

WSR 16-14-088
RULES OF COURT
STATE SUPREME COURT
 [June 29, 2016]

Fairhurst, J.	Gordon McCloud, J.
Stephens, J.	Yu, J.

IN THE MATTER OF THE EXPEDITED) ORDER
 ADOPTION OF CrR 4.2(g), STATE-) NO. 25700-A-1155
 MENT OF DEFENDANT ON PLEA OF)
 GUILTY TO NONSEX OFFENSES; CrR)
 4.2(g), STATEMENT OF DEFENDANT)
 ON PLEA OF GUILTY TO SEX)
 OFFENSE; CrR 4.2(g) FELONY FIRE-)
 ARM OFFENDER REGISTRATION)
 ATTACHMENT; JuCR 7.7, STATEMENT)
 ON PLEA OF GUILTY; JuCR 7.7 FEL-)
 ONY FIREARM OFFENDER REGIS-)
 TRATION ATTACHMENT; CrRLJ 4.2(g))
 STATEMENT OF DEFENDANT ON)
 PLEA OF GUILTY; CrRLJ 4.2(g) "DUI")
 ATTACHMENT; CrRLJ 4.2(i) PETITION)
 FOR DEFERRED PROSECUTION;)
 CrRLJ 4.2(i) PETITION FOR)
 DEFERRED PROSECUTION OF CRIMI-)
 NAL MISTREATMENT CHARGE)

Superior Court of Washington for State of Washington , Plaintiff v. Defendant	No. Statement of Defen- dant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)
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The Washington State Pattern Forms Committee, having recommended the expeditious adoption of the proposed changes to CrR 4.2(g), Statement of Defendant on Plea of Guilty to Non-Sex Offenses; CrR 4.2(g), Statement of Defendant on Plea of Guilty to Sex Offense; CrR 4.2(g) Felony Firearm Offender Registration Attachment; JuCR 7.7, Statement on Plea of Guilty; JuCR 7.7 Felony Firearm Offender Registration Attachment; CrRLJ 4.2(g) Statement of Defendant on Plea of Guilty; CrRLJ 4.2(g) "DUI" Attachment; CrRLJ 4.2(i) Petition for Deferred Prosecution; CrRLJ 4.2(i) Petition for Deferred Prosecution of Criminal Mistreatment Charge, 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 expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 29th day of June, 2016.

Johnson, J.	Madsen, C.J.
Owens, J.	Wiggins, J.
Gonzalez, J.	

1. My true name is: _____ .
2. My age is: ____.
3. The last level of education I completed was ____.
- 4. I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____ .
The elements are: _____ .
- 5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly 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) The right to be presumed innocent unless the State proves the charge 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) My right to appeal is limited.
 - (a b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1					
2					
3					

* The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh. Hom, see RCW 46.61.520 RCW 9.94A.533(7), (P16) Passenger(s) under age 16.

(b c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(e d) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d e) If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:

(i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.

(ii) If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.

(iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.

(e f) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense.

(i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.

(ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.

(iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release, or any form of early release.

(iv) After the minimum term, if I am released by the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.

(v) If I violate the conditions of community custody, the Board may return me to confinement.

(f g) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's

recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(g h) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.

(h i) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections. ~~For crimes occurring on or after June 28, 2016, the supervision of the Department of Corrections cannot exceed the times specified in this paragraph, and I will~~ may have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

ter, and I will have to enter and remain in a certified residential chemical depes may sanction me up to 60 days' confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(~~h~~ i) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(~~j~~ k) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravat-

ing circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(~~k~~ l) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(~~l~~ m) 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 in which I am convicted 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.

(~~m~~ n) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, RCW 29A.08.520.

(~~n~~ o) Government assistance may be suspended during any period of confinement.

(~~o~~ p) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

Notification Relating to Specific Crimes: *If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.*

(~~p~~ q) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(~~q~~ r) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to one year of community custody plus all of the conditions described in paragraph 6(~~g~~ h). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

(~~r~~ s) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.-655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the condi-

tions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.

____ (s t) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, or if this crime is promoting prostitution in the first or second degree and I have at least one prior conviction for promoting prostitution in the first or second degree, or if this crime is (human) trafficking in the first degree under RCW 9A.40.100 (1)(a)(i)(A)(III) or (IV) or (1)(a)(i)(B) (relating to sexually explicit acts or commercial sex acts), I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

____ (t u) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110, for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15.00.

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

____ (v w) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of **three to six months**, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the Department of Corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the condi-

tions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(g h). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

____ (w x) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.

____ (x y) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, \$3,000 of the fine may not be suspended. RCW 69.50.401 (2)(b).

____ (y z) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r); 21 U.S.C. § 862a.

____ (z aa) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

____ (bb) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and I was under the age of 21 at the time of the offense, or (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm) and I was under the age of 18 at the time of the offense, or (c) the current offense is a violation under RCW chapter 66.44 [alcohol] and I was under the age of 18 at the time of the offense, and if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

____ (~~aa~~ cc) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug, as defined by RCW 46.61.520, ~~committed on or after January 1, 1999, an impaired driving enhancement of an additional two years shall be added to the presumptive sentence standard sentence range~~ for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14). All impaired driving enhancements are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under Chapter 9.94A RCW.

____ (~~bb~~ dd) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.

____ (~~ee~~ ee) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

____ (~~dd~~ ff) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.-740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520 (1)(a) or 46.61.522 (1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

____ (~~ee~~ gg) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

____ (~~ff~~ hh) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(~~p~~ g).

____ (~~gg~~ ii) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

____ (~~hh~~ jj) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

____ (~~ii~~ kk) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

____ (~~jj~~ ll) If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.

____ (~~kk~~ mm) If I am pleading guilty to a felony firearm offense as defined in RCW 9.41.010, I may be required to register as a felony firearm offender under RCW 9.41.330. I will be required to register as a felony firearm offender if I committed the felony firearm offense in conjunction with an offense committed against a person under age 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

____ (~~ll~~ nn) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

____ (~~mm~~ oo) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the Uniform Controlled Substances Act, and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:

count _____
count _____
count _____

in the _____ Information. I have received a copy of that Information.

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

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 and the "Offender Registration" Attachment, if applicable. 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. I believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No. Print Name

WSBA No.

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

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

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted 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

Superior Court of Washington for State of Washington _____, Plaintiff v. _____. Defendant	No. Statement of Defen- dant on Plea of Guilty to Sex Offense (Felony) (STTDFG)
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1. My true name is: _____.

2. My age is: _____.

3. The last level of education I completed was _____.

4. **I Have Been Informed and Fully Understand That:**

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

(b) I am charged with: _____

The elements are: _____

_____.

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

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly 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) The right to be presumed innocent unless the State proves the charge 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) My right to appeal is limited.

(~~a~~ b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1					
2					
3					

* The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

(~~b~~ c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(e d) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(~~d~~ e) If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:

(i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a major disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.

(ii) If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of

the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.

(iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.

(e f) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense:

(i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.

(ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.

(iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release, or any form of early release.

(iv) After the minimum term, if I am released by the Sentence Review Board (Board), I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.

(v) If I violate the conditions of community custody, the Board may return me to confinement.

(f g) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(g h) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(h i) For sex offenses committed prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months ~~or up to the period of earned release, whichever is longer.~~ During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is a sex offense that is not listed in paragraph 6 (i h)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months ~~or up to the period of earned release, whichever is longer.~~ During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restric-

tions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006:

For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days' confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(~~h~~ i) The prosecuting attorney will make the following recommendation to the judge: _____

_____.

[] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(~~j~~ k) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(~~h~~ i)). I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be

based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(~~k~~ l) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(~~l~~ m) 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 in which I am convicted 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.

(~~m~~ n) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3; RCW 29A.04.079; RCW 29A.08.520.

(~~n~~ o) Government assistance may be suspended during any period of confinement.

(~~o~~ p) I will be required to register where I reside, study, or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(~~p~~ q) 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. I will be required to pay a \$100.00 DNA collection fee.

(~~q~~ r) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.

(~~r~~ s) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree; or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

____ (s t) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(g h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6 (h i)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6 (h i)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(g h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

____ (t u) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110, for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15.00.

____ (u v) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.

____ (w x) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

____ (x) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and I was under the age of 21 at the time of the offense OR (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm), and I was under the age of 18 at the time of the offense OR (c) the current offense is a violation under RCW chapter 66.44 [Alcohol], and I was under the age of 18 at the time of the offense, AND if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

____ (w y) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.

____ (x z) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

____ (y aa) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any

other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520 (1)(a) or 46.61.522 (1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

____ (~~z~~ **bb**) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

____ (~~aa~~ **cc**) The crime of _____ has a mandatory minimum sentence of at least ____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6 (~~r~~ **s**).

____ (~~bb~~ **dd**) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts ____ and ____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

____ (~~ee~~ **ee**) If I am pleading guilty to a felony firearm offense as defined in RCW 9.41.010, I may be required to register as a felony firearm offender under RCW 9.41.330. I will be required to register as a felony firearm offender if I committed the felony firearm offense in conjunction with an offense committed against a person under age 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

____ (~~dd~~ **ff**) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

____ (~~ee~~ **gg**) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree, and I engaged, agreed, or offered to engage the victim in sexual intercourse or sexual contact for a fee, or

if I attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.

____ (~~ff~~ **hh**) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, 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. 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.

____ (~~gg~~ **ii**) If I am pleading guilty to possession of depictions of a minor engaged in sexually explicit conduct in the first or second degree, the court will impose a fee of \$1,000 for each depiction or image that is a separate conviction.

7. I plead guilty to:

count _____
count _____
count _____
count _____
in the _____ Information. I have

received a copy of that Information.

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

[] 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 and the "Offender Registration" Attachment. 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

Prosecuting Attorney

Print Name _____ WSBA No. _____ Print Name _____ WSBA No. _____

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

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

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted 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. _____

D.O.B: _____

"Felony Firearm Offender Registration" Attachment: Registration for Felony Firearm Offenders (If required, attach to the statement of defendant on plea of guilty.)

1. General Applicability and Requirements: I am required to register because this crime involves a felony firearm offense as defined in RCW 9.41.010, and;

- after considering statutory factors, the court decided I must register or,
- the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

If I reside in this state, I must personally register with the county sheriff for the county of my residence, whether or not I have a fixed residence.

I must register with the county sheriff within 48-hours after the date:

(a) of release from custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility for this offense; or

(b) the court imposes my sentence, if I receive a sentence that does not include confinement.

2. Register on Every 12-month Anniversary: I must register with the county sheriff not later than 20 days after each 12-month anniversary of the date I am first required to register as described in paragraph 1, above.

If I am confined in any correctional institution, state institution or facility, or health care facility throughout the 20-day period after each 12-month anniversary, I must personally appear before the county sheriff not later than 48-hours after release to verify and update, as appropriate, my registration.

3. Change of Residence within State: If I change residence and the new residence address is in this state, I must register with the sheriff of the county of my residence address not later than 48 hours after the change of address. If I change residence within a county, I must update the current registration.

4. Length of Duty to Register: I must continue to register for four years from the date I am first required to register, as described in paragraph 1, above.

Date: _____

Defendant's signature

SUPERIOR COURT OF
WASHINGTON COUNTY
OF _____
JUVENILE COURT

STATE OF WASHINGTON

v.

Respondent

NO:

STATEMENT ON PLEA
OF GUILTY
(STJOPG)

- 1. My true name is: _____ .
- I am also known as: _____ .
- 2. My age is _____ . Date of Birth: _____ .

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

4. I understand that I am charged with Count 1 _____, the elements of which are _____; Count 2 _____, the elements of which are _____.

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

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

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

[] LOCAL SANCTIONS:

Table with 6 columns: COUNT, SUPERVISION, COMMUNITY RESTITUTION, FINE, DETENTION, RESTITUTION. Rows 1-3 with checkboxes and options.

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

[] JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

Table with 3 columns: COUNT, WEEKS AT JUVENILE REHABILITATION ADMINISTRATION (JRA) FACILITY, RESTITUTION. Rows 1-3 with checkboxes and options.

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

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

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

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

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

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

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

- a. _____
b. _____
c. _____
d. _____
e. _____
f. _____

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

In addition to these conditions, the court will order me to perform up to 7 hours of community restitution per offense involving a victim who suffered bodily injury or death and that is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under RCW Chapter 9.44. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, 7.68.020.

sex offense, failure to comply with the conditions of parole may result in further confinement of up to 24 weeks.

In addition to these conditions, the court will order me to perform up to 7 hours of community restitution per offense involving a victim who suffered bodily injury or death and which is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under RCW Chapter 9.44. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, .020.

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

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

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

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to two or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

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

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

~~[A] SUSPENSION/REVOCATION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040 (2)(a)(iii) or chapters 66.44, 69.41, 69.50, or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.~~

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

Over 13 & Alcohol, Drugs, UPFA <18, or Armed with F/A (not first offense): (1) If the court finds me guilty of one of the following offenses and I was 13 years or older at the time I committed the offense: Alcohol under RCW 66.44; VUCSA under RCW 69.50; Legend drug under RCW 69.41; Imitation drugs under RCW 69.52; UPFA < 18 RCW 9.41.040(2)(iv); and/or, an offense while Armed with a Firearm RCW 13.40.196; AND, (2) I have a prior offense for the same offense. See, RCW 13.40.265.

UPFA or Armed During Offense In Which Vehicle Used (with priors): (1) If the court finds me guilty of one of the following offenses: UPFA 1 or 2 under RCW 9.41.040;

and/or, an offense while Armed with a Firearm RCW 13.40.196 during which the court found a motor vehicle served an integral function during the offense; AND, (2) I previously committed one or more of the following offenses: Alcohol under RCW 66.44; VUCSA under RCW 69.50; Legend drug under RCW 69.41; Imitation drugs under RCW 69.52; UPFA under RCW 9.41.040; and/or, an offense while Armed with a Firearm RCW 13.40.196. See, RCW 9.41.040(5).

Certain Motor Vehicle Offenses - If the court finds me guilty of one of the following offenses: DUI; Physical Control; DWLS 1&2; Vehicular Assault/Homicide; Hit & Run Attended; Reckless Driving; any felony which a vehicle used in commission (except TMOOP2 where the court finds I was a passenger only in committing the offense); False Statements under RCW 46; Felony Elude; Unattended Child in Running Vehicle (2nd or subsequent conviction); Reckless Endangerment of Road Workers; and/or Theft of Motor Vehicle Fuel. See, RCW 46.20.285, 46.61.5055(9), 46.20.342(2), 46.61.524, 46.52.020(6), 46.61.500(2), 46.61.024(3), 46.61.685(2), 46.61.527(5), 46.61.740(2), and, 46.20.270.

~~[B] SUSPENSION/REVOCATION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.~~

[C] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[D] DNA TESTING: Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, or violation of a sexual assault protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.

[E] HIV TESTING: 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. RCW 70.24.340.

[F] \$100 CVC FEE FOR MOST SERIOUS OR SEX OFFENSE: I understand that if I am pleading guilty to a most serious offense as defined by RCW 9.94A.030 and/or a sex offense under RCW Chapter 9A.44, I will be required to pay a man-

datory Crime Victim's Compensation Fee of \$100. RCW 7.68.035.

[G F] SCHOOL NOTIFICATION: If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.-270; or any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155.

[H G] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160.

[I H] FEDERAL BENEFITS: I understand that if I am pleading guilty to a felony drug offense, my eligibility for state and federal food stamps and welfare will be affected. 21 U.S.C. § 862a.

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

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

[L K] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

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

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

[iii] Armed during Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard

range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed during Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. Such confinement will run consecutive to any other sentence that may be imposed.

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

[M L] FELONY FIREARM OFFENDER REGISTRATION: I ~~may be required to register as a~~ am subject to court ordered felony firearm offender registration pursuant to ~~under~~ RCW 9.41.-330. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

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

_____ .

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

_____ .

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate, up to the maximum allowed by law.

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

_____ .

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

17. I plead guilty to count ____ in the ____ Information. I have received a copy of that Information.

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

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

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____

Respondent

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

Deputy Prosecuting Attorney

WSBA No. _____

Attorney for Respondent

WSBA No. _____

Type or Print Name

Type or Print Name

JUDGE'S CERTIFICATE

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

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

INTERPRETER'S DECLARATION: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the respondent understands. I have interpreted this document for the respondent from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

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

Dated: _____

Judge/Commissioner

Case Name _____ Cause No. _____

D.O.B: _____

"Felony Firearm Offender Registration" Attachment: Registration for Felony Firearm Offenders (If required, attach to Statement on Plea of Guilty.)

1. General Applicability and Requirements: I will be required to register because this crime involves a felony firearm offense as defined in RCW 9.41.010, and;

- after considering statutory factors, the court decided I must register, or-
- the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030.

Whether or not I have a fixed residence, if I reside in this state, I must personally register with the county sheriff for the county of my residence.

I must register with the county sheriff within 48-hours after the date:

- (a) I am released from custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility for this offense; or
- (b) the court imposes my sentence, if I receive a sentence that does not include confinement.

2. Register on Every 12-month Anniversary: I must register with the county sheriff not later than 20 days after each 12-month anniversary of the date I am first required to register as described in paragraph 1, above.

If I am confined in any correctional institution, state institution or facility, or health care facility throughout the 20-day period after each 12-month anniversary, I must personally appear before the county sheriff not later than 48-hours after release to verify and update, as appropriate, my registration.

3. Change of Residence within State: If I change residence and my new residence address is in this state, I must register with the sheriff of the county of my residence address not later than 48 hours after the change of address. If I change residence within a county, I must update my current registration.

4. Length of Duty to Register: My duty to register continues for four years from the date I am first required to register, as described in paragraph 1, above.

Date: _____
Respondent's signature

Court of Washington		No.
for		
_____		Plaintiff,
v.		
_____		Defendant.

1. My true name is _____.
2. My age is _____.
3. The last level of education I completed was: _____, 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:

Count	Crime	RCW or Ordinance (with subsection)
1.		
2.		
3.		
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) My right to appeal is limited.

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

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

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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. 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.

(k) 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.

(l) 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 _____. DOL may impose a longer period of suspension or revocation or longer based upon my record of conviction. This period may not include suspension or revocation based on other matters. RCW 46.61.5055(9).

(m) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and I was under the age of 21 at the time of the offense OR (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm) and I was under the age of 18 at the time of the offense OR (c) the current offense is a violation under RCW chapter 66.44 [Alcohol] and I was under the age of 18 at the time of the offense. AND if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(n) If I am convicted under RCW 26.50.110, for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15. RCW 26.50.110.

(o) 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.

(p) 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.

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

(r) 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.

(s) 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: Mandatory minimum sentence:

- _____ days in jail.
- _____ days of electronic home monitoring.
- \$ _____ monetary penalty.
- If 24/7 sobriety program is available, if I have 2 or 3 prior offenses, a 6-month period of 24/7 sobriety program monitoring; or 6 months of ignition interlock device requirement; or both.

- 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. If 24/7 sobriety program is available, 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; or 6 months ignition interlock requirement; or both.

If I have no prior offenses, instead of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring or _____ days on 24/7 sobriety program 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 electronic home monitoring, he or she will impose an alternative sentence which may include use of an ignition interlock device, additional jail time, work crew, work camp, or 24/7 sobriety program.

I understand that the 24/7 sobriety program is a 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. Testing must take place at designated location/s. I may be required to pay the fees and costs for the program.

The judge will order as conditions of probation that I: (i) shall not drive a motor vehicle without a valid license; (ii) shall not drive a motor vehicle without proof of liability insurance or other financial responsibility; (iii) shall not drive

or be in physical control of a motor vehicle with an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer; (v) shall not drive a motor vehicle without a functioning ignition interlock device as required by the Department of Licensing. If I violate any one of these conditions, the court shall order me confined for no less than 30 days and my driving privilege will be suspended for 30 days.

[] (s t) 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."

[] (t u) 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."

[] (u v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, 64.61.504 or 46.61.5055. RCW 46.20.740(3).

[] (v w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, 64.61.504, 46.61.5055, 46.61.520(1) or 46.61.522 (1)(b).

[] (w x) 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.

[] (x y) 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 for immoral purposes, custodial sexual misconduct in the sec-

ond 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.

[] (y z) **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 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.

Date: _____

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

Prosecuting Authority

 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 26, 2015~~ June 9, 2016)

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 ⁵	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 <u>As Ordered</u>	As Ordered	As Ordered
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 Offense¹	One Prior Offense¹	Two or Three Prior Offenses¹
Mandatory Minimum/Maximum Jail Time ²	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 <u>As Ordered</u>	As Ordered	As Ordered
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. See note 5 for exceptions. DOL may impose more.

*** Mandatory Minimum fines may be reduced, waived, or suspended if defendant is indigent, as provided by law

Department of Licensing Required Ignition Interlock Device Requirements, RCW 46.20.720 (3), (4) as amended with statutes effective through September 26, 2015.*			
Requirement	No Previous Restriction -- no less than:	Previous 1-Year Restriction -- no less than:	Previous 5-Year Restriction -- no less than:
H 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 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 any 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.			

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

'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** (including equivalent local ordinances): (1) DUI (RCW 46.61.502); (2) Phys. Cont. (RCW 46.61.504); (3) Commercial Vehicle DUI/Phys. Cont., RCW 46.25.110; (4) Watercraft DUI, RCW

79A.60.040(2); (5) Aircraft DUI, RCW 47.68.220, committed under the influence of intoxicating liquor or any drug; (6) Nonhighway vehicle DUI, RCW 46.09.470(2); (7) Snowmobile DUI, RCW 46.10.490(2); (8) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (9) 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. Cont., 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. If originally charged with Watercraft DUI (RCW 79A.60.040(2); but convicted of Operating a Watercraft in a reckless manner, RCW 79A.60.040(1), or an equivalent local ordinance. If originally charged with Aircraft DUI (RCW 47.68.220), but convicted of Operating an Aircraft in a careless or reckless manner, RCW 47.68.220, or an equivalent local ordinance.*

→ **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.*

Mandatory Jail, 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 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. *City of Bremerton v. Bradshaw*, 121 Wn.App. 410, 88 P.3d 438 (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 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.

If the 24/7 sobriety program is available: Where there is no prior offense, instead of jail time or EHM in lieu of jail time, and when the alcohol concentration is: 1) less than 0.15, the court may order a 90-day period of 24/7 sobriety program monitoring; 2) at least 0.15, the court may order a 120-day period of 24/7 sobriety program monitoring. 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, or a 6-month ignition interlock device requirement, or both. Where there are two or three prior offenses, the court shall order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. The 24/7 sobriety program is a 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. Testing must take place at designated location(s). The defendant may be required to pay the fees and costs for the program. RCW 46.61.5055 (1), (2), (3), (5); RCW 36.28A.330.

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, (ii) drive a motor vehicle without proof of liability insurance or other financial responsibility (SR 22), (iii) 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, (iv) 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, (v) drive a motor vehicle without a functioning ignition interlock device as required by DOL. 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.

Mandatory Monetary Penalty: Criminal Conviction Fee, RCW 3.62.085. Fine, RCW 46.61.5055 (1) - (3), mandatory minimum may not be suspended unless defendant is indigent. PSEA 1, RCW 3.62.090(1) if applicable, shall not be suspended or waived; Alcohol Violators Fee, RCW 46.61.5054, may suspend all or part of fee if defendant does not have ability to pay; Criminal Justice Funding (CJF) Penalty, RCW 46.64.055, may not be reduced, waived, or suspended unless the defendant is indigent. (Note: RCW 3.62.090 (1) and (2) apply to CJF penalty. If applicable, shall not be suspended or waived.)

If 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. The court may not suspend the minimum fine unless defendant is indigent.

Driver's License and 24/7 Sobriety Program: If there are no prior offenses, and the person's alcohol concentration is:

1) less than 0.15, the person's driving privilege is suspended for 90-days or until the person is evaluated by an alcoholism agency or probation department and completes or is enrolled in a 90-day period of 24/7 sobriety program monitoring. The license suspension must not be fewer than 2 days.

2) at least 0.15, the person's driving privilege is revoked for one year or until the person is evaluated by an alcoholism agency or probation department and completes or is enrolled

in a 120-day period of 24/7 sobriety program monitoring. The license revocation must not be fewer than 4 days.

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 September 26, 2015)

Administrative Sanctions – RCW 46.20.3101		
REFUSED TEST	<i>First Refusal Within 7 Years And No Prior Administrative Action Within Past 7 Years*</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal And 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)

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
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* 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 RCW 46.20.720

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, RCW 46.61.520 (1)(a), or an equivalent local or out-of-state statute or ordinance; or a conviction for a violation of RCW 46.61.520 (1)(b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 (1)(a); or RCW 46.61.522 (1)(b) or an equivalent local or out-of-state statute or ordinance; or RCW 64.61.522 (1)(a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 (1)(b) committed while under the influence of intoxicating liquor or any drug. • 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 costs, 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, 46.61.5055, 10.05.140, 46.61.500(3), and 46.61.5249(4).

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).

DOL Ignition Interlock Device (IID) Requirements RCW 46.20.720:

Restriction and duration:

Post Conviction: After any applicable period of suspension, revocation, or denial of driving privilege due to conviction for DUI, Phys. Control, or an equivalent local or out-of-state statute or ordinance.

<u>No Previous Restriction:</u>	<u>Previous 1-Year Restriction:</u>	<u>Previous 5-Year Restriction:</u>
<u>1 Year</u>	<u>5 Years</u>	<u>10 Years</u>

Passenger Under Age 16: DOL shall extend the ignition interlock restriction an additional six months as required by RCW 46.61.5055 (6)(a).

Tolling: For incidents occurring on or after June 9, 2016, the restriction is tolled for any period in which the person does not have an IID installed on a vehicle owned or operated by the person.

Court Order: If the court orders that a person may drive only a motor vehicle equipped with a functioning IID, the court sets the duration of the restriction, up to the five years jurisdictional limit of the court, and the calibration level. RCW 46.20.720 (1)(e).

Calibration: Unless otherwise ordered, the calibration level for any IID shall be .025%.

IID Costs: \$20 fee per month and any other costs associated with the use of an IID. DOL may waive the monthly fee if the person is indigent under RCW 10.101.010.

Requirements for removal: 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 unless another test performed within 10 minutes registers a breath alcohol concentration lower than .04 and the digital image confirms the same person provided both samples; failure to take any 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.

Day-for-Day credit: All time during which a required IID is installed applies on a day-for-day basis toward a post-conviction IID requirement for the same incident. If day-for-day credit exceeds the post-conviction requirement, DOL may waive requirements.

Employer Exemption: The installation of an IID is not necessary on vehicles owned, leased, or rented by a person's employer and 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 providing an Employer Exemption declaration to DOL. However, the

employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

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 September 26, 2015 June 9, 2016)

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: 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 any 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>For incidents occurring on or after June 9, 2016, the restriction is tolled for any period in which the person does not have an IID installed on a vehicle owned or operated by the person.</u> • DOL will give day-for-day credit as allowed by law. • Costs to install, remove, and lease associated with the use of the ignition interlock device, and \$20 fee per month.
Maximum Jail Time	• 364 Days if convicted of reckless driving.
Maximum Fine	• \$5,000 if convicted of reckless driving.
EHM	• As ordered.
Driver's License	<ul style="list-style-type: none"> • 30-day suspension. • DOL will give day-for-day credit as allowed by law.

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.
24/7 Sobriety Program	<ul style="list-style-type: none"> • As ordered by the court, if use of alcohol or drugs was a contributing factor in the commission of the crime.

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 0.04 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 any 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>For incidents occurring on or after June 9, 2016, the restriction is tolled for any period in which the person does not have an IID installed on a vehicle owned or operated by the person.</u>
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.
24/7 Sobriety Program	<ul style="list-style-type: none"> • As ordered by the court, if use of alcohol or drugs was a contributing factor in the commission of the crime.

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~~ substance use disorders [] 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 install an ignition interlock device under RCW 46.20.720. The required periods of interlock use shall be not less than the periods provided for in RCW 46.20.720(3), and subject to certification from the ignition interlock device vendor. RCW 46.20.720(4). 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~~ Substance use disorder treatment programs shall require a minimum of two (2) 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 device requirements, then the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. 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.

Court of Washington	
For _____	No: _____
_____ Plaintiff,	Petition for Deferred
vs.	Prosecution of Crimi-
_____ Defendant.	nal Mistreatment
	Charge (DPPF)
	Violation Date: _____

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 treatment 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 install an ignition interlock device under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(3), and subject to certification from the ignition interlock device vendor. RCW 46.20.720(4). 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~~ Substance use disorder treatment programs shall require a minimum of two (2) 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 device requirements, the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. 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, 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 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.

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 16-16-004
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 20, 2016, 3:34 p.m.]

Following is the department of social and health services (DSHS) semi-annual rule-making agenda for July 1 through December 31, 2106 [2016]. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/dshs-semi-annual-rule-making-agenda>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Semi-Annual Rules Agenda
July 1 - December 31, 2016

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-105 Filings	CR-103E Filings
Aging and Long-Term Support Administration						
Home and Community Services Division						
	Chapter 388-106 WAC	Add retainer payments to the residential support waiver, add two new waiver services, adult day health and expanded community services, other related rules as may be required.	WSR 16-04-070 Filed 1/29/2016			
	Chapter 388-106 WAC	The department is proposing to amend "long-term care services," other related rules as may be required related to private duty nursing.	WSR 16-07-072 Filed 3/17/2016			
	Chapters 388-71, 388-106, and 388-114 WAC	Amending "home and community services and programs," "long-term care services," creating a new chapter "travel time and work week limitations for individual providers," and other related rules as may be required.	WSR 16-08-058 Filed 4/4/2016			WSR 16-11-050 Filed 5/13/2016 WSR 16-10-016 Filed 4/22/2016

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-105 Filings	CR-103E Filings
	Chapter 388-112 WAC	Training and/or certification requirements for long-term care workers in adult family homes, assisted living facilities, and enhanced service facilities, other related rules as may be required.	WSR 16-11-017 Filed 5/6/2016			
	Chapters 388-113 and 388-71 WAC	The department is considering adding new sections, repealing, and amending sections.	WSR 16-13-153 Filed 6/22/2016			
Management Services Division						
	Chapter 388-96 WAC	The department plans to amend or create new sections as may be required to adopt rules regarding ventilator/tracheostomy clients in nursing facilities.	WSR 15-22-100 Filed 11/4/2015			
Residential Care Services Division						
	Chapter 388-101 WAC	Amending chapter 388-101 WAC to be in compliance with recently passed legislation, SSB 5600 and HB 1307. The rules are also needed to address training and fingerprint requirements from past legislation that will take effect on January 1, 2016.	WSR 15-12-084 Filed 6/1/2015	WSR 16-13-007 Filed 6/2/2016 WSR 15-20-113 Filed 10/6/2015		
	WAC 388-97-0001, 388-97-1080, 388-97-1090	Amending nursing homes, definitions, nursing services, staff and equipment, amount of civil fine, civil penalty fund, and other related rules as may be required. The department may also develop new rule sections related to staffing ratio requirements.	WSR 15-15-125 Filed 7/16/2015	WSR 16-10-060 Filed 5/2/2016		WSR 16-10-026 Filed 4/26/2016 WSR 16-02-043 Filed 12/30/2015
	Chapter 388-76 WAC	The department is amending chapter 388-76 WAC to assure compliance with SB [SSB] 5600 and to benefit adult family home businesses.	WSR 16-10-066 Filed 5/2/2016	WSR 16-14-037 Filed 6/28/2016		
	Chapter 388-78A WAC	Add new sections, repeal and amend sections in "assisted living facility licensing rules" to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential care services, and developmental disabilities administration.	WSR 16-11-076 Filed 5/16/2016			

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-105 Filings	CR-103E Filings
	Chapter 388-101 WAC	Add new sections, repeal and amend sections in "certified community residential services and supports" to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration.	WSR 16-11-088 Filed 5/17/2016			
	Chapter 388-107 WAC	Add new sections, repeal and amend sections in "licensing requirements for enhanced services facilities" to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential care services, and developmental disabilities administration.	WSR 16-11-089 Filed 5/17/2016			
Office of Deaf and Hard of Hearing						
No rule making at this time						
Behavioral Health Administration						
	WAC 388-865-0260	The department proposes to repeal WAC 388-865-0260 Mental health professionals and specialists.			WSR 16-13-154 Filed 6/22/2016	
Developmental Disabilities Administration						
	WAC 388-828-1500 and 388-828-1520	Amending "When does DDD conduct a reassessment?", "Where is the DDD assessment and reassessment administered?" to more closely align with the 42 C.F.R. 441.540 (a)(3) requirement that allows the individual to select a time and location of their convenience for assessments.	WSR 15-12-060 Filed 5/28/2015	WSR 16-09-035 Filed 4/14/2016		WSR 16-12-006 Filed 5/19/2016 WSR 16-04-023 Filed 1/22/2016 WSR 15-22-027 Filed 10/29/2015
	WAC 388-825-315, 388-825-370 through 388-825-395	The department is considering amendments to change the allocation of personal care hours from a monthly basis to a weekly basis, and other related rules as may be required.	WSR 15-19-160 Filed 9/23/2015			
	Chapter 388-829R WAC, WAC 388-845-1610, 388-845-1615	The 2015-2017 biennium budgets provided funding to develop eight community respite beds for adults with developmental disabilities for the provision of short-term community-based planned respite services across the state.	WSR 15-20-015 Filed 9/24/2015	WSR 16-10-021 Filed 4/25/2016		WSR 16-12-061 Filed 5/26/2016 WSR 16-04-073 Filed 1/29/2016
	Chapter 388-829C WAC	The department is updating "companion homes" and other related rules as may be required.	WSR 16-07-057 Filed 3/15/2016			

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-105 Filings	CR-103E Filings
	Chapter 388-827 WAC	Updates to "state supplementary payment program." The updates and changes will improve the management of the program while also making the program and eligibility requirements more easily understood.	WSR 16-07-147 Filed 3/23/2016			
	Chapter 388-825 WAC	Proposing to amend sections within "developmental disabilities administration service rules" and other related rules as may be required.	WSR 16-13-156 Filed 6/22/2016			
Children's Administration						
	Chapters 388-145, 388-147, and 388-148 WAC	Proposing to amend to provide foster parents, DSHS staff, private agency and group care staff additional clarification on the minimum licensing requirements	WSR 16-06-112 Filed 3/2/2016	WSR 16-10-020 Filed 4/25/2016		
Economic Services Administration						
Community Services Division						
	WAC 388-478-0015	Proposing to amend to revise the basic need standards for cash assistance. The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.	WSR 16-13-052 Filed 6/9/2016			
	WAC 388-400-0047	Proposing to amend "Am I eligible for the heat and eat program?" and other related rules as may be required to provide a small energy assistance payment to certain basic food households who are not eligible for a standard utility allowance income deduction.	WSR 16-13-060 Filed 6/13/2016			
	WAC 388-444-0035	Proposing to amend "Who is exempt from the ABAWD time limits and minimum work requirements?" and other related rules as may be required to strike provisions pertaining to food assistance program for legal immigrants that are inconsistent with state law for the supplemental nutrition assistance program.	WSR 16-14-051 Filed 6/29/2016			
Division of Child Support						
No rule making at this time						
Rehabilitation Administration						
Division of Vocational Rehabilitation						
No rule making at this time						
Executive						
Services and Enterprise Support Administration						
No rule making at this time						

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-105 Filings	CR-103E Filings
Financial Services Administration						
Operations Support and Services Division						
No rule making at this time						

Katherine Iyall Vasquez
Rules Coordinator

WSR 16-16-015
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY

[Filed July 21, 2016, 1:25 p.m.]

Board Meeting Dates July 2016 - June 2017

- Board meetings are held on the first Monday of each month unless otherwise noted.
- Board meetings are held at the LWTech campus located at 11605 132nd Avenue N.E., Kirkland, WA 98034 unless otherwise noted.

July 2016	No meeting in summer
August 2016	No meeting in summer
September 12, 2016 (September 5 is a holiday)	5:00 p.m. to 7:30 p.m.
October 3, 2016	7:30 a.m. to 9:00 a.m.
November 7, 2016	5:00 p.m. to 7:30 p.m.
December 5, 2016	5:00 p.m. to 7:30 p.m.
January 9, 2017	7:30 a.m. to 9:00 a.m.
February 6, 2017	5:00 p.m. to 7:30 p.m.
March 6, 2017	1:00 p.m. to 3:30 p.m.
April 3, 2017	5:00 p.m. to 7:30 p.m.
May 1, 2017	Retreat 9:00 a.m. to 2:00 p.m. Meeting 2:00 p.m. to 4:00 p.m.
June 5, 2017	1:00 p.m. to 3:30 p.m.
June 16, 2017 Commencement	1:00 p.m. to 3:30 p.m.

WSR 16-16-021
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Habitat and Recreation Lands Coordinating Group)

[Filed July 22, 2016, 11:55 a.m.]

The habitat and recreation lands coordinating group is changing the **date** of the regular quarterly meeting scheduled for September 7, 2016:

From: September 7, 2016, from 9:00 a.m. to 12:00 p.m., Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA.

To: September 12, 2016, from 9:00 a.m. to 12:00 p.m., Room B12, O'Brien Building, 416 Sid Snyder Avenue S.W., Olympia, WA.

For further information, please contact Wendy Brown, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, wendy.brown@rco.wa.gov, phone (360) 902-3021, fax (360) 902-3026.

The meeting materials and agenda will be made available on the recreation and conservation office (RCO) web site http://www.rco.wa.gov/boards/hrlcg_meetings.shtml. For further information, please contact Wendy Brown at (360) 902-3021 or wendy.brown@rco.wa.gov.

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at (360) 902-0220 or e-mail leslie.frank@rco.wa.gov.

WSR 16-16-022
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Invasive Species Council)

[Filed July 22, 2016, 11:55 a.m.]

The Washington invasive species council is changing the **location** and **time** of the regular quarterly meeting scheduled for September 22, 2016:

From: September 22, 2016, from 9:00 a.m. to 3:00 p.m., Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98501.

To: September 22, 2016, from 9:00 a.m. to 2:00 p.m., Luke Jensen Sports Park, Bud Van Cleve Community Meeting Room, 4000 N.E. 78th Street, Vancouver, WA 98665.

For further information, please contact Justin Bush, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, justin.bush@rco.wa.gov, phone (360) 902-3088, fax (360) 902-3026.

The recreation and conservation office schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at (360) 902-0220 or e-mail leslie.frank@rco.wa.gov.

WSR 16-16-024
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)
 [Filed July 22, 2016, 2:55 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules meetings originally scheduled for August 23 - 24, 2016, have been changed to August 24, 2016, 10:00 a.m., Department of Labor and Industries, 950 Broadway Avenue, Tacoma, WA.

If you have any questions, please contact Alicia Curry, management analyst, at (360) 902-6244 or Alicia.Curry@Lni.wa.gov.

WSR 16-16-033
DEPARTMENT OF AGRICULTURE
 [Filed July 25, 2016, 11:39 a.m.]

2016 Petitions for Rule Making

The following information is being sent in order to implement RCW 1.08.112 (1)(g) and WAC 1-21-180. The Washington state department of agriculture received no petitions for rule making during the second quarter of 2016, which covers Washington State Registers 16-07 through 16-12.

Henri Gonzales
 Rules Coordinator

WSR 16-16-034
PUBLIC RECORDS OFFICER
DEPARTMENT OF CORRECTIONS
 [Filed July 25, 2016, 1:48 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the department of corrections is Denise Vaughan, P.O. Box 41118, Olympia, WA 98504-1118, phone (360) 725-8854, e-mail dlvaughan@DOC1.WA.GOV.

John R. Nispel
 for Maria Puccio
 Rules Coordinator

WSR 16-16-036
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Bleeding Disorder Collaborative for Care)
 [Filed July 25, 2016, 3:38 p.m.]

Contact Ryan Pistoresi, (360) 725-0473, ryan.pistoresi@hca.wa.gov.

The agency is changing the schedule to Wednesdays at 7:30 a.m. through the end of 2016. All meetings will be held through GoTo Webinar unless otherwise noted. All meetings will be recorded. <https://attendee.gotowebinar.com/register/1675635202037745154>.

2016 Revised Meeting Schedule
 8/1/16

Wednesday, August 10, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, August 24, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, August 31, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, September 7, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, September 14, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, September 28, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, October 12, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, October 26, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, November 2, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, November 9, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, November 16, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, November 30, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, December 7, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, December 14, 2016	7:30 a.m. - 8 a.m. PST
Wednesday, December 28, 2016	7:30 a.m. - 8 a.m. PST

WSR 16-16-037
PUBLIC RECORDS OFFICER
HEALTH CARE
FACILITIES AUTHORITY
 [Filed July 25, 2016, 3:47 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington health care facilities authority is Shannon Govia, 410 11th Avenue S.E., Olympia, WA 98504, phone (360) 586-0140, fax (360) 586-9168, e-mail shannong@whcfa.wa.gov.

Donna A. Murr
 Executive Director

WSR 16-16-038
AGENDA
DEPARTMENT OF
NATURAL RESOURCES
 [Filed July 26, 2016, 10:17 a.m.]

Rules Development Agenda
 July to December 2016

WAC CHAPTER OR SECTION	PURPOSE OF RULE BEING DEVELOPED OR AMENDED
332-24	Rule change to ensure fire protection rules are clearly written and provide appropriate protection regarding regulation of forest operations and spark emitting equipment requirements. The changes will also update references to department of ecology WAC and chapter 70.94 RCW.
332-08	The department of natural resources has the discretion to consider rule-making changes related to insurance and security requirements; the program is currently evaluating whether or not this is necessary.
332-18-05004	Amending rule governing fines, base penalties schedule in relation to surface mine reclamation.
New WAC	A new rule will be written to implement RCW 78.44.087 (5)(c) developing a standardized performance security formula.
New WAC	RCW 39.04.155 directs state agencies awarding small works contract to have procedures in place to solicit bids and award contracts.

WSR 16-16-041
AGENDA
DEPARTMENT OF LICENSING
 [Filed July 26, 2016, 12:33 p.m.]

Following is the rule-making agenda for the department of licensing. This agenda is sent as a requirement of RCW 34.05.314.

If I can provide any additional information regarding rule making at the department of licensing please don't hesitate to contact Damon Monroe via e-mail dmonroe@dol.wa.gov or phone (360) 902-3843.

RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
July 2016

CR-101	CR-102	PROGRAM	SUBJECT
13-14-059		COR/Public disclosure	WAC 308-93-087, 308-93-088, 308-93-089, disclosure of names and addresses of individual vessel owners. To incorporate recent legislative changes, SSB 5182 passed during the 2013 session.
13-23-085		BPD/Court reporters	Chapter 308-14 WAC, amending chapter for effectiveness, clarity, intent and statutory authority.
14-05-042		BPD/Driver training school program	Chapters 308-108 and 308-110 WAC, update rules for driver training schools who teach traffic safety education and administer knowledge and driving examinations.
14-17-039		PSD/Programs and services, field and licensing support	WAC 308-104-050 Waiver of driver education requirement.
14-21-061		CRD/Vehicle and vessel licensing	WAC 308-96A-026 Vehicle transit permit. HB [E2SHB] 1129 passed during the 2014 session which requires a \$5 service fee be charged by all offices for registration transactions.
15-04-029		CRD/Vehicle and vessel licensing	WAC 308-96A-099 Use class descriptions.
15-08-074 15-19-016		BPD/Dealer services program	WAC 308-63-040, 308-65-040, 308-65-090, 308-65-120(5), vehicle wreckers, hulk haulers and scrap processors. Correct authority for inspection approval as described in RCW.

CR-101	CR-102	PROGRAM	SUBJECT
15-11-016		PSD/Driver and vehicle records	WAC 308-96B-020 General provisions, regarding individuals with disabilities vehicle license privileges.
15-21-032	16-13-124	PSD Driver records	WAC 308-104-160, moving and nonmoving violations defined. Update list of moving traffic violations by adding a reference to the THC open container violation, created by the legislature in 2015.
16-01-075		BPD Real estate program	WAC 308-56A-525 Vehicle seller's report of sale, update the rule in response to recent legislation.
16-01-076		BPD Real estate program	Chapter 308-96B WAC, Individual with disabilities vehicle license privileges, update rules pertaining to vehicle license and parking privileges for individuals with disabilities in response to recent legislation.
16-03-003	16-11-118	BPD Transportation services	WAC 308-66-210 Statement of change in business structure, ownership interest or control.
16-04-084		BPD Tattoos, body piercing, and body art program	Chapter 308-22 WAC, Body art, body piercing, and tattooing rules.
16-08-011		PSD Commercial driver license	Chapter 308-100 WAC, Commercial driver's (CDL) examination fees and third-party testing fee.
16-08-088		BPD AMC/Real estate programs	Chapter 308-409 WAC, Appraisal management companies.

CR-101	CR-102	PROGRAM	SUBJECT
16-08-049		CRD Title and registrations	(New) WAC 308-04-030 Retail sales and use tax exemption criteria for clean alternative fuel vehicles, required due to recent legislation, 2ESHB 2778 (2016 session).
16-13-125		PSD Driver and vehicle records	Amend WAC 308-96A-026, to remove the requirement for a licensing agent signature as we are making transit permits available online.
16-13-072		BPD Transportation services	Chapter 308-65 WAC, Hulk haulers/scrap processors.
16-13-073		BPD Transportation services	Chapter 308-63 WAC, Wreckers.
16-13-043		BPD Landscape architects	WAC 308-13-055, (new seal with a new design).
16-14-112		BPD Professional engineers and land surveyors	WAC 196-27A-010 Purpose and applicability. WAC 196-29-110 Land surveying practice standards.
16-15-024		ASD Administrative services division	WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty.

Damon Monroe
Rules Coordinator

WSR 16-16-047
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 26, 2016, 4:08 p.m.]

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on August 1, 2016, the industrial statistician will determine and publish on the internet the statewide prevailing rates of wage. These rates become effective thirty days from publication on the department's prevailing wage web site on August 31, 2016.

For more information on prevailing wage or a copy of the rates please visit our web site at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335.

Maggie Leland
Rules Coordinator
Executive Policy Manager

WSR 16-16-052
AGENDA
OFFICE OF
INSURANCE COMMISSIONER

[Filed July 27, 2016, 11:21 a.m.]

Rule Development Agenda
July 31, 2016 through January 31, 2017

The commissioner has introduced the following rule makings. Each rule making is currently between the CR-101, CR-102, and CR-103 stage. They are currently under review and there may be further rule-making activity before January 31, 2017. If you have any questions regarding any of these rule makings, please contact Jim Keogh, rulescoordinator@oic.wa.gov or (360) 725-7056.

WAC	RCW Authority	Subject	Current Activity			
			CR-103E	CR-101	CR-105	CR-102
	48.02.060, 48.44.050, 48.46.200	Issuer disclosures, notices, and processes to protect privacy of health care information.		13-11-144 5/22/13		
	48.02.060, 48.83.170, 48.84.030	Long-term care unintentional lapse notices.		14-02-074 12/30/13		
284-30-396	48.02.060, 48.30.010	Notice of payment of settlements by insurers.				16-08-024 3/29/16
284-24-140	48.02.060, 48.19.035, 48.19.080	Requiring insurers using credit scores for rating to update scores at least every three years.		15-21-051 10/16/15		16-13-127 6/21/16
	48.02.060, 48.18.120(2), 48.20.450, 48.44.050, 48.46.200	Health plan special enrollment rules.		15-23-064 11/13/15		
	48.02.060, 48.17.005, 48.17.420, 48.17.205	Addressing the insurance commissioner's powers during a state of emergency.		16-01-051 12/10/15		
284-43-5642	48.02.060, 48.43.715	Clarifying essential health benefit coverage for obesity management.				16-10-050 4/29/16
	48.02.060, 48.29.005	Title insurance agent escrow practices and accounts.		16-07-083 3/17/16		
	48.02.060, SSB 6536 (chapter 156, Laws of 2016, effective March 31, 2016)	Rating requirements (SSB 6536).		16-10-048 4/29/16		

WAC	RCW Authority	Subject	Current Activity			
			CR-103E	CR-101	CR-105	CR-102
	5ESSB 5857 (2016)	Registration and regulation of pharmacy benefit managers.		16-10-049 4/29/16		
	48.02.060, 48.43.510	Notification re: Emergency fills.		16-10-051 4/29/16		
	48.02.060	Implementing RCW 48.43.016.		16-10-052 4/29/16		
	48.43.740, 48.43.743	Adding dental insurance requirements to comply with SHB 1002.		16-10-056 4/29/16		
	48.02.060, 48.30.010	Allowing electronic payment of settled claims.		16-11-062 5/13/16		
	48.02.060, 48.18.120(2), 48.20.450, 48.44.050, 48.46.200	Special enrollment rules: Health benefit exchange request.		16-11-063 5/13/16		
	48.02.060, Sections 5 (4)(e) and (g), 6 (4)(g), 12, 13(5), 16 (3)(a), and 18 (7)(h)(viii), chapter 142, Laws of 2016	Principle based reserving.		16-12-080 5/31/16		
	48.02.060, 34.05.220, 34.05.250	Administrative hearings.		16-12-081 5/31/16		
	48.02.060, 48.43.510	Prescription drug benefit disclosures.		16-12-082 5/31/16		
	48.02.060, 48.43.535, 43.70.235 - as recodified by chapter 139, Laws of 2016	Transfer regulatory authority over independent review organization from the department of health to the office of insurance commissioner.		16-13-101 6/17/16		
	48.02.060 (3)(a), 48.22.030(4)	Amend existing motorist underinsured rejection form.		16-13-102 6/17/16		
	48.02.060, 48.43.515, 48.43.520, 48.43.525, 48.43.530	Prior authorization processes and transparency.		16-13-103 6/17/16		
	48.02.060, 48.43.505	Privacy of consumer financial information.		16-15-068 7/18/16		

Possible Rule Makings: In addition to the rules listed above, the commissioner continues the effort to update and clarify the code as well as implement recent legislation. In the period before January 31, 2017, subjects that may be considered for rule making in this effort include:

Annuity marketing and disclosure requirements

- Barriers to patient care access resulting from contracting practices
- Coordination of benefits
- Dental insurance practices
- Disability insurance loss ratios
- Discontinuation and renewal of health plan coverage
- Discrimination in health plan design
- Electronic filing of state specific reporting
- Electronic notices and document delivery of insurance products
- Essential health benefits—Pharmacy/formulary tiers
- Essential health benefits—Clarifications, as needed, of pediatric dental and other provisions
- Establishing rules for interest rate tables referenced in RCW
- Federal financial reform implementation
- Federal health care reform implementation
- Fixing investment statute outdated references
- Health care coverage for dependent and incapacitated children
- Implementation of rules required by new state legislation
- Minimum valuation standards
- NAIC Model Act implementation (dependent on legislation)
- Pharmacy exception (substitution) and appeals process
- Prelicensing insurance education
- Producer commissions for special enrollment periods
- Ride-sharing insurance coverage
- Standards for gold card programs in health insurance coverage
- Summary of health insurance benefits coverage
- Trainee requirements for adjuster licensing
- Use of vehicle history in rating
- Wellness programs (health plans).

Mike Kreidler

WSR 16-16-053

AGENDA

WASHINGTON STATE PATROL

[Filed July 27, 2016, 11:35 a.m.]

**Semi-Annual Rule-Making Agenda
July through December 2016**

The following is the Washington state patrol's (WSP) semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have any questions about this rule-making agenda, please contact Melissa Van Gorkom, Rules Coordinator, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPrules@wsp.wa.gov.

WAC Citation	Subject Matter	Current Activity/Approximate Filing Date		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 204-36 WAC	It is anticipated that there may need to be changes to this chapter to clarify the process for hearings and appeals.	November 3, 2015 WSR 15-22-080	Possibly October 2016	
Chapter 204-50 WAC	It is anticipated that there may need to be changes to this chapter to provide cleanup to existing language.	June 23, 2015 WSR 15-14-030	Possibly April 2017	

WAC Citation	Subject Matter	Current Activity/Approximate Filing Date		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 204-91A-030 WAC 204-91A-090 WAC 204-91A-110 WAC 204-91A-130 WAC 204-91A-150 WAC 204-91A-170 WAC 204-91A-180	It is anticipated that there may need to be changes to this chapter to clarify the process for hearings as well as provide cleanup to numerous sections.	August 2016		
Chapter 212-12 WAC	Updates to the language to provide cleanup and clarity to sections within the chapter are necessary.	May 26, 2016 WSR 16-12-053	October 2016	
Chapter 212-44 WAC	Updates are necessary to eliminate redundancy and ensure that the rules are up-to-date.	May 26, 2015 [2016] WSR 16-12-054	Possibly April 2017	
Chapter 212-80 WAC	Clarification may be necessary with regard to the certain penalties/ violations of an individual licensee/ contractor.	May 26, 2016 WSR 16-12-055	October 2016	
WAC 446-16-070	Changes are necessary to require a process control number when dispositions are entered if fingerprints were taken.	May 26, 2016 WSR 16-12-056	August 2016	
Chapter 448-15 WAC	The proposed changes would provide cleanup to the entire chapter.	June 23, 2015 WSR 15-14-027	August 2016	
Chapter 448-16 WAC	The proposed changes would provide cleanup to WAC 448-16-020, 448-16-040, 448-16-080 and 448-16-120 of this chapter.	June 23, 2015 WSR 15-14-028	August 2016	

Melissa Van Gorkom
Rules Coordinator

WSR 16-16-060

AGENDA

ATTORNEY GENERAL'S OFFICE

[Filed July 27, 2016, 2:21 p.m.]

This is the office of the attorney general's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. The office may have additional rule making as conditions warrant.

Should you have questions about this rule-making agenda, please contact Melissa Brearty, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, (360) 534-4849, melb@atg.wa.gov. Additional contact information for particular rules is provided below.

**Semi-Annual Rule-Making Agenda
July 1 through December 31, 2016**

WAC Citation	Subject Matter	Current Activity (In 2016)			Additional Contacts
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)	
44-14	Public Records Act—Model Rules, consider possible updates. A CR-101 has not yet been filed in 2016.				Nancy Krier Phone (360) 586-7842 E-mail Nancyk1@atg.wa.gov
44-10	Lemon law, consider possible technological and efficiency updates to the arbitration and arbitration process. A CR-101 has not yet been filed.				Marc Worthy Phone (206) 464-6388 E-mail marcw@atg.wa.gov

Melissa Brearty
Rules Coordinator

**WSR 16-16-068
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

[Filed July 28, 2016, 9:55 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board meeting scheduled for **Wednesday, August 24, 2016**, has been cancelled.

The next regularly scheduled meeting will be on **Wednesday, September 21, 2016**, at 9:30 a.m., located in the Washington state investment board's large conference room.

Please feel free to contact (360) 586-2320 or e-mail Jessie.jackson@leoff.wa.gov with any questions.

**WSR 16-16-074
AGENDA
MILITARY DEPARTMENT**

[Filed July 29, 2016, 7:03 a.m.]

**Semi-Annual Rule-Making Agenda
(July 1 - December 31, 2016)**

Listed below is the Washington military department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about the agenda, please contact Bernadette Petruska, Military Department Rules Coordinator, Building 1, Camp Murray, WA 98430, phone (253) 512-8108, fax (253) 512-8497, e-mail bernadette.petruska@mil.wa.gov.

WAC Citation	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
Chapter 118-04 WAC	Updating the rules to the emergency worker program.	Chris Long (253) 512-7024, chris.long@mil.wa.gov	To be determined	To be determined	To be determined
Chapter 118-30 WAC	Updating the rules to the local emergency management/services organizations, plans and programs.	Dan Banks (253) 512-7065 dan.banks@mil.wa.gov	5/17/2013	To be determined	To be determined

WAC Citation	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
Chapter 118-40 WAC	Updating the rules to the hazardous chemical emergency response planning and community right-to-know reporting.	Dan Banks (253) 512-7065 dan.banks@mil.wa.gov	To be determined - estimated 9/30/2016	To be determined	To be determined

WSR 16-16-085

AGENDA

**DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed July 29, 2016, 1:16 p.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 16-17 issue of the Register.

WSR 16-16-088

AGENDA

PUBLIC DISCLOSURE COMMISSION

[Filed July 29, 2016, 3:36 p.m.]

Agenda for Rules Under Development
July - December 2016

Agency Contact: Lori Anderson, Communications and Training Officer, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737, toll-free 1-877-601-2828, fax (360) 753-1112, e-mail lori.anderson@pdc.wa.gov.

The public disclosure commission (the commission) submits this semi-annual agenda for rules under development, in accordance with RCW 34.05.314. The commission is granted rule-making authority by RCW 42.17A.110(1).

Possible rule making during July - December 2016 may include:

1. Adopt surplus funds account reporting schedule: The commission intends to adopt a reporting schedule for disclosing expenditures made from surplus funds. Surplus funds are those funds remaining at the end of a campaign cycle. Elected officials may establish a surplus funds account to be used for nonreimbursed, public office-related expenses and other uses provided for in RCW 42.17A.430. The statute provides that expenditures from surplus funds accounts will be disclosed, but there is no prescribed reporting schedule. Statutes being implemented: RCW 42.17A.240 and 42.17A.430.

2. Accept as timely filed mailed reports received within five business days of due date: The post office cancellation mark is used as the date received for mailed reports. All paper reports received are currently hand date-stamped and scanned. Efficiencies could be achieved by stamping one, consistent received date on reports as they are scanned, which is difficult when the postmark date is used. The commission wishes to adopt a timely filing presumption for mailed reports that are received within five business days of the filing deadline. Statutes being implemented: RCW 42.17A.140(1).

3. Amend WAC 390-16-234 Transfers of surplus and nonsurplus candidate funds: The rule allows joint campaign expenses to be paid by one candidate who is reimbursed proportionately by the other participating candidates. Senator Roach has suggested and the commission agrees that candidates must directly pay their proportionate share of campaign expenses. Statute being implemented: RCW 42.17A.430.

4. Amend WAC 390-18-040 Use of the terms "reelect," "retain," and "return": Repeal candidates' implied incumbency restrictions. Statute being implemented: RCW 42.17A.335.

5. Repeal WAC 390-13-100 Duties of elections officials receiving copies of campaign finance reports: Until June 2010, campaign finance reports were filed with the public disclosure commission and the county elections administrators. The commission was charged with adopting rules that governed how the counties would index and make the reports available to the public during the six year retention period. Since the retention period has ended for any reports that state law required to be filed with a county, the commission will repeal its indexing rule.

6. Amend chapter 390-37 WAC, Enforcement procedures: Hearing procedures may be modified as the commission compares its rules to the state model administrative procedures and reviews the use of "business days" as compared with "calendar days" for calculating time periods as well as other reconsideration instructions in WAC 390-37-144 and 390-37-150. Penalty schedules will also be reviewed to determine sufficiency and additional penalty schedules may be adopted. RCW 42.17A.755.

Other subjects that may be the subject of rule making or interpretive statements:

7. Whether signature gathering petitions for ballot measures constitute political advertising.

8. Whether "snip and paste" of photographs and other neutral content from candidates' campaign web sites used in political advertising sponsored by other parties is a contribution to the candidate.

July 29, 2016
Lori Anderson
Communications and
Training Officer

WSR 16-16-089
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 29, 2016, 4:02 p.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 16-17 issue of the Register.

WSR 16-16-099
DEPARTMENT OF ECOLOGY
 [Filed August 1, 2016, 2:52 p.m.]

PUBLIC NOTICE
Announcing the Reissuance of the Aquatic Invasive Species Management General Permit

PERMIT: The Washington state department of ecology (ecology) is reissuing the aquatic invasive species management general permit (permit). This permit becomes effective on September 16, 2016, and expires September 15, 2021.

State and federal water quality regulations do not allow the discharge of pollutants to waters of the state without permit coverage. Pesticide products used for management of aquatic invasive animals and invasive marine algae are potential pollutants, and therefore require a discharge permit before application to surface waters. Ecology issues general permits in place of a series of individual permits when the permitted activities are similar.

PURPOSE OF THE PERMIT: This permit conditions the discharge of pesticides for control of aquatic invasive animals and invasive marine algae in surface waters of Washington state. Coverage under the proposed general permit will be available to state government agencies only.

PERMIT AND SUPPORTING DOCUMENTS: Ecology accepted public comment on the draft permit, fact sheet and notice of intent from May 18, 2016, until July 1, 2016. Ecology held a webinar, and public workshop and hearing in Lacey, Washington, on June 21, 2016. Ecology received written comments during the public comment period and responded to these comments in Appendix C of the fact sheet.

You may download copies of the permit, the response to comments, and the fact sheet from the ecology web site at <http://www.ecy.wa.gov/programs/wq/pesticides/invasive.html>. You may request hardcopies of the documents from Nathan Lubliner at nathan.lubliner@ecy.wa.gov or (360) 407-6563.

ECOLOGY CONTACT: Nathan Lubliner, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone (360) 407-6563, e-mail nathan.lubliner@ecy.wa.gov.

APPEALS: This permit may be appealed to the pollution control hearings board (PCHB) within thirty days of the date of receipt of the final permit. The appeal process is governed by chapters 43.21B RCW and 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2) (also see glossary).

To appeal, the following must be done within thirty days of receipt of this permit:

- File the appeal and a copy of this permit with PCHB (see addresses below). Filing means actual receipt by PCHB during regular business hours.
- Serve a copy of the appeal and this permit on ecology in paper form - by mail or in person (see addresses below). ***E-mail is not accepted.***

The appeal must also comply with other applicable requirements in chapters 43.21B RCW and 371-08 WAC.

Street Addresses: Department of Ecology, Attn: Appeals Processing Desk, 300 Desmond Drive S.E., Lacey, WA 98503; or the **Pollution Control Hearings Board**, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501.

Mailing Addresses: Department of Ecology, Attn: Appeals Processing Desk, P.O. Box 47608, Olympia, WA 98504-7608; or the **Pollution Control Hearings Board**, P.O. Box 40903, Olympia, WA 98504-0903.

WSR 16-16-100
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Pharmacy Quality Assurance Commission)
 [Filed August 1, 2016, 5:19 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the department of health, pharmacy quality assurance commission is filing notice to report **corrections** to the August 18, 2016, and September 29, 2016, regular business meeting locations. 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 available in advance via listserv and the department of health web site (see below). Every effort 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
August 18, 2016	9:00 a.m.	SeaTac Red Lion Inn 18220 International Boulevard Seattle, WA 98188
September 29, 2016	9:00 a.m.	Red Lion Hotel 1225 North Wenatchee Avenue Wenatchee, WA 98801
November 10, 2016	9:00 a.m.	Highline Community College Mt. Constance 2400 South 240 Street Des Moines, WA 98198

If you need additional information, please contact Doreen E. Beebe, Health Services Consultant 3, Washington Department of Health, Board of Pharmacy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4834, fax (360)

236-2260, 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.

ity. Persons who require alternative means of communication (such as Braille, large print, sign language) or language interpretation or special meals or special accommodations should contact WSFC at (509) 453-4837 at least three business days before the meeting.

If there are any questions regarding the 2016 meeting schedule, please contact WSFC offices at (509) 453-4837.

WSR 16-16-109
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 2, 2016, 10:34 a.m.]

MEETING NOTICE: October 27, 2016
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98504
11:00 a.m. to 5:00 p.m.

MEETING NOTICE: October 28, 2016
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98504
8:30 a.m. - noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 16-16-124
NOTICE OF PUBLIC MEETINGS
FRUIT COMMISSION

[Filed August 3, 2016, 11:20 a.m.]

2016
CANCELLATION OF COMMISSION MEETING

Due to the lack of availability of board members to form a quorum, the following scheduled meeting has been CANCELLED: August 17, 2016, at 11:00 a.m., at the Washington Apple Commission, Wenatchee, Washington.

The next regular meeting of the Washington state fruit commission (WSFC) board of directors will be held as scheduled on December 14, 2016, at 11:00 a.m., at the W. L. Hansen Building, Yakima, Washington.

WSFC complies with the Americans with Disabilities Act. These meetings are open to all persons without regard to race, color, national origin, gender, religion, age, or disabil-