 or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history, if I committed murder in the 1st or 2nd degree or a class A sex offense, when sentencing me for any offense that I commit in the future as an adult or juvenile, except juvenile adjudications of guilt which are not murder in the 1st or 2nd degree or a class A sex offense cannot be included in my adult offender score later.

**11. GROUNDS FOR DEPORTATION:** If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

**12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.**

[A] **SUSPENSION/REVOCAION OF DRIVING PRIVILEGE:** I have been informed that the Department of Licensing will be notified and my privilege to drive will be suspended or revoked:

**Over 13 and Alcohol, Drugs, Unlawful Possession of a Firearm (UPFA) <18, or Armed with Firearm (not first offense):**

(1) If the court finds me guilty of 1 of the following offenses and I was 13 years or older at the time I committed the offense: alcohol under chapter 66.44 RCW; violation of the Uniform Controlled Substances Act (VUCSA) under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA <18 under RCW 9.41.040 (2) (a) (v); and/or an offense while armed with a firearm under RCW 13.40.196; AND (2) I have a prior offense for the same offense. See RCW 13.40.265.

**UPFA or armed during Offense in which vehicle was used (with priors):**

(1) If the court finds me guilty of 1 of the following offenses: UPFA 1 or 2 under RCW 9.41.040; and/or an offense while armed with a firearm under RCW 13.40.196 during which the court found a motor vehicle served an integral function during the offense; AND (2) I previously committed 1 or more of the following offenses: alcohol under chapter 66.44 RCW; VUCSA under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA under RCW 9.41.040; and/or an offense while armed with a firearm under RCW 13.40.196. See RCW 9.41.040(5).

**Certain Motor Vehicle Offenses:** If the court finds me guilty of 1 of the following offenses: DUI; physical control; DWLS 1&2; vehicular assault/homicide; hit and run attended; reckless driving; any felony offense where a vehicle was used in a manner that endangered persons or property (except "TMVOOP2" (taking a motor vehicle without owner's permission) where the court finds I was a passenger only in committing the offense); false statements under Title 46 RCW; felony elude; unattended child in running vehicle (second or subsequent conviction); reckless endangerment of road workers; and/or theft of motor vehicle fuel. See RCW 46.20.285, 46.61.5055(9), 46.20.342(2), 46.61.524,

46.52.020(6), 46.61.500(2), 46.61.024(3), 46.61.685(2), 46.61.527(5), 46.61.740(2), and 46.20.270.

[B] **Offender Registration for Sex Offense or Kidnapping Offense:** One or more of the offenses I am pleading guilty to involve a sex or kidnapping offense and meets the requirements of RCW 9A.44.130 for registration. The specific registration requirements are located in the "Offender Registration" Attachment.

Because I am a non-adult and the offense involves one or more of the following offense conditions as checked below, I will be required to register unless I qualify for and am granted a Special Sexual Offender Disposition Alternative (SSODA) under RCW 13.40.162, and I complete the SSODA without being revoked:

[ ] **Kidnapping Offense** - I committed Kidnapping in the First or Second Degree, or Unlawful Imprisonment, as defined in RCW Title 9A.40, where the victim is a minor and I am not the minor's parent, or any criminal attempt, solicitation, or conspiracy to commit the same under RCW Title 9A.28 RCW 9A.44.130 (b) (vi).

[ ] **Sex Offense** - RCW 9A.44.130 (b) (i-v)

[ ] **Class A or B Sex Offense when 16 or 17** - I was 16 or 17 years of age when I committed a Class A or B sex offense.

[ ] **Rape in the First Degree when 14 or 15** - I was 14 or 15 years old when I committed Rape in the First Degree.

[ ] **Rape in the Second Degree when 14 or 15** - I was 14 or 15 years old when I committed Rape in the Second Degree.

[ ] **Prior Sex Offense** - I committed a sex offense and at the time of the offense I had a prior conviction for a sex offense or a deferred disposition for a sex offense, including any out of state, tribal, or federal conviction for a sex offense.

**REGISTRATION WARNING FOR MULTIPLE SEX OFFENSE ADJUDICATIONS**

I understand that anytime I have been adjudicated of multiple sex offenses, a court could require me to register as a sex offender if the court finds by clear, cogent, and convincing evidence that: (i) I was 14 through 17 years of age at the time I committed a sex offense; (ii) I did not receive a Special Sexual Offender Disposition Alternative (SSODA) under 13.40.162 for the sex offense committed, or, that SSODA is revoked; (iii) I have been adjudicated of multiple sex offenses involving two or more distinct victims and in separate counts or causes; (iv) I present a serious threat to public safety after my last date of release from confinement, including full-time residential treatment, if any, or entry of disposition; and (v) registration will lessen the serious threat to public safety.

[C] **DNA TESTING:** Pursuant to RCW 43.43.754, if this crime involves a felony, 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, indecent exposure, 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.

[D] **SCHOOL NOTIFICATION:** I understand that if 1 or more of the offenses for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030, a sex offense as defined in RCW 9.94A.030, an offense under

RCW chapter 9.41 (firearms/weapons), or unlawful possession or delivery, or both, of a controlled substance in violation of RCW chapter 69.50, then following my adjudication of guilt, the court will provide written notification of the adjudication to any school in which I was enrolled prior to adjudication, or in which I express an intent to enroll following adjudication, unless: (1) I have already received a high school diploma or its equivalent; or, (2) I am over the age of 18 and my enrollment information cannot be obtained or I assert no intention of enrolling in any educational program.

[E] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend any school attended by the victim or victim's siblings. RCW 13.40.162.

[F] MANDATORY MINIMUM SENTENCE: The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ weeks of total confinement. The law does not allow any reduction of this sentence.

[G] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO THE OFFENDER]: I have been informed that if I am pleading guilty to any offense that is classified as: (1) a felony, or (2) any of the following crimes when committed by 1 family or household member against another or by 1 intimate partner against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence, or (3) harassment committed by 1 family or household member against another or by 1 intimate partner against another, committed on or after June 7, 2018; that I may not possess, own, or have under my control any firearm and, under federal law, any firearm or ammunition, unless my right to do so has been restored by the court in which I am adjudicated or the superior court in Washington State where I live, and by a federal court if required.

[H] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession under Age 18: I understand that since the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (2)(a)(v), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement which must be served in total confinement, without possibility of release, until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and 1 or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, posses-

sion of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, unless the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. If the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, then a period of 12 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

[v] Armed During Violent Offense at Age 16 or 17 with Gang Involvement: I further understand that the offense I am pleading guilty to includes a finding that (a) I was 16 or 17 years old during the commission of a robbery in the first degree, drive-by shooting, burglary in the first degree, or any "violent offense" as defined in RCW 9.94A.030, (b) during commission of the offense, I was armed with a firearm, and (c) my participation in the offense was related to membership in a criminal street gang or advanced the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang; therefore, a period of 3 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

[vi] Unlawful Possession of a Firearm in the 1st or 2nd degree: I understand that if I am pleading guilty to unlawful possession of a firearm in the 1st or 2nd degree, I must participate in a "qualifying program," unless there is no such program available or the court makes a written finding based on the juvenile court risk assessment that participation in the program would not be appropriate. A qualifying program means an aggression replacement training program, a functional family therapy program, or another cost-beneficial, evidence, or research-based approved program applicable to the juvenile firearm offender population.

[I] FELONY FIREARM OFFENDER REGISTRATION: I am subject to court-ordered felony firearm offender registration pursuant to RCW 9.41.330. The specific registration requirements are located in the "Felony Firearm Offender Registration" attachment.

**13.** I understand that the prosecuting attorney will make the following recommendation to the judge:

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**14.** I understand that the probation counselor will make the following recommendation to the judge:

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**15.** Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence that they feel is appropriate, up to the maximum allowed by law.

**16.** I plead guilty to count \_\_\_\_\_ in the \_\_\_\_\_ Information. I have received a copy of that Information.

**17.** I make this plea freely and voluntarily. No one has threatened to harm me or anyone else to get me to plead guilty.

18. No one has made any promises to make me plead guilty, except as written in this statement.

19. [Statement of Respondent.] The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] The crime(s) was (were) committed against family or household member(s): \_\_\_\_\_ (name(s)).

[ ] The crime(s) was (were) committed against intimate partner(s): \_\_\_\_\_ (name(s)).

[ ] [No statement made.] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea, including a determination of my relationship to each victim as:

[ ] family or household member(s): \_\_\_\_\_ (name(s)).

[ ] intimate partner(s): \_\_\_\_\_ (name(s)).

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement.

I have no more questions to ask the judge.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Respondent

I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

\_\_\_\_\_  
Deputy Prosecuting Attorney      WSBA No.

\_\_\_\_\_  
Attorney for Respondent      WSBA

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Type or Print Name

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of their lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

[ ] (a) The respondent had previously read the entire statement above and that the respondent understood it in full;

[ ] (b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or

[ ] (c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is below.

INTERPRETER'S DECLARATION: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the \_\_\_\_\_ language, which the respondent understands. I have interpreted this document for the respondent from English into that language. I certify under penalty of perjury under the



laws of the State of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_,  
on (date) \_\_\_\_\_

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charge and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner