

WSR 13-23-021
RULES OF COURT
STATE SUPREME COURT
 [November 6, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
 OF AMENDMENTS TO IRLJ 6.2—) NO. 25700-A-1038
 MONETARY PENALTY SCHEDULE)
 FOR INFRACTIONS)

The Washington Department of Fish and Wildlife's (WDFW) having recommended the adoption of the proposed amendments to IRLJ 6.2—Monetary Penalty Schedule for Infractions, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2013.

	Madsen, C.J.
<u>C. Johnson, J.</u>	<u>Stephens, J.</u>
<u>Owens, J.</u>	<u>Wiggins, J.</u>
<u>Fairhurst, J.</u>	<u>Gonzalez, J.</u>
<u>J. M. Johnson, J.</u>	<u>Gordon McCloud, J.</u>

IRLJ 6.2(d)

MONETARY PENALTY SCHEDULE FOR INFRACTIONS

(a) Effect of Schedule. The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a higher amount which produces the next greatest even dollar total.

(b) Unscheduled Infractions. The penalty for any infraction not listed in this rule shall be \$42, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

(c) Infractions Not Covered. This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

(d) Penalty Schedule. The following infractions shall have the penalty listed, not including statutory assessments.

	Base Penalty
(1) Traffic Infractions	
Second Degree Negligent Driving	\$250

	Base Penalty
Wrong way on freeway (RCW 46.61.150)	\$182
Wrong way on freeway access (RCW 46.61.155)	\$87
Backing on limited access highway (RCW 46.61.605)	\$87
Spilling or failure to secure load (RCW 46.61.655)	\$87
Throwing or depositing debris on highway (RCW 46.61.645)	\$87
Disobeying school patrol (RCW 46.61.385)	\$87
Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	\$87
Violation of posted road restriction (RCW 46.44.080; RCW 46.44.105(4))	\$182
Switching license plates, loan of license or use of another's (RCW 46.16.240)	\$87
Altering or using altered license plates (RCW 46.16.240)	\$87
Operator's Licenses (RCW 46.20)	
No Valid Driver's License (With Identification)	\$250
All other RCW 46.20 infractions	
Vehicle Licenses (RCW 46.16)	\$42
Expired Vehicle License (RCW 46.16.010)	
Two months or less	\$42
Over 2 months	\$87
Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.	
1-5 m.p.h. over limit	\$27
6-10 m.p.h. over limit	\$37
11-15 m.p.h. over limit	\$52
16-20 m.p.h. over limit	\$67
21-25 m.p.h. over limit	\$82
26-30 m.p.h. over limit	\$102
31-35 m.p.h. over limit	\$127
36-40 m.p.h. over limit	\$152
Over 40 m.p.h. over limit	\$182
Speeding if speed limit is 40 m.p.h. or less	
1-5 m.p.h. over limit	\$37
6-10 m.p.h. over limit	\$42
11-15 m.p.h. over limit	\$57
16-20 m.p.h. over limit	\$77
21-25 m.p.h. over limit	\$102
26-30 m.p.h. over limit	\$127
31-35 m.p.h. over limit	\$152
Over 35 m.p.h. over limit	\$182

	Base Penalty
Speed Too Fast for Conditions (RCW 46.61.400(1))	\$42
Rules of the Road	
Failure to stop (RCW 46.61.050.)	\$42
Failure to stop on approach of emergency vehicle (RCW 46.61.210)	\$500
Failure to yield the right of way (RCW 46.61.180, 185, .190, .205, .235, .300, .365)	\$42
Failure to yield the right of way on approach of emergency vehicle (RCW 46.61.210)	\$500
Following too close (RCW 46.61.145, .635)	\$42
Failure to signal (RCW 46.61.310)	\$42
Improper lane usage or travel (RCW 46.61.140)	\$42
Impeding traffic (RCW 46.61.425)	\$42
Improper passing (RCW 46.61.110, .115, .120, .125, .130)	\$42
Prohibited and improper turn (RCW 46.61.290, .295, .305)	\$42
Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	\$42
Operating with obstructed vision (RCW 46.61.615)	\$42
Wrong way on one-way street (RCW 46.61.135)	\$42
Failure to comply with restrictive signs (RCW 46.61.050)	\$42
Accident	
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be:	
Equipment (RCW 46.37)	\$67
Illegal use of emergency equipment (RCW 46.37.190)	\$87
Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390 (1) and (3))	
First offense (the penalty may be waived upon proof to the court of compliance)	\$47
Second offense within 1 year of first offense	\$67
Third and subsequent offenses within 1 year of first offense	\$87
Any other equipment infraction (RCW 46.37.010)	\$42
Motorcycles	

	Base Penalty
Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500)	\$42
Parking	
Illegal parking on roadway (RCW 46.61.560)	\$30
Any other parking infraction (not defined by city or county ordinance)	\$20
Pedestrians	
Any infraction regarding pedestrians (not defined by city or county ordinance)	\$27
Bicycles	
Any infraction regarding bicycles	\$32
Load Violations	
(all under RCW 46.44, except over license capacity) (see RCW 46.16)	
Over legal—tires, wheelbase (RCW 46.44.105(1))	
(First offense)	\$72
(Second offense)	\$102
(Third offense)	\$117
In addition to the above (RCW 46.44.105(2)) 3 cents per excess pound	
Over license capacity (RCW 46.16.145)	
(First offense)	\$57
(Second offense)	\$102
(Third offense)	\$117
Violation of special permit	\$67
Failure to obtain special permit	\$67
Failure to submit to being weighed	\$67
Illegal vehicle combination (RCW 46.44.036)	\$67
Illegally transporting mobile home	\$72
Any other infraction defined in RCW 46.44	\$52
Violation of Federal Motor Carrier Safety Regulations (RCW 46.32.010)	
Logbook/Medical Certificate	\$69
Equipment/All Others	\$42
Private Carrier (RCW 46.73)	
Failure to display valid medical exam	\$69
Violation of daily log book	
Driver not out of service	\$69
Driver out of service	\$95
Off-Road Vehicles (ATVs) (RCW 46.09)	
Any RCW 46.09 infraction	\$47
Snowmobiles (RCW 46.10)	

	Base Penalty
Any RCW 46.10 infraction	\$47
Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	\$25
Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	\$250
(2) Commercial Vehicle Infractions	
Defective Equipment/Driver Safety (auto transp.) (WAC 480-30-095)	\$42
Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	\$42
Defective Equipment/Driver Safety (charter/excursion bus) (WAC 480-40-075)	\$42
Commercial Vehicle License (charter/excursion bus) (WAC 480-40-075(1))	\$42
Defective Equipment/Driver Safety (solid waste transp.) (WAC 480-70-400)	\$42
Commercial Vehicle License (solid waste transp.) (WAC 480-70-400(1))	\$42
Failure To Have Proof of Insurance (RCW 81.80.190)	\$250
Defective Equipment/Driver Safety (WAC 480-12-180)	\$42
Commercial Vehicle License (WAC 480-12-180(1))	\$42
Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	\$42
Commercial Vehicle License (limousine) (WAC 480-35-090(1))	\$42
(3) Parks and Recreation Infractions	
Display of Snowmobile Registration Number, Decals, and Validation Tabs (WAC 308-94-070)	\$55
Off-Road Vehicle Traffic Prohibited (WAC 332-52-030(4))	\$42
Travel Off-Road or Off-Trail (WAC 332-52-030(4)(c))	\$42
Spark-Arresting Muffler Required (WAC 332-52-030(4)(h))	\$42
Yield Right of Way to:	
Log Hauling and Gravel Trucks (WAC 332-52-030(4)(l))	\$42
Animal-Drawn Vehicles/Persons Riding Animals (WAC 332-52-030(4)(l))	\$42
Following Closer Than 150 Feet (WAC 332-52-030(4)(m))	\$42
Moving Through Livestock Herd Without Direction (WAC 332-52-030(4)(o))	\$42

	Base Penalty
Parking on the Traveled Portion of the Roadway (WAC 332-52-030(4)(q))	\$30
Excessively Rev Vehicle Engine (WAC 332-52-030(4)(r))	\$42
Driving/Parking Vehicles (WAC 332-52-050(1))	\$42
Bicycles/Motorbikes/Motorcycles on Posted Trails (WAC 332-52-050(3))	\$42
Driving Motor Vehicle in Camp (WAC 332-52-050(4))	\$42
Moorage and Use of Marine Facilities (WAC 352-12-010)	\$42
Moorage Fees (WAC 352-12-020)	\$42
Seasonal Permits (WAC 352-12-030)	\$42
Use of Onshore Campsites (WAC 352-12-040)	\$42
Self-Registration (WAC 352-12-050)	\$67
Parking (WAC 352-20-010)	\$24
Motor Vehicles on Roads and Trails (WAC 352-20-020)	\$67
Speed Limits (WAC 352-20-030)	\$42
Vehicles in Snow Areas (WAC 352-20-040)	\$67
Trucks and Commercial Vehicles (WAC 352-20-050)	\$42
Camping (WAC 352-32-030)	\$67
Campsite Reservation (WAC 352-32-035)	\$42
Picnicking (WAC 352-32-040)	\$42
Park Periods (Unlawful Entry) (WAC 352-32-050)	\$67
Park Capacities (WAC 352-32-053)	\$42
Peace and Quiet (WAC 352-32-056)	\$67
Pets (WAC 352-32-060)	\$42
Horseback Riding (WAC 352-32-070)	\$42
Use of Nonmotorized Cycles or Similar Devices in State Parks (WAC 352-32-075)	\$42
Swimming (WAC 352-32-080)	\$42
Games (WAC 352-32-090)	\$42
Disrobing (WAC 352-32-100)	\$42
Tents, etc., on Beaches (WAC 352-32-110)	\$42
Lakes Located Wholly Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-155)	\$42
Lakes located Partially Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-157)	\$42
Solicitation (WAC 352-32-195)	\$67

	Base Penalty
Intoxication in State Park Areas (WAC 352-32-220)	\$142
Food and Beverage Containers on Swimming Beaches (WAC 352-32-230)	\$42
Use of Metal Detectors in State Parks (WAC 352-32-235)	\$42
Self-Registration (WAC 352-32-255)	\$67
Sno-Park Permit (WAC 352-32-260)	\$42
Sno-Park Permit Display (WAC 352-32-265)	\$42
Vehicular Traffic—Where Permitted—Generally (WAC 352-37-030)	\$67
Equestrian Traffic (WAC 352-37-080)	\$42
Pedestrians To Be Granted Right of Way (WAC 352-37-090)	\$42
Beach Parking (WAC 352-37-100)	\$24
Overnight Parking or Camping Prohibited (WAC 352-37-110)	\$67
Speed Limits (WAC 352-37-130)	\$42
(4) Boating Infractions	\$167
Operating Vessel in Negligent Manner (RCW 79A.60.030)	\$42
No Personal Flotation Device (PFD) on Vessel for Each Person (RCW 79A.60.160(1))	\$42
Personal Flotation Device Not the Appropriate Size (RCW 79A.60.160(1))	\$42
Personal Flotation Device Not Readily Accessible (RCW 79A.60.160(1))	\$42
Observer Required on Board Vessel (RCW 79A.60.170(2))	\$42
Observer To Continuously Observe (RCW 79A.60.170(2))	\$42
Failure To Display Skier Down Flag (RCW 79A.60.170(2))	\$42
Flag/Pole Not to Specifications (RCW 79A.60.170(2))	\$42
Observer Does Not Meet Minimum Qualifications (RCW 79A.60.170(3))	\$67
Water Skier Not Wearing Personal Flotation Device (RCW 79A.60.170(4))	\$67
Overloading of Vessel Beyond Safe Carrying Ability (RCW 79A.60.180(1))	\$117
Carrying Passengers in Unsafe Manner (RCW 79A.60.180(1))	\$67
Overpowering of Vessel Beyond Vessel's Ability To Operate Safely (RCW 79A.60.180(2))	\$117

	Base Penalty
Person Not Wearing Personal Flotation Device (PFD) on Personal Watercraft (RCW 79A.60.190(1))	\$67
Failure To Give Accident Information to Law Enforcement (RCW 79A.60.200(1))	\$117
Motor Propelled Vessels Without Effective Muffler in Good Working Order and Constant Use (RCW 79A.60.130(1))	\$42
Sound Level in Excess of 90 Decibels for Engines Made Before 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	\$42
Sound Level in Excess of 88 Decibels for Engines Made on or After 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	\$42
Sound Level in Excess of 75 Decibels Using Shoreline Test (RCW 79A.60.130(3))	\$42
Removing, Altering or Modifying Muffler or Muffler System (RCW 79A.60.130(7))	\$42
Manufacturing, Selling, or Offering for Sale Any Vessel Equipped With Noncomplying Muffler or Muffler System (RCW 79A.60.130(8))	\$67
Vessel Exemption/Exception for Competing in Racing Events Carried on Board Operating Vessel (RCW 79A.60.130(8))	\$42
Personal Flotation Devices (PFDs) (WAC 352-60-030)	\$42
Visual Distress Signals (WAC 352-60-040)	\$42
Ventilation (WAC 352-60-050)	\$42
Navigation Lights and Sound Signals (WAC 352-60-060)	\$42
Steering and Sailing (WAC 352-60-070)	\$42
Fire Extinguishing Equipment (WAC 352-60-080)	\$42
Backfire Flame Control (WAC 352-60-090)	\$42
Liquefied Petroleum Gas (WAC 352-60-100)	\$42
Canadian Vessels (WAC 352-60-110)	\$42
<u>(5) Fish and Wildlife Infractions</u>	
<u>Fish for Personal Use—Barbed Hooks (RCW 77.15.160 (1)(a))</u>	<u>\$48</u>
<u>Fail to Immediately Record Fish/Shellfish Catch (RCW 77.15.160 (1)(b))</u>	<u>\$48</u>
<u>Fail to Return Catch Record Card (RCW 77.15.160 (1)(c))</u>	<u>\$39</u>
<u>Recreational Fishing—License not with Person (no fish/shellfish possession) (RCW 77.15.160 (1)(d)(i))</u>	<u>\$73</u>

	Base Penalty
<u>Recreational Fishing—Rule Violation (no fish/shellfish possession) (RCW 77.15.160 (1)(d)(ii))</u>	\$73
<u>Seaweed—License not with Person (<2x daily limit) (RCW 77.15.160 (1)(e)(i))</u>	\$48
<u>Seaweed—Rule Violation (<2x daily limit) (RCW 77.15.160 (1)(e)(ii))</u>	\$48
<u>Unclassified Fish/Shellfish (not game fish, food fish, shellfish, or endangered/protected fish) (RCW 77.15.160 (1)(f))</u>	\$73
<u>Wasting Fish/Shellfish (<\$250) (RCW 77.15.160 (1)(g))</u>	\$48
<u>Harm Bird Eggs/Nests (not endangered/protected wild birds) (RCW 77.15.160 (2)(a))</u>	\$97
<u>Unclassified Wildlife (not big game, game animals, game birds, or endangered/protected wildlife) (RCW 77.15.160 (2)(b))</u>	\$73
<u>Wasting Wildlife (not big game) <\$250) (RCW 77.15.160 (2)(c))</u>	\$73
<u>Hunting Wild Animals (not big game)—License not with Person (no wild animal possession) (RCW 77.15.160 (2)(d))</u>	\$73
<u>Hunting Wild Birds—License not with Person (no wild bird possession) (RCW 77.15.160 (2)(e)(i))</u>	\$73
<u>Hunting Wild Birds—Rule Violation (no wild bird possession) (RCW 77.15.160 (2)(e)(ii))</u>	\$73
<u>Taxidermist/Fur Dealer/Wildlife Meat Cutter—Fail to Maintain Records (RCW 77.15.160 (3)(a)(i))</u>	\$122
<u>Taxidermist/Fur Dealer/Wildlife Meat Cutter—Fail to Report Information (RCW 77.15.160 (3)(a)(ii))</u>	\$73
<u>Trapper—Fail to Report Trapping Activity (RCW 77.15.160 (3)(b))</u>	\$73
<u>Contest Violation (RCW 77.15.160 (4)(a))</u>	\$146
<u>Violate Other Infraction Rules (RCW 77.15.160 (4)(b))</u>	\$73
<u>Posting Signs (RCW 77.15.160 (4)(c))</u>	\$122
<u>Scientific Permit Violation (not big game/big game parts)—Violate Permit Terms or Conditions (RCW 77.15.160 (4)(d)(i))</u>	\$122
<u>Scientific Permit Violation (not big game/big game parts)—Violate Rule re: Permit Issuance or Use (RCW 77.15.160 (4)(d)(ii))</u>	\$122
<u>Transporting Aquatic Plants (RCW 77.15.160 (4)(e))</u>	\$73

	Base Penalty
<u>Violate Distance/Feeding Prohibitions for Southern Resident Orca Whales (RCW 77.15.740)</u>	\$500
<u>Negligently Feed/Attempt to Feed Large Wild Carnivores (RCW 77.15.790)</u>	\$73

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 13-23-024
RULES OF COURT
STATE SUPREME COURT
 [November 6, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
 OF AMENDMENTS TO DISCIPLINE) NO. 25700-A-1041
 RULES FOR JUDGES (DRJ) 1, 2, 3, 4, 5,)
 6, 7, 10, 11, 12 & 13)

The Commission on Judicial Conduct having recommended the adoption of the proposed amendments to Discipline Rules for Judges (DRJ) 1, 2, 3, 4, 5, 6, 7, 10, 11, 12 & 13, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as shown below are adopted.
- (b) That the amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2013.

	Madsen, C.J.
C. Johnson, J.	Stephens, J.
Owens, J.	Wiggins, J.
Fairhurst, J.	Gonzalez, J.
J. M. Johnson, J.	Gordon McCloud, J.

RULE 1
 SCOPE OF RULES; PARTIES

(a) ~~Judicial Qualifications~~ Supreme Court Consideration. A decision of the ~~Judicial Qualifications~~ Commission on Judicial Conduct (hereafter "commission") that ~~recommends~~ the disciplines or ~~recommends~~ the suspension, removal, or retirement of a judge or justice (hereafter "judge") or that recommends that a judge should or should not be reinstated to eligibility to hold judicial office ~~will~~ may be considered by the Supreme Court in the manner provided by these rules.

(b) ~~Judicial Qualifications~~ Commission on Judicial Conduct. The proceedings of the ~~Judicial Qualifications~~ Com-

mission (~~hereafter "commission"~~) are governed by rules adopted by the commission (CJCRP).

(c) Parties. The only parties to a proceeding under these rules are the commission and the judge who is the subject of the commission recommendation of discipline or retirement.

(d) Discipline. As used in these rules, "discipline" includes admonishment, reprimand, censure, suspension, and removal from office. ~~but does not include admonishment or reprimand agreed to by the judge as provided in rule 12.~~

COMMENT

Section (a). The Supreme Court may ~~only~~ consider only a ~~Judicial Qualifications Commission~~ recommendation of discipline or retirement that is contested by the judge or that includes a recommendation for suspension, discipline, or an order of retirement. Const. art. 4, subsection 31 (amend. 71). The word "judge" will be used throughout the rules rather than the terms "judge or justice" found in the constitution.

Section (b). The commission determines its own rules for proceedings before it. Const. art. 4, subsection 31 (amend. 71).

Section (c). Only the commission and the judge will be parties to Supreme Court proceedings.

Section (d). Rule 12 acknowledges ~~authorizes~~ the commission ~~to~~ may enter a stipulated admonishment, reprimand, or censure with informally admonish or reprimand a judge without referring the matter to the Supreme Court so long as that stipulation does not include a recommendation for suspension or removal. The word "discipline" used throughout these rules ~~does not include this informal admonishment or reprimand.~~

[Effective May 14, 1982]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 2.

INITIATING SUPREME COURT CONSIDERATION

(a) *Generally.* Decisions of the commission disciplining a judge or finding no misconduct after a fact-finding proceeding recommending to the Supreme Court that a judge should be disciplined or retired shall be in writing, in accordance with the commission's rule CJCRP 24(d). The commission shall serve on the judge a copy of its decision, ~~recommending that the Supreme Court discipline or retire the judge.~~ When the commission's decision after a fact-finding proceeding or pursuant to a stipulation is to censure the judge, with a recommendation for suspension, removal or retirement, or the judge has timely filed a notice of contest under DRJ 3, Unless a matter is disposed of under rule 12, the commission shall file a copy of its decision with the Supreme Court when the commission's decision is final under the rules of the commission. The commission shall serve notice on the judge of the date the decision has been filed with the Supreme Court.

(b) *Time for filing.* The written decision of the commission shall specify the time period in which the judge may file a notice of contest under rule 3. The period may not be shorter than 7 days nor longer than 28 days after the date of service on the judge of notice that the decision has been filed with the Supreme Court.

HISTORY: Adopted May 6, 1982, effective May 14, 1982.

NOTES:

COMMENT

Section (a). — The commission's rules require that all its public decisions ecommendation to the Supreme Court must be in writing. Where the commission's decision to censure a judge includes a recommendation to suspend, remove, or retire a judge, the Supreme Court must consider and act on that recommendation. Any judge disciplined or recommended for retirement by the commission is entitled to review of that decision by the Supreme Court by filing a notice of contest. ~~The rule does not prohibit the commission from giving the judge a proposed recommendation to determine if discipline can be imposed by agreement under rule 12. The rule also accommodates a process for reconsideration by the commission before filing a recommendation with the Supreme Court.~~

SECTION (B). — This section delegates to the commission the responsibility of determining how much time should be allowed for the filing of a notice of contest. The commission is in the best position to know whether the particular case requires prompt action or may be handled in a manner closely approximating the normal time limits for an appeal to the Supreme Court.

RULE 3

CONTESTING ((RECOMMENDATION)) COMMISSION DECISION

(a) *Generally.* A judge who seeks to contest a commission decision imposing discipline or recommending retirement ~~recommendation of discipline or retirement~~ must file a notice of contest with the Supreme Court and the commission. The notice must be filed within the time period specified in the decision of the commission as provided in rule 2(b).

(b) *Form of Notice.* The notice of contest must (1) be titled a notice of contest, (2) describe the portions of the ~~recommendation~~ decision of the commission that the judge wishes to contest, and (3) name the judge seeking to contest the ~~recommendation~~ decision. The notice must be signed by the judge or by counsel. The name, address, and telephone number of the lawyer for any party represented by counsel should be placed on the notice. The residence address and telephone number of the judge seeking to contest the ~~recommendation~~ decision should also be included on the notice.

COMMENT

Section (a). The judge who wishes to contest a commission ~~recommendation~~ decision must file a notice of contest. The time period for filing a notice of contest is determined by the commission. See rule 2(b).

[Effective May 14, 1982]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 4
RECORD ON REVIEW

(a) Transcription of Proceedings. Except as provided in section (b), upon receipt of a timely filed notice of contest, the commission shall at its own expense transcribe those portions of the record of the proceedings involving those charges upon which the ~~recommendation decision~~ of the commission is based. The transcription of the record and copies of relevant material filed with —the commission shall be forwarded by the commission to the judge within the time authorized by the Supreme Court. Any objections relating to the accuracy and content of the record must be made within 14 days after service of the record on the judge. Objections shall be decided in accordance with the rules of the commission. The commission shall forward the record to the Supreme Court after objections are determined by the commission or, in the absence of objection, after the time for objection has expired.

(b) Agreed Record in Contested Proceedings. The commission and the judge may agree to a record in contested proceedings different from that required by section (a). The agreed record shall contain sufficient material to permit the Supreme Court to consider the decision of the commission.

(c) Uncontested Proceedings. If the judge has not timely filed a notice of contest, and the commission recommends suspension, removal or retirement, the record shall consist of the decision of the commission and any other portions of the proceeding which the Supreme Court deems relevant for its consideration.

COMMENT

Section (a). The rule provides that the commission will prepare the record in a contested proceeding. The commission will only need to transcribe those portions of the proceedings which are relevant to its ~~recommendation decision~~. Thus, if the judge was originally charged with five different violations of the Code of Judicial Conduct and the commission ~~recommends~~ imposes discipline based on only one of those, it would only need to transcribe the portions of the proceedings relevant to the charge actually found. The commission will first serve the record on the judge to allow for its determination of any objections to the record before the matter is referred to the Supreme Court. If a party is not satisfied with the commission's determination of the objection, the Supreme Court will decide the matter.

Section (b). There may be circumstances when the commission and the judge disagree only over a limited part of the commission ~~recommendation decision~~. In such circumstances, an agreed record is authorized. Cf. RAP 9.4.

Section (c). If a judge does not contest the commission ~~recommendations decision~~, and the commission recommends suspension, removal or an order of retirement, the record will only consist of the commission decision, supplemented by those portions of the record the Supreme Court deems relevant.

[Effective May 14, 1982]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 5
BRIEFS

(a) Contested Proceedings. If a notice of contest is timely filed, the Supreme Court will establish a schedule for filing briefs.

(b) Uncontested Proceedings. If a notice of contest is not timely filed, briefs will not be required unless requested by the Supreme Court in a case where the commission recommends suspension, removal or an order of retirement.

(c) Content of Brief. A brief should contain under appropriate headings and in the order here indicated:

(1) Title Page. A title page, which is the cover.

(2) Tables. A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the brief where cited.

(3) Statement of the Case. A fair statement of the facts and procedure relevant to the recommended discipline or retirement, without argument. Reference to the record must be included for each factual statement.

(4) Statement of the Issues. A statement of the issues presented by the commission's ~~recommendation decision~~.

(5) Argument. The argument in support of the relief sought by the party filing the brief, together with citations to legal authority and references to relevant parts of the record. The argument may be preceded by a summary.

(6) Conclusion. A short conclusion stating the precise relief sought.

(7) Appendix. An appendix to the brief if deemed appropriate by the party submitting the brief.

(d) Typing and Filing Brief. Rule of Appellate Procedure 10.4(a) is applicable to briefs filed under these rules.

(e) Preparation of Brief. Rules of Appellate Procedure 10.4 (b), (c), (e), (f), and (g) are applicable to briefs filed under these rules.

(f) Service of Brief. A party shall serve a copy of the party's brief on all other parties at or before the time the brief is filed with the Supreme Court.

(g) Reproduction of Brief. Rule of Appellate Procedure 10.5(a) is applicable to a brief filed under these rules.

(h) Submission of Improper Brief. Rule of Appellate Procedure 10.7 is applicable to a brief filed under these rules.

(i) Amicus Curiae Brief. Rule of Appellate Procedure 10.6 is applicable to an amicus curiae brief filed under these rules.

COMMENT

Section a). If a proceeding is contested, the court will set the schedule for filing briefs. This will allow the court flexibility to accelerate those cases which should be speedily resolved, while permitting more time for cases which do not require quick resolution.

Section (b). In an uncontested case where the commission recommends suspension, removal or an order of retirement, the court will usually decide the case based on the decision of the commission, which should include the factual basis for the commission's recommendation. The court may order a brief from the commission if it concludes additional information is necessary.

Section (c). This section is adapted from RAP 10.3. Section (i). ~~As a general rule persons other than parties will not be aware of a discipline or retirement proceeding, but the court or a party may occasionally find the need for an amicus brief.~~ This section incorporates the relevant appellate rule.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 6.
HEARING

(a) Contested proceedings. If a notice of contest is timely filed, the Supreme Court will set the date for the hearing with oral argument. Oral argument will be governed by Title 11 of the Rules of Appellate Procedure.

(b) Uncontested proceedings. If a notice of contest has not been filed in a case where the commission has recommended suspension, removal or an order of retirement, oral argument will not be held unless requested by the Supreme Court. The Supreme Court will nevertheless notify the parties of the date set for the hearing without oral argument.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

COMMENT

Section (a). Normally the court will hear oral argument only in contested proceedings. The court will set the date for oral argument at the same time it sets the briefing schedule. RAP Title 11 governs oral argument.

Section (b). — The court is required to hold a hearing in order to impose suspension, removal, or to retire a judge. Const. art. 4, § 31 (amend. 71). If a proceeding is uncontested, the court will set a date for considering the commission recommendation, but it will not ordinarily schedule time for oral argument.

RULE 7.
ADDITIONAL EVIDENCE OR FINDINGS — REMAND

If the Supreme Court on its own motion or on the motion of the commission or the judge determines that further commission proceedings, additional evidence, or additional findings will aid the Supreme Court, the Supreme Court may remand the case to the commission or accept supplementary materials without remand.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

COMMENT

The Supreme Court may conclude, either on its own or at the instance of a party, that additional commission proceedings are desirable. The Supreme Court may decide that the commission should reconsider its decision ~~the recommendation~~ or obtain additional evidence. This rule permits a remand

for these purposes. The rule also authorizes the Supreme Court to receive additional evidence. The generally accepted standard of review for Supreme Court proceedings in the area of judicial misconduct or disability is an "independent evaluation of the evidence." Hence, the Supreme Court functions with a broader standard of review than is usual for an appellate court reviewing a trial court decision. This rule allows maximum flexibility for supplementing the record. Cf. ABA Standards 7.4-7.6 which are consistent with this approach.

RULE 8.
MOTION

(a) Relief available. A party may seek relief, other than a decision of the case on the merits, by a motion. Rules of Appellate Procedure 17.3(a) and 17.4 are applicable to the motion filed under these rules.

(b) No oral argument. Motions will ordinarily be decided without oral argument.

(c) Motions decided by department or full court. A motion will be decided by a department of the Supreme Court or by the full Supreme Court.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 9.
DECISION AND RECONSIDERATION

(a) Decision by full court. Hearings on the merits under these rules will ordinarily be heard by nine justices. A reference to Supreme Court Justice or Justices in these rules includes regular and pro tempore justices. A reference to the Supreme Court includes the Supreme Court as regularly constituted, and the Supreme Court with one or more justices pro tempore.

(b) Postponement of decision. The Supreme Court may postpone Supreme Court proceedings involving a judge if there are other proceedings pending before the commission involving that same judge.

(c) Decision imposing discipline or retirement. Discipline may be imposed or retirement ordered only upon the affirmative vote of at least five Supreme Court Justices. The decision of the court shall be in the form of a written opinion. The Supreme Court may impose the sanction recommended by the commission, or any other sanction that the Supreme Court deems proper.

(d) Finality of decision. The decision of the Supreme Court becomes final 14 days after the decision is filed, unless a motion for reconsideration of the decision is earlier filed. If a timely motion for reconsideration is filed, the decision of the Supreme Court becomes final when the motion for reconsideration is denied. If the motion for reconsideration is granted, the reconsidered decision is final when filed. The Supreme Court decision is effective when final, unless otherwise provided by the Supreme Court in its decision.

(e) Motion for reconsideration. A party seeking reconsideration of a decision must file a motion for reconsideration within 14 days after the decision of the Supreme Court has been filed. Rules of Appellate Procedure 12.4 (c) through (h) are applicable to proceedings under these rules.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

COMMENT

Section (a). The Supreme Court will ordinarily decide a judicial discipline case with a full panel of nine justices, drawing from justices pro tempore if necessary, to create a full panel. The rule does provide, however, that a decision by less than nine justices will be effective if the decision is supported by at least five justices.

Section (b). The ABA Standards recommend that the court dispose of all matters regarding the discipline of a particular judge at one time. ABA Standards Relating to Judicial Discipline and Retirement, Std. 7.6.

Section (c). The Supreme Court must approve the discipline of a judge with at least five votes. The court may impose the discipline it determines is proper.

Section (d). —A party has 14 days in which to file a motion for reconsideration. If no motion is filed, the decision is final at the end of the 14-day period. If a motion is filed, the decision is final when the motion is denied or when the reconsidered decision is filed. This parallels RAP 12.4 which permits only one motion for reconsideration. This paragraph supersedes RCW 2.04.170 to the extent the statute is in conflict with this rule.

RULE 10.
EFFECT OF DISCIPLINE

(a) Removal or retirement. The office of a judge removed or retired by the Supreme Court becomes vacant when the Supreme Court decision is final. A judge may not perform any judicial duties thereafter. A judge who is removed or retired by the Supreme Court is no longer eligible for judicial office unless the eligibility of the person removed or retired is reinstated by the Supreme Court after review by the commission through application of CJCRP 28.

(b) Suspension. The office of a judge suspended by the Supreme Court does not become vacant, but the judge may not perform any judicial duties during the period of suspension, except to the extent the decision of the Supreme Court provides otherwise.

(c) Effect of discipline on salary. A decision imposing discipline other than removal or retirement will state the effect of the discipline upon the salary of the judge. Subject to the limitation in rule 9(c), the Supreme Court may diminish the salary of the judge based only on the prospective future decrease in the judge's workload brought about by the discipline imposed by the Supreme Court.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

COMMENT

Section (a). The constitution provides that a judicial office becomes vacant if a judge is removed or retired. Const. art. 4, § 31 (amend. 71).

Section (b). If a judge is suspended from office, the implication is that the office is not vacant. This section makes this clear. The rule does not allow a judge to perform judicial duties while suspended, except as may be otherwise authorized by the Supreme Court.

Section (c). The constitution requires the Supreme Court to specify the effect on the judge's salary of discipline other than removal or retirement. The Supreme Court will not use its power to affect salary as a means of imposing a fine on the judge, which is not specifically authorized by the constitution. Statutes control the collateral effect on retirement benefits of a Supreme Court decision affecting payment of a judge's salary.

RULE 11.
REINSTATEMENT OF ELIGIBILITY TO HOLD JUDICIAL OFFICE

(a) Petition filed with commission. A former judge who has been removed from office or retired by the Supreme Court may apply to the commission for reinstatement of eligibility to hold judicial office.

(b) Commission recommendation. The commission shall determine, under CJCRP 28, whether the applicant has made an affirmative showing that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest. The commission recommendation on the application shall be in writing.

(c) Supreme Court procedure. A decision recommending that a former judge should or should not be reinstated to eligibility to hold judicial office shall be processed under these rules in the same manner as a decision of the commission recommending the discipline or retirement of a judge.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

COMMENT

Section (a). The constitution gives to the Supreme Court the authority to reinstate the eligibility of a removed or retired judge to hold judicial office. The constitution does not establish standards for reinstatement. This section provides that the commission will initially consider an application for reinstatement.

Section (b). This section is modeled after rule 8.6(a) of the Discipline Rules for Attorneys. The Supreme Court has considered the question of attorney reinstatement several times. The standard set forth in the rule along with the developed case law will provide the commission and the Supreme Court with a basis for determining whether to reinstate a former judge's eligibility.

Section (c). Once a commission recommendation is filed with the Supreme Court, the procedure will be the same as in cases involving the discipline or retirement of a judge.

RULE 12.
~~((INFORMAL ADMONISHMENT OR REPRIMAND))~~ STIPULATED RESOLUTIONS BY COMMISSION

(a) Generally. The commission may stipulate to a disposition of a case, ~~informally admonish or reprimand a judge,~~

~~but only~~ with the agreement of the ~~at~~ judge under CJCRP 23. If the stipulation requires the suspension, removal, or retirement of a judge, the Supreme Court must review and approve or reject the stipulation. ~~The agreement shall provide whether the agreement of the judge to the admonishment or reprimand may be considered as an admission of misconduct by the judge. In any event, the conduct causing the admonishment or reprimand may be considered in the event of a future complaint against the same judge. The agreed admonishment or reprimand may include an agreement by the judge to desist from certain prescribed conduct.~~

(b) Effect of stipulated resolution. ~~informal admonishment or reprimand.~~ An stipulated agreement to informally admonish, ~~or~~ reprimand or censure a judge without a recommendation for suspension, removal or retirement a judge terminates the complaint or complaints which gave rise to the admonishment or reprimand, without the necessity of referring the matter to the Supreme Court.

[Effective May 14, 1982].

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

COMMENT

Const. art. 4, § 31 (amend. 74 85) gives the commission ~~Supreme Court~~ the authority to impose discipline on judges. Only the Supreme Court can suspend, remove, or retire order a judge retired. ~~Arguably, the commission may not engage in informal dispositions without authority from the Supreme Court. This rule delegates a small, but important, part of the Supreme Court's discipline power to the commission. The commission is only empowered to informally admonish, or reprimand, or censure a judge. If more serious discipline is called for, the Supreme Court must impose the discipline. The rule requires the consent of the judge. The judge will, thereby, be waiving any right to have discipline imposed only by the Supreme Court. Cf. ABA Standard 6-6.~~

Reviser's note: The unnecessary strike through in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

RULE 13. SUBSTITUTE PANEL

(a) Generally. If a justice of the Supreme Court is the subject of a commission discipline or recommendation for retirement that is reviewed by the Supreme Court, ~~recommendation for discipline or retirement~~, a substitute panel of nine judges shall be selected as provided in this rule to serve as justices pro tempore to consider the commission ~~recommendation~~ decision.

(b) Selection of justices pro tempore. The presiding chief judge of the Court of Appeals shall be one member of the substitute panel and shall be the chief justice pro tempore unless the judge disqualifies himself or herself or is otherwise disqualified by section (c). The clerk of the Supreme Court shall select the balance of the justices pro tempore by lot from

all remaining active Court of Appeals judges. If there are fewer than nine judges of the Court of Appeals who are not disqualified, the panel shall be completed by the clerk by selecting by lot from the active superior court judges until a full panel of nine justices pro tempore has been selected.

(c) Disqualification. A judge may disqualify himself or herself without cause. No judge who has served as a master or a member of the commission in the particular proceeding or who is otherwise disqualified may serve on the substitute panel. No judge against whom a formal charge is pending before the commission shall serve on the panel.

(d) Chief justice pro tempore. If the presiding chief judge of the Court of Appeals is not a member of the substitute panel, the substitute panel shall select one of its members to serve as chief justice pro tempore.

[Effective May 14, 1982.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

RULE 14.

SUPPLEMENTAL PROVISIONS

(a) Service and filing with the court. Rule of Appellate Procedure 18.5 governs service, proof of service, and filing of papers under these rules.

(b) Computation of time. Rule of Appellate Procedure 18.6 applies to the computation of time under these rules.

(c) Waiver of rules and sanctions for violation of rules. Rules of Appellate Procedure 18.8 (a) and (d) and 18.9(a) are applicable to proceedings under these rules.

(d) Applicability of RAP. Upon order of the Supreme Court, the Rules of Appellate Procedure may be made applicable to any part of the proceeding involving the discipline or retirement of a judge not governed by these rules.

(e) Confidential and privileged communications. Confidential communication between a judicial officer and peer Counselors of the Judicial Assistance Committee of the Superior Court Judges' Association or the District and Municipal Court Judges' Association of the LAP (Lawyers Assistance Program of the Washington State Bar Association) shall be privileged against disclosure without the consent of the judicial officer to the same extent and subject to the same conditions as confidential communication between a client and psychologist.

[Effective May 14, 1982; amended November 6, 2003, effective November 25, 2003.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 13-23-028
RULES OF COURT
STATE SUPREME COURT
[November 6, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CrRLJ) NO. 25700-A-1045
4.2(g)—STATEMENT OF DEFENDANT)
ON PLEA OF GUILTY AND DUI)
ATTACHMENT AND WASHINGTON)
STATE MISDEMEANOR DUI SEN-)
TENCING ATTACHMENT and CrRLJ)
4.2(i)—PETITION FOR DEFERRED)
PROSECUTION AND PETITION FOR)
DEFERRED PROSECUTION OF CRIM-)
INAL MISTREATMENT CHARGE)

The Pattern Forms Committee having recommended the adoption of the proposed amendment to CrRLJ 4.2(g)—Statement of Defendant on Plea of Guilty and DUI Attachment and Washington State Misdemeanor DUI Sentencing Attachment and CrRLJ 4.2(i)—Petition for Deferred Prosecution and Petition for Deferred Prosecution of Criminal Mistreatment Charge, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined the need for expedited adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as shown below is adopted.

(b) That the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2013.

C. Johnson, J. Madsen, C.J.
Stephens, J.
Owens, J. Wiggins, J.
Fairhurst, J.
J. M. Johnson, J. Gordon McCloud, J.

Court of Washington for
Plaintiff, vs. Defendant.

No. Statement of Defendant on Plea of Guilty

- 1. My true name is
2. My age is
3. I went through the grade.

4. I Have Been Informed and Fully Understand that:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with:

Table with 3 columns: Count, Crime, RCW or Ordinance (with subsection). Rows 1-4.

[] In count(s), the defendant committed the offense against another family or household member as defined in RCW 10.99.020.

The elements are:

[] as set out in the charging document.

[] as follows:

5. I Understand That I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

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

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of my Guilty Plea, I Understand That:

(a) The crime with which I am charged carries a maximum sentence of days in jail and a \$ fine.

(b) The prosecuting authority will make the following recommendation to the judge:

(c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

(d) The judge may place me on probation for up to five (5) years if I am sentenced for a domestic violence offense or under RCW 46.61.5055, or up to two (2) years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.

(e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me

to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(f) 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.

Notification Relating to Specific Crimes: If any of the Following Paragraphs Apply, the Box Should Be Checked and the Paragraph Initialed by the Defendant.

(g) The crime of _____ has a mandatory minimum sentence of _____ days in jail and \$ _____ fine plus costs and assessments. The law does not allow any reduction of this sentence.

(h) The crime of prostitution, indecent exposure, permitting prostitution and patronizing a prostitute has a mandatory assessment of \$ _____. The court may reduce up to two-thirds of this assessment if the court finds that I am not able to pay the assessment. RCW 9A.88.120.

(i) If this crime involves patronizing a prostitute, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. The court will impose crime-related geographic restrictions on me if feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

(ij) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

(jk) This plea of guilty will result in suspension or revocation of my driving license or privilege by the Department of Licensing for a minimum period of _____, or longer based upon my record of conviction. This period may not include suspension or revocation based on other matters.

(kl) 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 is restored by the court of record that ordered the prohibition on possession of a firearm or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(lm) If this crime involves a violation of Title 77 RCW, the Department of Fish and Wildlife may, and in some cases shall, suspend or revoke my privileges under Fish and Wildlife licensing.

(mn) If this crime involves a drug offense, my eligibility for state and federal education benefits will be affected. 20 U.S.C. § 1091(r).

(no) This plea of guilty is considered a conviction under RCW 46.25.010 and I will be disqualified from driving a commercial motor vehicle. RCW 46.25.090. I am required to notify the Department of Licensing and my employer of this guilty plea within 30 days after the judge signs this document. RCW 46.25.030.

(op) If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to:

the penalties described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."

OR

these penalties: The mandatory minimum sentence of _____ days in jail, _____ days of electronic home monitoring and \$ _____ monetary penalty. The court shall require me to apply for an ignition interlock driver's license and to drive only with a functioning ignition interlock device or, if the court waives those requirements, to submit to alcohol monitoring, for _____ year(s). I may also be required to drive only motor vehicles equipped with an ignition interlock device as imposed by the Department of Licensing and/or the court. My driving privilege will be suspended or revoked by the Department of Licensing for the period of time stated in paragraph 6(j). In lieu of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring. If I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring, if I live out of state, or if the judge determines I would violate the terms of electronic home monitoring, the judge may waive electronic home monitoring and impose an alternative sentence which may include additional jail time, work crew or work camp.

these penalties: Mandatory minimum sentence:

- _____ days in jail.
- _____ days of electronic home monitoring.
- \$ _____ monetary penalty.
- Effective January 1, 2014, if I have 2 or 3 prior offenses, a 6-month period of 24/7 sobriety program monitoring, if available.
- Comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device on all motor vehicles that I operate.
- The Department of Licensing will suspend or revoke my driving privilege for the period of time stated in paragraph 6(k).

If I have prior offense(s):

- the judge may order me to submit to an expanded alcohol assessment and comply with treatment deemed appropriate by that assessment.
- instead of mandatory electronic home monitoring, the judge may order me to serve additional jail time. Effective January 1, 2014, if I have 1 prior offense, instead of additional jail time, the judge may order a 6-month period of 24/7 sobriety program monitoring.

Instead of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring.

If the judge orders me to refrain from consuming any alcohol, the judge may order me to submit to alcohol monitoring. I shall be required to pay for the monitoring unless the

judge specifies that the cost will be paid with funds from another source.

The judge may waive electronic home monitoring or order me to obtain an alcohol monitoring device with wireless reporting technology, if that device is reasonably available, if I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring. The judge may waive electronic home monitoring if I live out of state, or if the judge determines I would violate the terms of electronic home monitoring. If the judge waives, the judge may waive electronic home monitoring, and impose on he or she will impose an alternative sentence which may include use of an ignition interlock device, additional jail time, work crew, or work camp, or, beginning January 1, 2014, 24/7 sobriety program monitoring.

I understand that the 24/7 sobriety program is a 24 hour and 7 days a week sobriety program which requires tests of my blood, breath, urine or other bodily substances to find out if I have alcohol, marijuana, or any controlled substance in my body. I will be required to pay the fees and costs for the program.

(pq) If this case involves reckless driving and the original charge was driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) or vehicular assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug, I have been informed and understand that I will be subject to the penalties for Reckless Driving described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."

(qr) If this case involves negligent driving in the first degree, and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years, I have been informed and understand that I will be subject to the penalties for Negligent Driving - 1st Degree described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."

(rs) If this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.

(st) Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree with sexual motivation, communication with a minor

Date: _____

Prosecuting Authority

for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, or violation of a sexual assault protection order granted under chapter 7.90 RCW, I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.

(tu) **Travel Restrictions:** I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if I am placed on probation for one (1) year or more and this crime involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires the offender to register as a sex offender in the sending state. I understand that I will be required to pay an application fee with my travel or transfer request.

7. I plead guilty to the crime(s) of _____ as charged in the complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice. The complaint or citation and notice was orally amended and I waive filing of a written amended complaint or citation and notice.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. **Statement of Facts:** The judge has asked me to state in my own words what I did that makes me guilty of the crime(s). This is my statement (state the specific facts that support each element of the crime(s)):

I committed this crime against a family or household member as defined in RCW 10.99.020.

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant

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

Defendant's Lawyer

 Type or Print Name WSBA No. Type or Print Name WSBA No.

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

Interpreter Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have translated this document for the defendant 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 defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

Case Name _____ **Cause No.** _____

"DUI" Attachment: Driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Court – DUI Sentencing Grid (RCW 46.61.5055 as amended by statute effective September 28, 2013, and January 1, 2014 through August 1, 2012)

BAC Result < .15 or No Test Result	No Prior Offense ¹	One Prior Offense ¹	Two or Three Prior Offenses ¹
Mandatory Minimum/Maximum Jail Time ²	24 Consecutive Hours/364 Days	30/364 Days	90/364 Days
If Passenger Under 16 Mandatory Jail	Additional 24 hours	Additional 5 days	Additional 10 days
EHM/Jail Alternative ²	15 Days in Lieu of Jail	60 Days Mandatory/4 Days Jail Min.	120 Days Mandatory/8 Days Jail Min.
Mandatory Minimum/Maximum Fine ³	\$940.50/\$5,000	\$1,195.50/\$5,000	\$2,045.50/\$5,000
If Passenger Under 16 Minimum/Maximum ⁴	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	90-Day Suspension	2-Year Revocation	3-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed.
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program ²	N/A	As ordered	Mandatory
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered
Expanded alcohol assessment/treatment	N/A	As Ordered	Mandatory/treatment if appropriate

BAC Result \geq .15 or Test Refusal	No Prior Offense ¹	One Prior Offense ¹	Two or Three Prior Offenses ¹
Mandatory Minimum/Maximum Jail Time ²	2 Consecutive 48 Consecutive Hours/364 Days	45/364 Days	120/364 Days
If passenger under 16 Mandatory Jail	Additional 24 hours	Additional 5 days	Additional 10 days
EHM/Jail Alternative ²	30 Days in Lieu of Jail	90 Days Mandatory/6 Days Jail Min.	150 Days Mandatory/10 Days Jail Min.
Mandatory Minimum/Maximum Fine ³	\$1,195.50/\$5,000	\$1,620.50/\$5,000	\$2,895.50/\$5,000
If Passenger Under 16 Minimum/Maximum ⁴	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	1-Year Revocation 2 Years if BAC refused	900-Days Revocation 3 Years if BAC refused	4-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program ²	N/A	As ordered	Mandatory
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered
Expanded alcohol assessment/treatment	N/A	As Ordered	Mandatory/treatment if appropriate

* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 5.

** Driver's license minimum suspension/revocation. DOL may impose more.

Department of Licensing Required Ignition Interlock Device Requirements, RCW 46.20.720 (3)(4) January 1, 2014 as amended with statutes effective through January 1, 2014*			
Requirement	No Previous Restriction no less than:	Previous 1-Year Restriction no less than:	Previous 5-Year Restriction no less than:
II Device	1 Year	5 Years	10 Years
Restriction effective, until IID vendor certifies to DOL that none of the following occurred within four months prior to date of release: any attempt to start the vehicle with a BAC of .04 or more <u>unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples</u> ; failure to take or pass any required retest random test <u>unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test</u> ; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower <u>unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples</u> ; failure of the person to appear at the IID vendor when required.			

* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 45.

'Prior Offenses: Count all prior offenses where the arrest date of the prior offense occurred within seven years before or after the arrest date on the current offense. RCW 46.61.5055 (14)(b). "Prior offense" is defined by RCW 46.61.5055 (14)(a) to include-

- **Original Convictions for the following:** (1) DUI (RCW 46.61.502) (or an equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance); (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the

influence; (4) Equiv. out-of-state statute for any of the above offenses.

- **Deferred Prosecution Granted for the following:** (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249, or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)*. An equivalent out-of-state deferred prosecution for DUI or Phys. Contr., including a chemical dependency treatment

program. If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in RCW 46.61.5055 (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing.

- **Amended Convictions for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522); but convicted of (1) Neg. Driving 1st (RCW 46.61.-5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses. If originally charged with Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug; but convicted of Veh. Hom. or Veh. Assault committed in a reckless manner or with the disregard for the safety of others.*
- **Deferred Sentences for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522); but deferred sentence was imposed for (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.-500), (3) Reckless Endangerment (RCW 9A.36.-050), (4) Equiv. out-of-state or local ordinance for the above offenses.*

2Mandatory Jail, and Electronic Home Monitoring (EHM), and 24/7 Sobriety Program: If there are prior offenses within seven years before or after the arrest date of the current offense, the mandatory jail shall be served by imprisonment for the minimum statutory term and may not be suspended ~~or deferred~~ unless the court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. The mandatory statutory term may not be converted to EHM. *Bremerton v. Bradshaw*, 121 Wn.App. 410, 88 P.3d 438 (Div. Two 2004). Where there are no prior offenses within seven years, the court may grant EHM instead of mandatory minimum jail. If there are prior offenses, the mandatory EHM may not be suspended ~~or deferred~~ unless the court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Instead of mandatory EHM, the court may order additional jail time.

(Effective January 1, 2014) If 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. Where there are two or three prior offenses, the court shall order 6-month 24/7 sobriety program monitoring. 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). Laws of 2013, 2d Spec. Sess., ch. 35, §26.

Mandatory Conditions of Probation for any Suspended Jail Time: The individual is not to: (i) drive a motor vehicle without a valid license to drive and proof of liability insurance or other financial responsibility (SR 22), (ii) drive or be in physical control of a vehicle while having an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher within two hours after driving, (iii) refuse to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug. Except for ignition interlock driver's license and device or alcohol monitoring requirements under RCW 46.61.5055(5), violation of **any** mandatory condition requires a minimum penalty of 30 days' confinement, which may not be suspended or deferred, and an additional 30-day license suspension. RCW 46.61.-5055(11). Courts are required to report violations of mandatory conditions requiring confinement or license suspension to DOL. RCW 46.61.5055.

3Mandatory Monetary Penalty: PSEA 1, RCW 3.62.-090(1); Alcohol Violators Fee, RCW 46.61.5054; Criminal Justice Funding (CJF) Penalty, RCW 46.64.055 (Note: RCW 3.62.090 (1) and (2) apply to CJF penalty); Criminal Conviction Fee, RCW 3.62.085.

4If Passenger Under 16: The interpretation of RCW 46.61.5055(6), regarding the fines, is unsettled. Some interpret it as setting a new mandatory minimum and maximum fine, replacing a fine in RCW 46.61.5055 (1) - (3). Some interpret it as setting a fine that is in addition to one of those fines. Apply applicable assessments.

Felony DUI and Felony Physical Control: A current offense is a Class C felony punished under Ch. 9.94A RCW if the defendant has (a) four prior convictions within ten years, or (b) one prior conviction of Veh. Homicide or Veh. Assault, or (c) a prior Class C felony resulting from (a) or (b). "Within ten years" means that the arrest for the prior offense occurred within ten years before or after the arrest for the current offense. RCW 46.61.5055 (14)(c).

Jurisdiction: Court has five years jurisdiction.

Department of Licensing - DUI Administrative Sanctions and Reinstatement Provisions (As amended through August 1, 2012 September 28, 2013)

Administrative Sanctions – RCW 46.20.3101		
REFUSED TEST	<i>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years*</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years*</i>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
BAC RESULT	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adults ≥ 0.08	90-Day License Suspension	2-Year License Revocation
Minors ≥ 0.02	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

* Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident. RCW 46.20.3101(4).

Ignition Interlock Driver's License, RCW 46.20.385 (amended through August 1, 2012 September 28, 2013)
May apply for an Ignition Interlock Driver's License upon receiving RCW 46.20.308 notice or upon suspension or revocation. See "Court and Department of Licensing Ignition Interlock Requirements, page 4."

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license (see RCW 46.61.5055 and 46.20.355). An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution (see RCW 46.20.355 and 10.05.060).

Requirements for Reinstatement of Driving Privilege	
<i>Suspended License* (RCW 46.20.311)</i>	<i>Revoked License* (RCW 46.20.311)</i>
<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR 22) Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement Pay \$150 driver's license reissue fee Driver's ability test NOT required 	<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR22) Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement Pay \$150 driver's license reissue fee Satisfactorily complete a driver's ability test

* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

Court and Department of Licensing (DOL) Ignition Interlock Requirements, RCW 46.20.380, 46.20.385

Ignition Interlock Driver's License, RCW 46.20.380, 46.20.385	
Eligible to Apply	<ul style="list-style-type: none"> Conviction of violation of RCW 46.61.502, 46.61.504, or an equivalent local or out-of-state statute or ordinance, 46.61.520 (1)(a), or 46.61.522 (1)(b) involving alcohol. License suspended, revoked, or denied under RCW 46.20.3101. Proof of installed functioning ignition interlock device.
Requirements	<ul style="list-style-type: none"> Proof of financial responsibility (SR 22).
Financial Obligations	<ul style="list-style-type: none"> \$100 mandatory fee to DOL. Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month, unless waived.

Duration	Extends through the remaining portion of any concurrent or consecutive suspension or revocation imposed as the result of administrative action and criminal conviction arising from the same incident.
Operation with Other Requirements	The time period during which the person is licensed under RCW 46.20.385 shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720.

Court Order to Comply with Rules and Requirements of DOL: The court orders the person to comply with the rules and requirements of DOL regarding the installation and use of a functioning II device on all motor vehicles operated by the person. If the court orders the person to refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring and to pay for the monitoring unless the court specifies the cost will be paid with funds available from an alternative source identified by the court. RCW 46.61.5055(5).

Court Ordered Discretionary Ignition Interlock (II) Device: The court may order discretionary II device requirements that last up to the five years jurisdictional limit of the court. The court sets the duration and calibration level. Discretionary II device restrictions begin after any applicable period of suspension, revocation, or denial of driving privileges and after any DOL mandated II device restriction. The court sets the calibration level. RCW 46.20.720(1).

Passenger Under Age 16: The Court shall order the installation and use of an II device for an additional six months.

Deferred Prosecution: For application in DUI Deferred Prosecution, see RCW 46.20.720 and RCW 10.05.140, which require II device in a deferred prosecution of any alcohol-dependency based case.

DOL Imposed Ignition Interlock (II) Device - RCW 46.20.720: For all offenses occurring June 10, 2004 or later, DOL shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning II device if the person is convicted of "an alcohol-related" violation of DUI or Physical Control. The DOL required II device is not required on vehicles owned, leased, or rented by a person's employer or on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person's employer as a requirement of employment during business hours upon proof to DOL of employment affidavit. However, the employer exemption does not apply:

A. (First conviction): for the first 30 days after the ignition interlock device has been installed.

B. (Second or subsequent conviction): for the first 365 days after the ignition interlock device has been installed.

C. ¶When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment, the employer exemption does not apply. The person must pay a \$20 fee per month in addition to costs to install, remove, and lease the ignition interlock device. DOL may waive requirement if the device is not reasonably available in the local area. DOL will give day-for-day credit as allowed by law.

**Court – Reckless Driving/Negligent Driving - 1st Degree Sentencing Grid
(RCW 46.61.500, RCW 46.61.5249, RCW 46.20.720 as amended through August 1, 2012 September 28, 2013)**

Reckless Driving	
Conviction	Qualifications
Reckless Driving (RCW 46.61.500 (3)(a))	<ul style="list-style-type: none"> Original charge: Violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance. One or More Prior Offenses within 7 years as defined above.
Reckless Driving (RCW 46.61.500 (3)(b))	<ul style="list-style-type: none"> Original charge; Violation of Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug.
Consequences	
II Device	<ul style="list-style-type: none"> 6 Months. Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: <u>any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take or pass any required retest random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.</u>

Reckless Driving	
Conviction	Qualifications
	<ul style="list-style-type: none"> DOL will give day-for-day credit as allowed by law. Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month.
Maximum Jail Time	<ul style="list-style-type: none"> 364 Days if convicted of reckless driving.
Maximum Fine	<ul style="list-style-type: none"> \$5,000 if convicted of reckless driving.
EHM	<ul style="list-style-type: none"> As ordered.
<u>Driver's License</u>	<ul style="list-style-type: none"> <u>30-day suspension.</u> <u>DOL will give day-for-day credit as allowed by law.</u>
II Driver's License	<ul style="list-style-type: none"> As imposed by DOL. May apply for II driver's license if original charge was violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance. If the Defendant is eligible to apply; but does not have a Washington driver's license, the defendant may apply for an II license. DOL may require the defendant to take a licensing examination and apply and qualify for a temporary restricted driver's license. During any period of suspension, revocation or denial, a person who has obtained an II driver's license under RCW 46.20.385 may continue to drive without getting a separate temporary restricted driver's license.
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"> As ordered.

Negligent Driving – 1st Degree	
Conviction	Qualifications
Negligent Driving - 1st Degree (RCW 46.61.5249)	<ul style="list-style-type: none"> One or More Prior Offenses within 7 years as defined above.
Consequences	
II Device	<ul style="list-style-type: none"> 6 Months. Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: any attempt to start the vehicle with a BAC of .04 or more <u>unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;</u> failure to take or pass any required retest <u>random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;</u> failure to pass any random retest with a breath alcohol concentration of 0.025 or lower <u>unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples;</u> failure of the person to appear at the IID vendor when required.
Maximum Jail Time	<ul style="list-style-type: none"> 90 days if convicted of negligent driving in the 1st degree.
Maximum Fine	<ul style="list-style-type: none"> \$1,000 if convicted of negligent driving in the 1st degree.
EHM	<ul style="list-style-type: none"> As ordered.
Driver's License	<ul style="list-style-type: none"> As imposed by DOL.
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"> As ordered.

The 'Washington State Misdemeanor DUI Sentencing Attachment' may be used as an alternative to the 'DUI' Attachment.' This is a sample page of the automated Washington State Misdemeanor DUI Sentencing Attachment available on the Washington Courts' web page: <http://www.courts.wa.gov/>, under the links "Resources, Publications, and Reports" and "DUI Sentencing Grids."

WASHINGTON STATE MISDEMEANOR DUI SENTENCING ATTACHMENT
 Attach to Judgment and Sentence or Statement of Defendant on Plea of Guilty

IN THE _____ (court) FOR _____ (County)
 Defendant: _____ Cause No. _____

RELEVANT FINDINGS

FOR OFFENSES OCCURRING SEPTEMBER 28, 2013 OR LATER

Conviction: _____.

GY Passenger Under 16 Yrs Neg 1 or Reckless Driving with prior alcohol-related conviction

STATUTORY MANDATORY MINIMUMS

FINES & FEES		SENTENCE	
Mand Min Fine (RCW 46.61.5055 (1)-(3))	\$ _____	Mand Min Jail	_____
Passenger under 16 (RCW 46.61.5055(6))	\$ _____	Mand Min EHM	_____
PSEA (70 of Base) (RCW 3.62.090(1))	\$ _____	Mand Min TOTAL	_____
Alcohol Violators Fee (RCW 46.61.5054) DUC	\$ _____		
CJF Penalty Assessment (RCW 46.61.5054) TPD	\$ _____		
PSEA on Penalty (105%) (RCW 3.62.090 (1), (2))	\$ _____		
Criminal Conviction Fee (RCW 3.62.085) CFD	\$ _____	The Court may impose	
TOTAL FINES, PENALTIES, & FEES	\$ _____		
		_____ days of EHM in lieu of	
		_____ in jail.	

DRIVER'S LICENSING CONSEQUENCES

Min Driver's Lic Susp as a result of conviction: _____

Ignition Interlock License: _____

Ignition Interlock Device: _____

MANDATORY CONDITIONS OF PROBATION (DUI/Phys. Control Convictions only)

The individual is not to: (i) drive a motor vehicle without a valid license and proof of liability insurance or other financial responsibility (SR 22); (ii) drive or be in physical control of a vehicle while having an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher within two hours after driving; (iii) refuse to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of law enforcement who has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug. Except for ignition interlock device or alcohol monitoring requirements under RCW 46.61.5055(5), violation of any mandatory condition, requires a minimum penalty of 30 days' confinement, which may not be suspended or deferred, and an additional 30-day license suspension. RCW 46.61.5055(11). Courts are required to report violations of mandatory conditions requiring confinement or license suspension to DOL. RCW 46.61.5055.

Court of Washington	
For _____	
_____ Plaintiff,	No: _____
vs.	Petition for Deferred Prosecution (DPPF)
_____ Defendant.	Charges: _____
	Violation Date: _____

I am the defendant in this case and I petition the court for deferred prosecution under RCW Chapter 10.05. I make the following statement in support of my petition:

1. The wrongful conduct charged is the result of or caused by **Alcoholism** **Drug Addiction** **Mental Problems**, for which I need treatment.

2. Unless I receive treatment for my problem, the probability is great that I will offend again.

3. I agree to pay the cost of diagnosis and treatment, if I am financially able to do so, subject to RCW 10.05.130.

4. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the crime(s) charged or does not suffer from alcoholism, drug addiction, or mental problems.

5. If this charge is a violation of Title 46 or similar municipal ordinance, I have not previously been placed on a deferred prosecution for a Title 46 or similar municipal ordinance violation.

6. I have filed a case history and assessment with this petition as required by RCW 10.05.020.

7. I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to have a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is (are) proved beyond a reasonable doubt; and (i) to present evidence and a defense. By deferring prosecution on these

charges, I give up my right to: (a) a speedy trial; (b) a jury; (c) testimony on my own behalf; an opportunity to (d) call and (e) question witnesses; and (f) present evidence or a defense.

8. I agree that the facts as reported in the attached police reports are admissible evidence and are sufficient to support a conviction. I acknowledge that the above items will be used to support a finding of guilty if the deferred prosecution is revoked.

9. If my deferred prosecution is revoked and I am found guilty, I may be sentenced up to the maximum penalty allowed by law.

10. If I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treatment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.

11. For some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a seven-year period. I understand that a deferred prosecution will be a prior offense under RCW 46.61.5055 (driving under the influence, physical control of a vehicle under the influence, negligent driving if originally charged as driving under the influence or physical control of a vehicle under the influence, vehicular homicide, or vehicular assault).

12. If the court defers prosecution on any crime that would be a violation of state law or local ordinance relating to motor vehicle traffic control, I will be disqualified from driving a commercial motor vehicle for the period specified in RCW 46.25.090 and, if I drive a commercial motor vehicle holding a license issued by Washington State, I will be required to notify the Department of Licensing and my employer of this deferred prosecution within 30 days of the judge granting this petition. RCW 46.25.030. If the court grants this Petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. If my wrongful conduct is the result of or caused by alcohol dependency, I shall also be required to apply for an ignition interlock driver's license and to install an ignition interlock device under RCW 46.20.720(2) and RCW 46.20.385. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(3)(a), (b) and (c). I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. To help ensure continued sobriety and reduce the likelihood of reoffense, the

court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. Alcoholism programs shall require a minimum of two self-help recovery groups per week for the duration of the treatment program. The court may terminate the deferred prosecution program if I violate this paragraph.

13. If the court grants this petition, during the period of deferred prosecution I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if my wrongful conduct involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires me to register as a sex offender in Washington state. I understand that I will be required to pay an application fee with my travel or transfer request.

14. If I fail or neglect to comply with any part of my treatment plan or with any ignition interlock driver's license or ignition interlock device requirements, then the court shall either order me to comply with the term or condition or be removed from deferred prosecution (RCW 10.05.090). After the hearing, the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.

15. The court will dismiss the charge(s) against me in this case three years from the end of the two-year treatment program and following proof to the court that I have complied with the conditions imposed by the court following successful completion of the two-year treatment program, but no less than five years from the date the deferred prosecution is granted, if the court grants this petition and if I fully comply with all the terms of the court order placing me on deferred prosecution.

I certify under penalty of perjury under the laws of the state of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Dated at _____, Washington this _____ day of _____, _____.

Petitioner-Defendant

Defense Attorney/WSBA No.

<p style="text-align: center;">Court of Washington</p> <p>For _____</p>	
<p style="text-align: center;">_____ Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____ Defendant.</p>	<p>No: _____</p> <p>Petition for Deferred Prosecution of Criminal Maltreatment Charge (DPPF)</p> <p>Violation Date: _____</p>

I am the defendant in this case and I petition the court for deferred prosecution of a criminal mistreatment charge under RCW Chapter 10.05. Following are my statements in support of this petition:

1. I am the natural or adoptive parent of the alleged victim.
2. The wrongful conduct charged is the result of parenting problems for which I am in need of services.
3. I am in need of child welfare services under chapter 74.13 RCW to improve my parenting skills in order to better provide my child(ren) with the basic necessities of life.
4. I want to correct my conduct to reduce the likelihood of harm to my child(ren).
5. I have cooperated with the Department of Social and Health Services to develop a plan to receive appropriate child welfare services.
6. I agree to pay the cost of the services if I am financially able to do so.
7. I understand that the court will not accept a petition for deferred prosecution from me if I sincerely believe that I am innocent of the crime(s) or if I sincerely believe that I do not need child welfare services.
8. I have not previously been placed on a deferred prosecution for a Chapter 9A.42 RCW or similar municipal ordinance violation.
9. The Department of Social and Health Services' case history and child welfare service plan have been filed with this petition as required by RCW 10.05.020.
10. I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to have a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is (are) proved beyond a reasonable doubt; and (i) to present evidence and a defense. By deferring prosecution on these charges, I understand I give up my right to: (a) a speedy trial; (b) a jury; (c) testify on my own behalf; (d) call and (e) question witnesses; and (f) present evidence or a defense.
11. I agree that the facts as reported in the attached police reports are admissible in evidence and are sufficient to support conviction for the charged crime(s). I acknowledge that the above items will be used to support a finding of guilty if the deferred prosecution is revoked.
12. If my deferred prosecution is revoked and I am found guilty, I may be sentenced up to the maximum penalty allowed by law.
13. If I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treat-

ment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.

14. If the court defers prosecution on any crime that would be a violation of a state law or local ordinance relating to motor vehicle traffic control, I will be disqualified from driving a commercial motor vehicle for the period specified in RCW 46.25.090, and if I drive a commercial motor vehicle holding a license issued by Washington State, I will be required to notify the Department of Licensing and my employer of this deferred prosecution within 30 days of the judge granting this petition. RCW 46.25.030. If the court grants this petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. If my parenting problems and resulting wrongful conduct are based on alcohol dependency, I shall also be required to apply for an ignition interlock driver's license and to install an ignition interlock device under RCW 46.20.720(2) and RCW 46.20.385. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720 (3)(a), (b), and (c). I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. Alcoholism programs shall require a minimum of two self-help recovery groups per week for the duration of the treatment program. The court may terminate the deferred prosecution program if I violate this paragraph.

15. If the court grants this petition, during the period of deferred prosecution I will be required to contact my probation officer, the probation director or designee, or the court if there is no probation department, to request permission to travel or transfer to another state if my wrongful conduct involves: (i) an offense in which a person has incurred direct or threatened physical or psychological harm; (ii) an offense that involves the use or possession of a firearm; (iii) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual offense that requires me to register as a sex offender in Washington state. I understand that I will be required to pay an application fee with my travel or transfer request.

16. If I fail or neglect to comply with any part of my service plan, or with any ignition interlock driver's license or ignition interlock device requirements, the court shall either order me to comply with the term or condition or be removed from deferred prosecution (RCW 10.05.090). The termination of my parental rights with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution shall be per se evidence that I did not successfully complete the service plan. After the hearing, the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution

cution, the court will revoke the deferred prosecution and enter judgment.

17. If the court grants my petition, the court will dismiss the charge(s) against me in this case when the court receives proof that I have successfully completed the child welfare service plan, or the service plan has been terminated because

the alleged victim has reached his or her majority and there are no other minor children in the home.

I certify under penalty of perjury under the laws of the state of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Dated at _____, Washington this _____ day of _____.

Petitioner-Defendant

Defense Attorney/WSBA No.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 13-23-031
RULES OF COURT
STATE SUPREME COURT
[November 7, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RAP) NO. 25700-A-1048
2.2(c)—DECISIONS OF THE SUPE-)
RIOR COURT THAT MAY BE)
APPEALED, RAP 5.3(a)—CONTENT)
OF NOTICE—FILING—CONTENT OF)
NOTICE OF APPEAL, RAP 5.3(j)—)
CONTENT OF NOTICE—FILING—)
ASSISTANCE TO DEFENDANT IN)
CRIMINAL CASE OR PARTY ENTI-)
TLED TO REVIEW AT PUBLIC)
EXPENSE, RAP 5.4(a)—FILING AND)
SERVICE OF NOTICE, RAP 6.2(c)—)
DISCRETIONARY REVIEW, RAP 9.6—)
DESIGNATION OF CLERK'S PAPERS)
AND EXHIBITS, RAP 9.7(b)—PREPAR-)
ING CLERK'S PAPERS AND EXHIBITS)
FOR APPELLATE COURT, RAP 10.10—)
STATEMENT OF ADDITIONAL)
GROUNDS FOR REVIEW, RAP 16.2—)
ORIGINAL ACTION AGAINST STATE)
OFFICER, RAP 16.14(a)—PERSONAL)
RESTRAINT PETITION—APPELLATE)
REVIEW, RAP 17.1(a)—SCOPE, RAP)
18.3(b)—WITHDRAWAL BY COUN-)
SEL AND RAP 18.13A—ACCELER-)
ATED REVIEW OF JUVENILE DEPEN-)
DENCY, DISPOSITION ORDERS AND,)
ORDERS TERMINATING PARENTAL)
RIGHTS, AND DEPENDENCY)
GUARDIANSHIP ORDERS)

amendments to RAP 2.2(c)—Decisions of the Superior Court that May Be Appealed, RAP 5.3(a)—Content of Notice—Filing—Content of Notice of Appeal, RAP 5.3(j)—Content of Notice—Filing—Assistance to Defendant in Criminal Case or Party Entitled to Review at Public Expense, RAP 5.4(a)—Filing and Service of Notice, RAP 6.2(c)—Discretionary Review, RAP 9.6—Designation of Clerk's Papers and Exhibits, RAP 9.7(b)—Preparing Clerk's Papers and Exhibits for Appellate Court, RAP 10.10—Statement of Additional Grounds For Review, RAP 16.2—Original Action Against State Officer, RAP 16.14(a)—Personal Restraint Petition—Appellate Review, RAP 17.1(a)—Scope, RAP 18.3(b)—Withdrawal by Counsel and RAP 18.13A—Accelerated Review of Juvenile Dependency, Disposition Orders and, Orders Terminating Parental Rights, and Dependency Guardianship Orders, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January, 2014.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2014. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Denise.Foster@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of November, 2013.

For the Court

Madsen, C.J.

CHIEF JUSTICE

The Washington State Bar Association and Court of Appeals having recommended the adoption of the proposed

GR 9 COVER SHEET

Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)

**Rule 2.2(c): Decisions of the Superior Court That May Be
 Appealed**

Submitted by the Court of Appeals Rules Committee

Purpose: The proposed amendment clarifies that appellate courts' review of superior courts' small claims decisions is available only if discretionary review is accepted. Review is not a matter of right but must be granted by the appellate court under Rule 2.3.

The small claims procedure was intended to be a simple, accessible, and expedited process used by lay persons to resolve small disputes. WA F.B. Rep., 1997 Reg. Sess. S.B. 5295. Litigants already have the right to appeal the small claims court's decision to a superior court under CRLJ 72. Further mandatory review deviates from the purpose of small claims courts by increasing the expense and burden to the litigants and should only be permitted on a discretionary basis.

RAP 2.2(c)

**DECISIONS OF THE SUPERIOR COURT THAT MAY BE
 APPEALED**

(c) Superior Court Decision on Review of Decision of Court of Limited Jurisdiction. If the superior court decision has been entered after a proceeding to review a decision of a court of limited jurisdiction, a party may appeal only if the review proceeding was a trial de novo ~~and the final judgment is not a finding that a traffic infraction has been committed.~~ Appeal is not available if: (1) the final judgment is a finding that a traffic infraction has been committed, or (2) the claim originated in a small claims court operating under RCW 12.40.

GR 9 COVER SHEET

Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)

Rule 5.3 (a) and (j): Content of Notice—Filing
Submitted by the Court of Appeals Rules Committee

Purpose: The purpose of this amendment is to direct the clerk to assist the self-represented person by attaching the necessary judgment and sentence form, and any other related documents such as an order of indigency, to the notice of appeal.

RAP 5.3 (a), (j)
CONTENT OF NOTICE—FILING

(a) Content of Notice of Appeal. A notice of appeal must (1) be titled a notice of appeal, (2) specify the party or parties seeking the review, (3) designate the decision or part of decision which the party wants reviewed, and (4) name the appellate court to which the review is taken.

The party filing the notice of appeal should attach to the notice of appeal a copy of the signed order or judgment from which the appeal is made, and, in a criminal case in which two or more defendants were joined for trial by order of the trial court, provide the names and superior court cause num-

bers of all codefendants. In a criminal case where the defendant is not represented by counsel at trial, the trial court clerk shall attach a copy of the judgment and sentence, the order of indigency, if applicable, and any service documents with the notice as provided in rule 5.3(j).

...

(j) Assistance to Defendant in Criminal Case or Party Entitled to Review at Public Expense. Trial counsel for a defendant in a criminal case or party entitled to review at public expense is responsible for filing any appropriate notice of appeal, notice for discretionary review, and motion for order of indigency under rule 15.2. If such a defendant or party is not represented by counsel at trial, the trial court clerk shall, if requested by the defendant or party in open court or in writing, supply a notice of appeal form, a notice for discretionary review form, or a form for a motion for order of indigency, and file the forms upon completion by the defendant or party. The clerk shall transmit the forms and all related orders to the appellate court.

GR 9 COVER SHEET

Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)

Rule 5.4(a): Filing and Service of Notice
Submitted by the Court of Appeals Rules Committee

Purpose: This proposal is a companion to the proposed changes to Rule 5.3 designed to clarify the trial court clerk's duties when assisting a self-represented criminal defendant. It also would clarify that the proof of service required by Rule 5.4(b) should also be forwarded to the appellate court along with the notice of appeal or notice of discretionary review.

RAP 5.4(a)
FILING AND SERVICE OF NOTICE

(a) Filing of Notice by Clerk of Trial Court. The clerk of the trial court shall within 14 days of the filing of a notice of appeal or notice for discretionary review file a copy of the notice along with any proof or affidavit of service filed for the notice with the appellate court designated in the notice and notify that court whether the filing fee has been paid. The clerk shall indicate on the notice in the clerk's file, or on a separate paper, the date the notice and proof of service, if applicable, was mailed to the appellate court. In a case where a defendant is not represented by counsel at trial, the clerk shall also transmit to the designated appellate court a copy of the judgment and sentence, order of indigency, if applicable, and any service documents. Failure by the clerk to file the notice with the appellate court has no effect on the rights of any party to review.

GR 9 COVER SHEET

Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)

Rule 6.2(c): Discretionary Review
Submitted by the Court of Appeals Rules Committee

Purpose: This amendment clarifies that parties should append the relevant portions of the record to motions for dis-

cretionary review and should prepare a table of contents to the appended record.

**RAP 6.2(c)
DISCRETIONARY REVIEW**

(c) Regular Motion Procedure Governs. A motion for discretionary review is governed by the motion procedure established by Title 17. The motion and the response should append those portions of the record below to which the motion or response refer. The appendix should include a table of contents and the pages should be consecutively numbered.

Reviser's note: The spelling error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

GR 9 COVER SHEET

**Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)**

Rule 9.6 (b)(1): Designation of Clerk's Papers and Exhibits

Submitted by the Court of Appeals Rules Committee

Purpose: The amendment would treat civil and criminal cases alike by requiring the initiation documents for all cases be included in the clerk's papers.

**RAP 9.6 (b)(1)
DESIGNATION OF CLERK'S PAPERS AND EXHIBITS**

- (b) Designation and contents.
 - (1) The clerk's papers shall include, at a minimum:
 - (A) the notice of appeal or the notice of discretionary review;
 - (B) the indictment, information, or complaint in a criminal case;
 - (C) the summons and complaint, or case initiating petition in a civil case;
 - (~~C~~) (D) any written order or ruling not attached to the notice of appeal, of which a party seeks review;
 - (~~D~~) (E) the final pretrial order, or the final complaint and answer or other pleadings setting out the issues to be tried if the final pretrial order does not set out those issues;
 - (~~E~~) (F) any written opinion, findings of fact or conclusions of law;
 - (~~F~~) (G) any jury instruction given or refused that presents an issue on appeal; and
 - (~~G~~) (H) any order sealing documents if sealed documents have been designated.

GR 9 COVER SHEET

**Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)**

Rule 9.7(b): Preparing Clerk's Papers and Exhibits for Appellate Court

Submitted by the Court of Appeals Rules Committee

Purpose: The amendment is designed to require trial courts to file an exhibit list that identifies only the exhibits that are transmitted on appeal.

**RAP 9.7(b)
PREPARING CLERK'S PAPERS AND EXHIBITS FOR APPELLATE COURT**

(b) Exhibits. The clerk of the trial court shall assemble those exhibits designated by the parties and prepare them for transmission to the appellate court. Exhibits ~~which that~~ are papers should be assembled in the order the exhibits are numbered with a cover sheet ~~which that~~ lists only the exhibits being transmitted and is titled "Exhibits."

GR 9 COVER SHEET

**Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)**

Rule 10.10 (a), (c): Statement of Additional Grounds for Review

Submitted by the Court of Appeals Rules Committee

Purpose: The amendment to Rule 10.10(a) conforms the scope of the statement of additional grounds to the scope of review. Defendants retain the ability to discuss matters they believe have not been adequately addressed, but they may only speak to issues related to the ruling being considered by the appellate court. The statement is only available to those defendants who have an appeal as a matter of right, and the statement must relate to the judgment or order that was appealed.

The amendment to Rule 10.10(c) limits attachments to the Statement of Additional Grounds to items that are in the appellate record. The appropriate instrument for a defendant who wishes to raise issues and evidence outside the record is the personal restraint petition (PRP). *See State v. McFarland*, 127 Wn.2d 322, 337-38, 899 P.2d 1251 (1995) (PRP appropriate means of introducing matters outside record on appeal). A PRP may be filed concurrently with the direct appeal. *See Washington State Bar Ass'n, Appellate Practice Desk Book § 32.2 (2)(c)*, at 32-7 (3d ed. 2005) (citing *State v. Byrd*, 30 Wn. App. 794, 800, 638 P.2d 601 (1981)). The personal restraint procedure is designed to be clear and simple, and readily lends itself to pro se representation. *Washington State Bar Ass'n, Appellate Practice Desk Book § 32.2 (3)(c)*, at 32-10 (3d ed. 2005).

**RULE 10.10
STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW**

(a) **Statement Permitted.** ~~A defendant/appellant in a review of In a criminal case on direct appeal, the defendant~~ may file a pro se statement of additional grounds for review to identify and discuss those matters related to the decision under review ~~which that~~ the defendant/~~appellant~~ believes have not been adequately addressed by the brief filed by the defendant/~~appellant's~~ counsel.

(b) **Length and Legibility.** The statement, which shall be limited to no more than 50 pages, may be submitted in handwriting so long as it is legible and can be reproduced by the clerk.

(c) **Citations; Identification of Errors.** Reference to the record and citation to authorities are not necessary or required, but the appellate court will not consider a defendant/~~appellant's~~ statement of additional grounds for review if

it does not inform the court of the nature and occurrence of alleged errors. Except as required in cases in which counsel files a motion to withdraw as set forth in rule 18.3 (a)(2), the appellate court is not obligated to search the record in support of claims made in a defendant/~~appellant's~~ statement of additional grounds for review. Only documents that are contained in the record on review should be attached or referred to in the statement.

(d) Time for Filing. The statement of additional grounds for review should be filed within 30 days after service upon the defendant/~~appellant~~ of the brief prepared by defendant/~~appellant's~~ counsel and the mailing of a notice from the clerk of the appellate court advising the defendant/~~appellant~~ of the substance of this rule. The clerk will advise all parties if the defendant/~~appellant~~ files a statement of additional grounds for review.

(e) Report of Proceedings. If within 30 days after service of the brief prepared by defendant/~~appellant's~~ counsel, defendant/~~appellant~~ requests a copy of the verbatim report of proceedings from defendant/~~appellant's~~ counsel, counsel should promptly serve a copy of the verbatim report of proceedings on the defendant/~~appellant~~ and should file in the appellate court proof of such service. The pro se statement of additional grounds for review should then be filed within 30 days after service of the verbatim report of proceedings. The cost for producing and mailing the verbatim report of proceedings for an indigent defendant/~~appellant~~ will be reimbursed to counsel from the Office of Public Defense in accordance with Title 15 of these rules.

(f) Additional Briefing. The appellate court may, in the exercise of its discretion, request additional briefing from counsel to address issues raised in the defendant/~~appellant's~~ pro se statement.

GR 9 COVER SHEET

Suggested Amendment

RULES OF APPELLATE PROCEDURE (RAP)

Rule 16.2(b): Original Action Against State Officer **Submitted by the Court of Appeals Rules Committee**

Purpose: This amendment is intended to bring Rule 16.2 into conformity with Rule 17.4 (a)(2).

RAP 16.2(b)

ORIGINAL ACTION AGAINST STATE OFFICER

(b) Initiating Proceeding. The proceeding is initiated by filing the petition in the Supreme Court and servicing filing proof of service of the petition on the proper parties. ~~The petition must be noted for hearing before the commissioner or clerk as provided in rule 17.4 for motions. The notice of hearing should be served with the petition.~~ Service of the petition ~~and notice~~ must be made as provided in the Superior Court Civil Rules and statutes for service of a summons in a superior court action. The clerk of the Supreme Court will note the petition for hearing and provide notice to the parties.

Suggested Amendment

RULES OF APPELLATE PROCEDURE (RAP)

Rule 16.14(a): Personal Restraint Petition—Appellate Review

Submitted by the Court of Appeals Rules Committee

Purpose: This amendment clarifies that the decision to transfer a motion to the appellate court is not subject to direct review by the Supreme Court.

RAP 16.14(a)

PERSONAL RESTRAINT PETITION—APPELLATE REVIEW

(a) Decision Whether to Transfer. A decision to transfer a petition to a superior court for a hearing or to retain the petition for determination by the appellate court is not subject to review by the Supreme Court. A superior court decision to transfer a motion to the Court of Appeals for consideration as a personal restraint petition pursuant to CrR 7.8 is not subject to direct review by the Supreme Court.

GR 9 COVER SHEET

Suggested Amendment

RULES OF APPELLATE PROCEDURE (RAP)

Rule 17.1(a): Scope

Submitted by the Court of Appeals Rules Committee

Purpose: This amendment would clarify for criminal defendants what pleadings they may file with the appellate court and conform to current practices.

RAP 17.1(a) SCOPE

(a) Relief Under This Title. A person may seek relief, other than a decision of the case on the merits, by motion as provided in Title 17. In a criminal appeal where the defendant is represented by counsel, the defendant may only file a motion related to a statement of additional grounds for review or the representation of counsel. Other motions submitted by a defendant who is represented by counsel will be placed in the file without action. Any such action is not subject to the provisions of rule 17.7.

GR 9 COVER SHEET

Suggested Amendment

RULES OF APPELLATE PROCEDURE (RAP)

Rule 18.3(b): Withdrawal by Counsel

Submitted by the Court of Appeals Rules Committee

Purpose: The purpose of the amendment is to ensure that notice of intent to withdraw is filed in the appellate court rather than the trial court.

RAP 18.3(b) WITHDRAWAL BY COUNSEL

(b) Civil Cases. Except as otherwise provided in this section, withdrawal by counsel in a civil case shall be governed by CR 71. If a notice of intent to withdraw is given before oral argument, the notice should include the date set for oral

argument. Any reference in the notice to the clerk of the court shall mean the clerk of the appellate court. ~~A motion~~ The notice to withdraw from representation in the appellate court should be filed in the appellate court, which will decide such motion.

GR 9 COVER SHEET

Suggested Amendment
RULES OF APPELLATE PROCEDURE (RAP)

**Rule 18.13A (a), (d): Accelerated Review of Juvenile
 Dependency Disposition Orders and Orders Terminating
 Parental Rights**

Submitted by the Court of Appeals Rules Committee

Purpose: The purpose of the amendment is to establish that dependency guardianship orders under RCW 13.36 are to be subject to accelerated review in the same way as juvenile dependency disposition orders and orders terminating parental rights, which are now addressed by the rule.

RAP 18.13A (a), (d)

**ACCELERATED REVIEW OF JUVENILE DEPENDENCY
 DISPOSITION ORDERS ~~AND~~ ORDERS TERMINATING
 PARENTAL RIGHTS, AND DEPENDENCY GUARDIANSHIP
 ORDERS**

(a) Generally. Juvenile dependency disposition orders and orders terminating parental rights under RCW 13.34, and dependency guardianship orders under RCW 13.36, may be reviewed by a commissioner on the merits by accelerated review as provided in this rule. Review from other orders entered in juvenile dependency and termination actions are not subject to this rule. The provisions of this rule supersede all other provisions of the Rules of Appellate Procedure to the contrary, and this rule shall be construed so that appeals from juvenile dependency disposition orders and orders terminating parental rights under RCW 13.34, and dependency guardianship orders under RCW 13.36, shall be heard as expeditiously as possible.

...

(d) Consolidation. When one or more appellants seek review of more than one dependency dispositional order ~~or~~ order terminating parental rights, or dependency guardianship order arising from cases tried together, each appellant may file a single statement of arrangements and a single designation of clerk's papers under the lowest trial court cause number. The appellate court normally will consolidate the appeals for purposes of review.

WSR 13-24-002

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY

(Natural Resource Damage Assessment Committee)

[Filed November 20, 2013, 12:32 p.m.]

January - December 2014
Meeting Schedule

The Washington state natural resource damage assessment (NRDA) committee, which is chaired by the department of ecology, includes representatives of the state departments of fish and wildlife, natural resources, health, archaeology and historic preservation, and the parks and recreation commission. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2014 will be held on the second Wednesday of each month. All meetings will be held in Room ROA-09.

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dale.davis@ecy.wa.gov.

WSR 13-24-003

HEALTH CARE AUTHORITY

[Filed November 20, 2013, 1:03 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 13-38 Alternative Benefits Plan.

Effective Date: January 1, 2014.

Description: The agency intends to submit medicaid SPA 13-38 to comply with the Affordable Care Act and to receive Center for Medicare and Medicaid Service's approval of Washington state's proposed alternative benefit plan for the medicaid expansion population (individuals who were not previously eligible for medicaid services but will be eligible under the Affordable Care Act). The alternative benefit plan describes the coverage being made available to this new medicaid-covered population. Coverage under this plan will be exactly the same as the classic medicaid categorically needy program as described in Attachment 3.1-A of the state plan to be in effect January 1, 2014, with the addition of a benefit for habilitative services. The definition of habilitative services and related policy will be developed and stakeholdered via the WAC development and promulgation process. The agency anticipates an annual aggregate expense of \$214,727 for fiscal year 2014. The agency assures that there will be full access to early and periodic screening, diagnosis, and treatment services for people under twenty-one years of age, as described by 42 C.F.R. 440.345.

Additional information about the benefits offered under the alternative benefit plan for those covered under the medicaid expansion population is available at the agency's web

site at http://www.hca.wa.gov/medicaid/Documents/benefit_changes_2014.pdf.

Please send comments to the agency via e-mail at Medicaidexpansion2014@hca.wa.gov.

For additional information, contact Gail Kreiger, Health Care Services, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1681, TDD/TTY 800-848-5429, fax (360) 725-1328, e-mail gail.kreiger@hca.wa.gov, web site http://www.hca.wa.gov/medicaid/Documents/benefit_changes_2014.pdf.

WSR 13-24-004
NOTICE OF PUBLIC MEETINGS
HOP COMMISSION

[Filed November 20, 2013, 1:08 p.m.]

The Washington hop commission has scheduled its 2014 regular meetings, as follows. This information is being filed as required by RCW 42.30.075:

- Wednesday, February 19 Sunnyside
- Wednesday, April 16 Sunnyside
- Wednesday, June 18 Prosser
- Wednesday, October 15 Sunnyside

Interested individuals may contact the Washington hop commission at (509) 453-4749 prior to each scheduled date for the specific time and location of each meeting.

WSR 13-24-007
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Pharmacy Quality Assurance Commission)

[Filed November 21, 2013, 8:01 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of pharmacy, for the year 2014. The pharmacy quality assurance commission meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the pharmacy quality assurance commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 23, 2014	9:00 a.m.	Department of Health PPE Room 152/153 310 Israel Road S.E. Tumwater, WA 98501

Date	Time	Location
March 6, 2014	9:00 a.m.	Highline Community College Mt. Constance 2400 South 240 Street Des Moines, WA 98198
April 17, 2014	9:00 a.m.	Highline Community College Mt. Constance 2400 South 240 Street Des Moines, WA 98198
May 29, 2014	9:00 a.m.	Red Lion Hotel At the Park 303 West North River Drive Spokane, WA 99201
July 10, 2014	9:00 a.m.	Department of Health PPE Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
September 11, 2014	9:00 a.m.	Blackriver Training and Conference Center Cedar/Duwamish Rooms 800 Oakesdale Avenue S.W. Renton, WA 98057
October 30, 2014	9:00 a.m.	Vancouver, Washington To be determined
December 18, 2014	9:00 a.m.	Blackriver Training and Conference Center Cedar/Duwamish Rooms 800 Oakesdale Avenue S.W. Renton, WA 98057

If you need additional information, please contact Doreen E. Beebe, Health Services Consultant 3, Washington Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4834, fax (360) 236-4626, e-mail Doreen.Beebe@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of pharmacy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 13-24-008
NOTICE OF PUBLIC MEETINGS
INNOVATE WASHINGTON
 [Filed November 21, 2013, 10:10 a.m.]

The November 21, 2013, regularly scheduled meeting of the Innovate Washington board of directors has been postponed to Monday, December 2, 2013. The meeting is scheduled from 10:00 a.m. - 11:30 a.m. at Innovate Washington Seattle and Spokane offices at 1001 Fourth Avenue Plaza, Suite 3200, Seattle, WA 98154; and at 665 North Riverpoint Boulevard, Suite 432, Spokane, WA 99202.

WSR 13-24-009
NOTICE OF PUBLIC MEETINGS
LIFE SCIENCES
DISCOVERY FUND AUTHORITY

[Filed November 21, 2013, 11:30 a.m.]

Please note updates to life sciences discovery fund's (LSDF) 2013-2014 scheduled board meeting dates. Note as well that we will post our public meeting agenda and any call-in information (if the meeting is telephonic only) as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

2013 Public Board Meeting Dates
(times are approximate and subject to change)

Monday, December 16	8:30 a.m. - 3:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle, WA 98102 (first floor Agora conference room)
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2014 Public Board Meeting Dates
(times are approximate and subject to change)

Monday, April 21	8:30 a.m. - 4:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle, WA 98102
Friday, June 6	8:30 a.m. - 4:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle, WA 98102
Friday, August 18	8:30 a.m. - 4:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle, WA 98102
Monday, November 17	8:30 a.m. - 4:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle, WA 98102

WSR 13-24-013
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON

[Filed November 21, 2013, 12:31 p.m.]

In accordance with RCW 42.30.075, 28B.20.105, 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 2014 at its meeting held November 14, 2013.

Meeting time of regular meetings: The board will meet on the dates noted below, beginning at 8:30 a.m., or such later time as may be announced on the board's web page (<http://www.washington.edu/regents/>) and posted at the board office in Gerberding Hall. A portion of each day's meetings will be

allocated to meetings of the board's standing committees. The detailed schedule of the day's meetings will be posted in advance on the board's web page and at the board office in Gerberding Hall.

Date	Location and Time	
Thursday, January 9	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, February 13	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, March 13	UW Tacoma	Standing Committee Meetings and Board Meeting
Thursday, April 10*	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, May 8	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, June 12	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, July 10	UW Allen Center Room CSE 691	Standing Committee Meetings and Board Meeting
Thursday, August 14*	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, September 11	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting
Thursday, October 9	UW Tower Board Room	Standing Committee Meetings and Board Meeting
Thursday, November 13	UW Gerberding Hall 142 Petersen Room Allen Library	Standing Committee Meetings Board Meeting

Date	Location and Time	
Thursday, December 11*	UW Tower Board Room	Standing Committee Meetings and Board Meeting

**The April 10, August 14, and December 11 meetings may be canceled, circumstances permitting.*

Except as otherwise indicated, the meetings listed are held at the University of Washington Seattle Campus, Seattle, Washington, at the locations noted, unless a different location is established an [and] public notice given in accordance with chapter 42.30 RCW.

The regents will meet for dinner at the residence of the university president, at 5:30 p.m. on the following Wednesdays:

January 8
February 12
March 12
April 9*
May 7
June 11
July 9
August 13*
September 10
October 8
November 12
December 10*

**The April 9, August 13, and December 10 meetings may be canceled, circumstances permitting.*

Requests for disability accommodation: To request disability accommodation, contact the disability services office at (206) 543-6450 (voice), (206) 543-6452 (TTY), (206) 685-7264 (fax), or e-mail dso@uw.edu. The University of Washington makes every effort to honor disability accommodation requests. Requests can be responded to most effectively if received as far in advance of the event as possible, preferably at least ten days.

WSR 13-24-018
ATTORNEY GENERAL'S OFFICE

[Filed November 22, 2013, 8:42 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you

are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by December 26, 2013. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions list-serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 13-11-04
Request by Jonathan Meyer, Lewis County Prosecutor

Question:

Whether a County may enter into an interlocal cooperation agreement with a City that would, in limited circumstances, permit the County to terminate County water utility service to customers that have failed to timely pay their City sewer utility bills where the city has no other reasonable enforcement mechanism to enforce such payments.

WSR 13-24-019
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES

(State Capitol Committee)

[Filed November 22, 2013, 9:43 a.m.]

The state capitol committee meeting scheduled for Thursday, December 5, 2013, has been cancelled.

If you have any questions, please contact Nouk Leap at (360) 407-9256 or Kim Buccarelli at (360) 407-9312.

WSR 13-24-020

ATTORNEY GENERAL'S OFFICE

[Filed November 22, 2013, 10:23 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by December 26, 2013. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions list-serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 13-11-05

Request by Matt Shea, State Representative, District 4

Questions:

What is the difference between an employer of the covered emergency worker, listed in RCW 38.52.180 (3)(d), and a non-profit corporation or parent organization, who sponsors a team and has members duly registered as volunteer emergency workers? Or would the non-profit corporation or parent organization be covered under RCW 38.52.180 (3)(f), a local organization that registered the covered volunteer emergency worker?

WSR 13-24-026

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL**

[Filed November 22, 2013, 3:30 p.m.]

Following is the schedule of regular meetings for the Washington state rehabilitation council for 2014:

Date	Time	Location
January 23 and 24, 2014	9:00-5:00 and 9:00-4:00	Lynnwood, Washington
April 24 and 25, 2014	9:00-5:00 and 9:00-4:00	Yakima, Washington
July 24 and 25, 2014	9:00-5:00 and 9:00-4:00	Spokane, Washington
October 23 and 24, 2014	9:00-5:00 and 9:00-4:00	Mt. Vernon, Washington

If you need further information contact JoAnne Lang, P.O. Box 45343, Olympia, WA 98504, (360) 725-3692, langjk@dshs.wa.gov, www.wastrehabcouncil.org.

WSR 13-24-031

**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:43 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA

Legal and Administrative Services

Document Title: Provider Notice 13-72.

Subject: Reminder - alpha-agonists limit for clients seventeen years of age and younger.

The agency will require authorization for combined doses of alpha-agonists that exceed the agency's dose limit for clients seventeen years of age and younger.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-032

**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:45 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA**Legal and Administrative Services**

Document Title: Provider Notice 13-76.

Subject: Medicaid program of HCA will implement changes to maximum allowable costs in the prescription drug program.

Effective for dates of service on and after December 1, 2013, the agency will implement the following changes to maximum allowable costs in the prescription drug program.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-033**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:45 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA**Legal and Administrative Services**

Document Title: Provider Notice 13-77.

Subject: Medicaid program of HCA will publish an update of the Washington preferred drug list (WPDL).

Effective for dates of service on and after December 1, 2013, the Medicaid program of HCA will publish an update of the WPDL with a new drug class of medications called newer anticoagulants.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-034**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:47 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA**Legal and Administrative Services**

Document Title: Provider Notice 13-78.

Subject: Injectable drugs fee schedule update.

Retroactive to dates of service on and after October 1, 2013, the Medicaid program of HCA has updated the inject-

able drugs fee schedule to include quadrivalent flu vaccine coverage for claims submitted to the agency using CPT® code 90686.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-035**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:49 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA**Legal and Administrative Services**

Document Title: Provider Notice 13-80 Supersedes PN 13-78 to correct the effective date.

Subject: Injectable drugs fee schedule update.

Retroactive to dates of service on and after August 1, 2013, the Medicaid program of HCA has updated the injectable drugs fee schedule to include quadrivalent flu vaccine coverage for claims submitted to the agency using CPT® code 90686.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-036**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:51 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA**Legal and Administrative Services**

Document Title: Provider Notice #13-81 replaces PN 13-35 to correct an incorrect hyperlink to the Federal Register.

Subject: Medicaid program of HCA will pay the new IHS encounter rate.

Retroactive to dates of service on and after January 1, 2013, HCA will pay the new IHS encounter rate.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-

800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-037

**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed November 25, 2013, 3:51 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the health care authority (HCA).

HCA

Legal and Administrative Services

Document Title: Provider Notice 13-79.

Subject: Reminder - National Correct Coding Initiative (NCCI) requirement regarding add-on codes on claims.

The medicaid program of HCA reminds all providers of NCCI requirement regarding add-on codes on claims.

For additional information, contact Amber Lougheed, HCA, P.O. Box 42716, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.lougheed@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 13-24-047

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Filed November 26, 2013, 9:22 a.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 14-02 issue of the Register.

WSR 13-24-049

**NOTICE OF PUBLIC MEETINGS
GAMBLING COMMISSION**

[Filed November 26, 2013, 10:39 a.m.]

Please visit our web site at www.wsgc.wa.gov / Public Meetings, two weeks before each meeting to confirm meeting dates and start times. For questions, contact Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone (360) 486-3466, fax (360) 486-3625, e-mail Susan.Newer@wsgc.wa.gov.

2014 Commission Meetings

January 16 and 17

Note: Meeting is a week later than usual.

Comfort Inn Conference Center

1620 74th Avenue S.W.
Tumwater, WA 98501
(360) 352-0691

February 13 and 14

Comfort Inn Conference Center

1620 74th Avenue S.W.
Tumwater, WA 98501
(360) 352-0691

March 20 and 21

Note: Meeting is a week later than usual.

Comfort Inn Conference Center

1620 74th Avenue S.W.
Tumwater, WA 98501
(360) 352-0691

April 10 and 11

Vancouver Heathman Lodge

7801 N.E. Greenwood Drive
Vancouver, WA 98662
(360) 254-3100

May 8 and 9

Doubletree by Hilton/Phoenix Inn (tentative)

415 Capitol Way North
Olympia, WA 98501
(360) 570-0555

June

No meeting

July 11 (one-day only)

Grand Mound Great Wolf Lodge

20500 Old Highway 99 S.W.
Grand Mound, WA 98531
(360) 273-7718

August 14 and 15

Comfort Inn Conference Center

1620 74th Avenue S.W.
Tumwater, WA 98501
(360) 352-0691

September 11 and 12

Comfort Inn Conference Center

1620 74th Avenue S.W.
Tumwater, WA 98501
(360) 352-0691

October 9 and 10

Spokane Davenport Hotel

10 South Post Street
Spokane, WA 99201
(509) 455-8888

November 13 and 14

Comfort Inn Conference Center (tentative)

1620 74th Avenue S.W.
Tumwater, WA 98501
(360) 352-0691

December

No meeting

No meetings in June or December.

Contact Michelle Rancour, (360) 486-3447, michelle.rancour@wsgc.wa.gov.

WSR 13-24-050

**NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE**

[Filed November 26, 2013, 10:47 a.m.]

On November 20, 2013, the Lower Columbia College board of trustees adopted the following meeting schedule for 2014. All regularly scheduled meetings are held on the third Wednesday of each month at 5:00 p.m. in the Heritage Room of the Administration Building unless noted otherwise.

2014 Meeting Schedule

January 15, 2014	5:00 p.m.	Regular Meeting
February 19, 2014	8:30 a.m.	Workshop

March 12, 2014	5:00 p.m.	Special Executive Session Admin. Building Training Room
March 19, 2014	5:00 p.m.	Regular Meeting
April 16, 2014	5:00 p.m.	Regular Meeting
May 21, 2014	5:00 p.m.	Regular Meeting
June 18, 2014	5:00 p.m.	Regular Meeting
July 16, 2014	8:30 a.m.	Workshop
August 2014	No meeting	
September 17, 2014	5:00 p.m.	Regular Meeting
October 15, 2014	5:00 p.m.	Regular Meeting
November 19, 2014	5:00 p.m.	Regular Meeting
December 17, 2014	5:00 p.m.	Regular Meeting

May 14, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
June 18, 2014	Study Session	3 p.m.	Tacoma Dome
	Business Agenda	4 p.m.	
July 9, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
August 13, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
September 2014	No Meeting		
October 8, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
November 12, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
December 10, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3

WSR 13-24-051

NOTICE OF PUBLIC MEETINGS

CLOVER PARK

TECHNICAL COLLEGE

[Filed November 26, 2013, 10:50 a.m.]

The board of trustees of Clover Park Technical College (CPTC), at their regularly scheduled meeting on November 13, 2013, identified the dates on the list below for their monthly meetings in the year 2014, in compliance with RCW 42.30.075.

Most meetings will begin at 3 p.m. in the Rotunda, Building 3, on the CPTC campus at 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098. The April meeting will begin at 3 p.m. at the South Hill Campus, 17214 110th Avenue East, Puyallup, WA 98374. The June meeting will begin at 3 p.m. at the Tacoma Dome, 2727 East D Street, Tacoma, WA 98421, just prior to the CPTC graduation.

2014 Meeting Calendar

January 8, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
February 5, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
March 12, 2014	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
April 9, 2014	Study Session	3 p.m.	South Hill Campus
	Business Agenda	4 p.m.	South Hill Campus

WSR 13-24-052

**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Filed November 26, 2013, 10:51 a.m.]

The workforce training and education coordinating board approved the 2014 board meeting schedule. Following is a copy of the scheduled dates. Please reference our web site for locations and time.

Please feel free to contact Kelsey Thompson at (360) 709-4608 or kelsey.thompson@wtb.wa.gov if you have any questions.

2014 Workforce Board Meetings
Thursday, January 23, 2014 TBD
Thursday, March 20, 2014 TBD

2014 Workforce Board Meetings
Thursday, May 8, 2014 TBD
Thursday, June 26, 2014 TBD
Wednesday, July 30 and Thursday, July 31, 2014 TBD
Thursday, September 25, 2014 TBD
Thursday, November 20, 2014 TBD

Board meetings are held at various locations, to be determined.

August 20, 2014	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
October 15, 2014	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
December 17, 2014	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158

WSR 13-24-053
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Pharmacy and Therapeutics Committee)
 (Drug Utilization Review Board)
 [Filed November 26, 2013, 12:38 p.m.]

2014 Meeting Schedule

Contact: Leta Evaskus, (206) 521-2029, leta.evaskus@hca.wa.gov.

February 19, 2014	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
April 16, 2014	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
June 18, 2014	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158

WSR 13-24-058
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY
 [Filed November 26, 2013, 1:59 p.m.]

Pursuant to RCW 42.30.075, following is a change in the board meeting for the Lake Washington Institute of Technology board of trustees.

The board of trustees meeting scheduled for December 2, 2013, will have a change in start time. The study session will begin at the usual time of 5:00 p.m. However, the regular session of the board meeting will follow at 5:30 p.m. (rather than 6:00 p.m.). Both meetings will be held in the Board Room (W305A) at our Kirkland Campus, 11605 132nd Avenue N.E., Kirkland, WA 98034.

Advertising of this meeting time change has already been taken care of.

WSR 13-24-065
NOTICE OF PUBLIC MEETINGS
INDETERMINATE SENTENCE
REVIEW BOARD
 [Filed November 26, 2013, 8:54 a.m.]

The indeterminate sentence review board (ISRB) will meet twice each month in 2014 with the exception of May, November and December. Our board meetings are open public meetings and are held at 4317 6th Avenue S.E., Lacey, WA. This building complies with the Americans with Disabilities Act. The board's upcoming meetings are scheduled as follows:

January 13	Monday	10:00 a.m.
January 27	Monday	10:00 a.m.
February 10	Monday	10:00 a.m.
February 24	Monday	10:00 a.m.
March 10	Monday	10:00 a.m.
March 24	Monday	10:00 a.m.
April 14	Monday	10:00 a.m.
April 28	Monday	10:00 a.m.
May 12	Monday	10:00 a.m.
June 9	Monday	10:00 a.m.
June 23	Monday	10:00 a.m.
July 14	Monday	10:00 a.m.
July 28	Monday	10:00 a.m.
August 11	Monday	10:00 a.m.
August 25	Monday	10:00 a.m.
September 8	Monday	10:00 a.m.
September 22	Monday	10:00 a.m.
October 13	Monday	10:00 a.m.
October 27	Monday	10:00 a.m.
November 17	Monday	10:00 a.m.
December 15	Monday	10:00 a.m.

Persons interested in attending the ISRB meeting can call our office at (360) 407-2400 for directions and meeting agendas. Directions can also be found at www.doc.wa.gov (ISRB link).

WSR 13-24-067

INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed November 27, 2013, 9:52 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3184.2013 *Prepared Food Sales*

Applying the 75% Test Computation to Multiple Business Establishments

This ETA explains how taxpayers apply the seventy-five percent test computation for "prepared food" where multiple business establishments are involved. Taxpayers with multiple establishments in the state may calculate:

- A separate percentage of prepared food sales for each establishment; or
- One percentage combining sales figures from all in-state establishments.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
Tax Policy Specialist

WSR 13-24-069

INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed November 27, 2013, 10:29 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3159.2013

Internet Protocol (IP) enabled telecommunications service taxability, sourcing, and allocation

This ETA was originally issued May 20, 2011. In general, this ETA addresses the taxability, sourcing, and apportionment of telecommunications services using voice over internet protocol ("VoIP") and fax over internet protocol ("FoIP") technologies under Washington's retail sales tax and retailing B&O tax.

This ETA has been amended and reissued solely to recognize SESSH [2E2SHB] 1971 (chapter 8, Laws of 2013 2nd sp. sess.) that eliminated the local services exemption contained in RCW 82.08.0289 and retroactively addressed this exemption with respect to fixed interconnected VoIP services sold by certain specified providers as defined in SESSH [2E2SHB] 1971.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
Tax Policy Specialist

WSR 13-24-070

NOTICE OF PUBLIC MEETINGS RECREATION AND CONSERVATION OFFICE

(Invasive Species Council)

[Filed November 27, 2013, 11:05 a.m.]

The 2014 public meetings of the Washington invasive species council (WISC) will be:

March 13, 2014, from 9:00 a.m. to 3:00 p.m.

June 12, 2014, from 9:00 a.m. to 3:00 p.m.

September 11, 2014, from 9:00 a.m. to 3:00 p.m.

December 4, 2014, from 9:00 a.m. to 3:00 p.m.

All meetings will be located in Room 172, in the Natural Resource[s] Building 1111 Washington Street, Olympia, WA 98501.

For further information, please contact Wendy Brown, WISC, at (360) 902-3088.

WISC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Wendy Brown at the number listed above or by e-mail at Wendy.Brown@InvasiveSpecies.wa.gov.

WISC information can be found at www.InvasiveSpecies.wa.gov.

WSR 13-24-074

NOTICE OF PUBLIC MEETINGS WENATCHEE VALLEY COLLEGE

[Filed December 2, 2013, 11:15 a.m.]

The 2014 meeting schedule for the Wenatchee Valley College board of trustees has been changed as follows:

- The January 15, 2014, board meeting has been cancelled.
- The February meeting has been changed from February 19 to February 26, 2013 [2014].

BOARD OF TRUSTEE MEETING SCHEDULE 2014

UNLESS OTHERWISE NOTIFIED, WORK SESSIONS WILL BEGIN AT 10 A.M. AND BOARD OF TRUSTEE MEETINGS AT 3 P.M.

This schedule is subject to change

January (no meeting)
February 26, 2014
March 19, 2014
April 15, 2014 (board retreat)
April 16, 2014 (at Omak campus)
May 21, 2014
June 18, 2014
July (no meeting)
August 20, 2014 (board retreat)
September 10, 2014
October 15, 2014 (at Omak campus)
November 19, 2014
December 3, 2014 (financial planning retreat)

WSR 13-24-077

NOTICE OF PUBLIC MEETINGS STUDENT ACHIEVEMENT COUNCIL

[Filed December 2, 2013, 12:20 p.m.]

The Washington student achievement council has changed the following regular meeting:

From: January 15, 2014.
To: Cancelled.

If you need further information contact Kristin Ritter, P.O. Box 43430, Olympia, WA 98504-3430, (360) 753-7800, (360) 753-7808, kristinr@wsac.wa.gov, www.wsac.wa.gov.

WSR 13-24-078

NOTICE OF PUBLIC MEETINGS CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

[Filed December 2, 2013, 12:49 p.m.]

The Washington State Center for Childhood Deafness and Hearing Loss board of trustees will hold their February 7 meeting from 10:45 a.m. - 3:30 p.m. at the Office of Superintendent of Public Instruction, Old Capitol Building, 600 Washington Street S.E., Olympia.

WSR 13-24-080

HEALTH CARE AUTHORITY

[Filed December 3, 2013, 7:55 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 14-0005 Primary Care Rates.

Effective Date: January 1, 2014.

Description: The health care authority intends to submit SPA 14-0005 to the Centers for Medicare and Medicaid Services (CMS) to comply with certain provisions in the Affordable Care Act. The SPA will add covered codes eligible for the rate increase for certain services for specific providers. The SPA will add codes that are eligible for the increased medicaid payment rates to not less than medicare payment rates in calendar years 2013 and 2014 for physicians specializing in family medicine, general internal medicine, and pediatric medicine when they furnish evaluation and management and vaccine administration services to eligible medicaid clients. The fiscal impact of covering additional codes is unknown at this time.

For additional information, contact Jean Bui, Financial Services Rates, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1973, TDD/TTY 1-800-848-5429, fax (253) 350-6512, e-mail jean.bui@hca.wa.gov.

WSR 13-24-082

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF HEALTH

[Filed December 3, 2013, 8:35 a.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT OR POLICY STATEMENT

Title of Interpretive or Policy Statement: Establishing parentage following a surrogacy contract.

Issuing Entity: Department of health, center for health statistics.

Subject Matter: Birth certificates and surrogacy births.

Effective Date: November 1, 2013.

Contact Person: Jean Remsbecker, Jean.remsbecker@doh.wa.gov, (360) 236-4330.

WSR 13-24-084
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD

[Filed December 3, 2013, 8:59 a.m.]

The meeting schedule of the Washington state noxious weed control board for January - December 2014 is as follows:

WA State Noxious Weed Control Board Meeting

Thursday, January 23, 2014

9:00 a.m.

Teleconference/online meeting via WebEx and hosted in Room 259, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504

WA State Noxious Weed Control Board Meeting

Wednesday, March 12, 2014

9:00 a.m.

Campbell's Inn, 104 West Woodin Avenue, Chelan, WA 98816

WA State Noxious Weed Control Board Meeting

Thursday, May 22, 2014

9:00 a.m.

Teleconference/online meeting via WebEx and hosted in Room 271, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504

WA State Noxious Weed Control Board Meeting

Thursday, July 17, 2014

9:00 a.m.

Teleconference/online meeting via WebEx and hosted in Room 269, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504

WA State Noxious Weed Control Board Meeting

Thursday, September 18, 2014

9:00 a.m.

Teleconference/online meeting via WebEx and hosted in Room 269, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504

Noxious Weed List Public Hearing

Tuesday, November 4, 2014

1:00 p.m.

The Confluence Technology Center, 285 Technology Center Way, Wenatchee, WA 98801

WA State Noxious Weed Control Board Meeting

Wednesday, November 5, 2014

9:00 a.m.

The Confluence Technology Center, 285 Technology Center Way, Wenatchee, WA 98801

WSR 13-24-089

NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed December 3, 2013, 9:25 a.m.]

Below are the 2014 meeting dates for the Washington state criminal justice training commission (WSCJTC).

The following meetings will be held at the Washington Association of Sheriffs and Police Chiefs Building, 3060 Willamette Drive N.E., Lacey, WA 98516:

Date	Time	Location
Wednesday, March 19, 2014	1:00 p.m.	Training Room

The following meetings will be held at the WSCJTC, 19010 1st Avenue South, Burien, WA 98148.

Date	Time	Location
Wednesday, June 11, 2014	10:00 a.m.	Room E-154
Wednesday, September 10, 2014	10:00 a.m.	Room E-154
Wednesday, December 10, 2014	10:00 a.m.	Room E-154

If you have questions, please call Sonja Hirsch at (206) 835-7372.

WSR 13-24-093

AGENDA
GAMBLING COMMISSION

[Filed December 3, 2013, 11:37 a.m.]

Following is the Washington state gambling commission's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about this rule-making agenda, please contact Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone (360) 486-3466, fax (360) 486-3625, e-mail Susan.Newer@wsgc.wa.gov.

**Rule Development Agenda
January through July 2014**

WAC	Subject of Rule Making	CR-101	CR-102	CR-103	Effective
WAC 230-03-061	Staff is proposing an amendment to require background checks on landlords as set forth in RCW 9.46.070(7).	WSR 12-19-042	WSR 13-15-041	We anticipate the commissioners may take final action on this amendment at their March or April 2014 meeting.	
WAC 230-15-040	Petition for rule change from Ashford Gaming requesting a rule change to allow an optional wager in the card game Mini-Baccarat.	WSR 13-15-118	WSR 13-19-057	We anticipate the commissioners will take final action on this amendment at their January 2014 meeting.	
WAC 230-14-047	Staff is proposing an amendment to allow pull-tab prizes of \$20 or less to be added to cash cards used in electronic video pull-tab dispensers. This rule making is in response to a recent Thurston County superior court decision.	WSR 13-19-073	WSR 13-23-054	We anticipate the commissioners will take final action on this amendment at their February 2014 meeting.	
WAC 230-15-040	Staff is proposing an amendment to clarify the rule to allow more than one "envy" and "share the wealth" "bonus features" to be offered in a single card game, and to add definitions and clarifications to bring agency rules in-line with current practice.	WSR 13-15-120	WSR 13-23-041	We anticipate the commissioners will take final action on this amendment at their February 2014 meeting.	
Chapter 230-15 WAC	Staff has been working with stakeholders to review our card game rules chapter to evaluate our regulatory processes to ensure requirements add value and to streamline requirements.	WSR 13-24-057			

WAC	Subject of Rule Making	CR-101	CR-102	CR-103	Effective
WAC 230-03-025	Staff is reviewing possible amendments to the requirements and restrictions related to the manufacturer's special sales permit.	WSR 13-24-054			
WAC 230-17-170	Staff is reviewing a possible amendment to increase the length of time to hold a stay hearing from seven to fourteen days.	WSR 13-24-055			
WAC 230-14-110	Petition for rule change from Mr. Beruen requesting to increase the threshold for recording identification information for punch board/pull-tab winners from \$20 to \$150.	WSR 13-24-081			

Susan Newer
Rules Coordinator

WSR 13-24-101
HEALTH CARE AUTHORITY
[Filed December 3, 2013, 1:00 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 14-0002.

Effective Date: January 1, 2014.

Description: The health care authority intends to submit medicaid SPA 14-0002 in accordance with federal requirements related to implementation of the Affordable Care Act. Federal approval of SPA 14-0002 will allow the state to claim increased federal medicaid funding for the new adult eligibility group under medicaid expansion. This SPA is proposed to become effective as of January 1, 2014. Total aggregate expenditures are expected to be \$778,859 per year.

For additional information, contact Stephen Kozak, Eligibility Policy and Service Delivery, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1342, TDD/TTY 800-848-6529, fax (360) 664-2186, e-mail Stephen.kozak@hca.wa.gov.

WSR 13-24-102
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS

[Filed December 3, 2013, 1:26 p.m.]

2014 MEETING SCHEDULE

The Washington state board of pilotage commissioners will meet on the third Tuesday of each month unless otherwise rescheduled or canceled.

Meetings are held at 9:30 a.m. at 2901 Third Avenue, Seattle, WA.

- January 21
- February 18
- March 18
- April 15
- May 20
- June 17
- July 15
- August 19
- September 16
- October 21
- November 18
- December 16

WSR 13-24-107
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Filed December 3, 2013, 2:22 p.m.]

The commission on judicial conduct (CJC) will hold its 2014 business meetings at 11:00 a.m. on the following dates at the Radisson Gateway Hotel, 18118 International Boulevard, SeaTac, WA 98188. Additional information can be obtained by calling (360) 753-4585 or visiting the CJC's web site at www.cjc.state.wa.us.

- Monday, February 24, 2014*
- Friday, May 2, 2014
- Friday, July 11, 2014
- Friday, October 3, 2014
- Friday, December 5, 2014

*The CJC's 2014 education session will be held on Sunday, February 23, 2014, at Cedarbrook Lodge, 18525 36th Avenue South, Seattle, WA 98188. The February 24, 2014, business meeting will be at this location also at 11 a.m.

WSR 13-24-113
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Filed December 4, 2013, 8:31 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of physical therapy, for the year 2013. The board of physical therapy meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of physical therapy reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 25, 2013	10:00 a.m.	Kent
April 8, 2013	10:00 a.m.	Kent
June 17, 2013	9:00 a.m.	Spokane
August 12, 2013	10:00 a.m.	Conference Call
September 18, 2013	12:00 p.m.	Conference Call
October 21, 2013	8:00 a.m.	Tumwater
December 2, 2013	9:00 a.m.	Tumwater
December 17, 2013	9:00 a.m.	SeaTac

If you need further information, please contact Kris Waidely, Program Manager, Board of Physical Therapy,

Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4847, (360) 236-2901, kris.waidely@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of physical therapy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 13-24-114
CLEMENCY AND PARDONS BOARD
 [Filed December 4, 2013, 9:08 a.m.]

Notice of Quarterly Hearing

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for March 14, 2014, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington¹. Please note that the date and location of this hearing is subject to change depending on the availability of the legislative building during the 2014 legislative session. The following petitions will be considered by the board²:

Petitioner:	Relief Requested:
Aaron Borrero	Commutation
Jeremy Johnson	Commutation
Steven Spurgeon	Commutation
Corey Everett	Pardon
Patrick Hitchcock	Pardon
Shayne Rochester	Pardon
DeEdra Watkins	Pardon

¹ Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.

² At the board's discretion, the order of the petitions to be called for hearing is subject to change.

WSR 13-24-121
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD
 [Filed December 4, 2013, 9:58 a.m.]

The following is the executive ethics board meeting schedule for the year 2014. The executive ethics board will hold regular monthly meetings on the second Friday of each month with the exceptions of August and December, when no meetings are scheduled, or indicated otherwise. All meetings will begin at 9:00 a.m. and be held at 2425 Bristol Court S.W., 4th Floor Conference Room, Olympia, WA.

Meeting dates for 2014 are:

- January 10
- February - no meeting

March 14
 April - no meeting
 May 9
 June - no meeting
 July 11
 August - no meeting
 September 12
 October - no meeting
 November 14
 December - no meeting

Friday, August 8 The Heathman Lodge
 7801 N.E. Greenwood Drive
 Vancouver, WA
 September 12 WSU Richland
 October No meeting
 November No meeting
 Friday, December 13 Columbia Winery
 9:00 a.m. to 5:00 p.m. Woodinville
 Extended meeting to include
 afternoon board workshop.

Meeting agendas and other information may be accessed five to seven days prior to the meeting at <http://www.ethics.wa.gov>.

For additional information or reasonable accommodations to attend meetings, please contact board staff at (360) 664-0871. Reasonable accommodation requests should be made at least ten working days prior to the scheduled meeting date.

All meetings (except otherwise noted above) begin at 9:00 a.m. and end at 12:00 p.m. The locations for the Richland and Seattle meetings are as follows (unless noted differently above):

WSU Tri-Cities
 2710 University Drive
 Room CIC 210
 Richland, WA 99354-1671
 Switchboard (509) 372-7000

Washington State Wine Commission
 1201 Western Avenue
 Suite 450
 Seattle, WA 98101-3402
 Phone (206) 667-9463

WSR 13-24-126

NOTICE OF PUBLIC MEETINGS

WINE COMMISSION

[Filed December 4, 2013, 11:29 a.m.]

2014 SCHEDULE OF COMMISSIONER BOARD MEETINGS

As of November 2013

Below are the 2014 meeting dates for the Washington wine commission board:

Friday, January 10 World Trade Center
 2200 Alaskan Way
 Seattle
 Friday, February 7 Three Rivers Convention Center
 2:30 p.m. to 5:00 p.m. Kennewick
 Friday, March 14 World Trade Center
 2200 Alaskan Way
 Seattle
 Friday, April 11 Campbell's Resort
 104 West Woodin Avenue
 Chelan
 Friday, May 9 WSU Richland
 9:00 a.m. to 5:00 p.m. Extended meeting to include
 afternoon board workshop.
 Friday, June 13 Commission Offices
 Seattle
 Friday, July 11 Walter Clore Wine and Culinary
 Center
 Prosser