

WSR 14-15-047
RULES OF COURT
STATE SUPREME COURT
[July 11, 2014]

IN THE MATTER OF THE EXPEDITED ) ORDER
ADOPTION OF CrR 4.2(g)—STATE- ) NO. 25700-A-1073
MENT OF DEFENDANT ON PLEA OF )
GUILTY TO NON-SEX OFFENSE; CrR )
4.2(G)—STATEMENT OF DEFENDANT )
ON PLEA OF GUILTY TO SEX )
OFFENSE; JuCR 7.7—STATEMENT ON )
PLEA OF GUILTY; CrRLJ 4.2(g)— )
STATEMENT OF DEFENDANT ON )
PLEA OF GUILTY; CrRLJ 4.2(g)—"DUI" )
ATTACHMENT; CrRLJ 4.2(g)—MISDE- )
MEANOR DUI SENTENCING )
ATTACHMENT; WASHINGTON STATE )
MISDEMEANOR DUI SENTENCING )
ATTACHMENT. )

The Pattern Forms Committee having recommended expedited adoption of the above designated forms for CrR 4.2(g), CrR 4.2(g), JuCR 7.7, CrRLJ 4.2(g), CrRLJ 4.2(g), and CrRLJ 4.2(g) amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 9th Day of July, 2014.

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

Superior Court of Washington for
State of Washington, Plaintiff
vs. Defendant
No. Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)

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

Table with 6 columns: COUNT NO., OFFENDER SCORE, STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements), PLUS Enhancements\*, COMMUNITY CUSTODY, MAXIMUM TERM AND FINE. Rows 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, (P16) Passenger(s) under age 16.

(b) 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.

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

(i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not committed any crimes after I turned 18 or committed a major violation 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 Sentence Review Board, I may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. I will be required to comply with any conditions imposed by the Board.

(e) 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.

(f) 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.

(g) 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. If the total period of confinement is 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
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, and I will 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.

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) 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.

(i) 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 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.

(j) 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.

(k) 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.

(l) 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, 29A.08.520.

(m) Government assistance may be suspended during any period of confinement.

(n) 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.***

\_\_\_ (o) 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.

\_\_\_ (p) 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 (e). 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.

\_\_\_ (q) 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 conditions 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.

\_\_\_ (r) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

\_\_\_ (s) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. 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.

\_\_\_ (t) 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.

\_\_\_ (u) 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 conditions 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(e). 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.

\_\_ (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.

\_\_ (w) 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).

\_\_ (x) 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) and 21 U.S.C. § 862a.

\_\_ (y) 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.

\_\_ (z) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14).

\_\_ (aa) 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.

\_\_ (bb) 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.

\_\_ (cc) 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.

\_\_ (dd) 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[n].

\_\_ (ee) 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.

\_\_ (ff) 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.

\_\_ (gg) 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.

\_\_ (hh) 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.

\_\_ (ii) I may be required to register as a felony firearm offender under RCW 9.41.\_\_\_\_ The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

\_\_ (jj) 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.

\_\_ (kk) 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 substance 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**

**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.

<b>Superior Court of Washington for</b>		<b>No.</b>	<b>Statement of Defendant on Plea of Guilty to Sex Offense (Felony) (STTDFG)</b>
<b>State of Washington</b> , Plaintiff			
vs.  Defendant			

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) 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) 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.

(c) 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) 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 committed any crimes after I turned 18 or committed a major violation 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 Sentence Review Board, I may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. I will be required to comply with any conditions imposed by the Board.

(e) 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.

(f) 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.

(g) For sex offenses 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. If the period of confinement is more than one year,

the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. 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 sex offenses committed on or after July 1, 2000 but 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
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(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 (f)(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 restrictions 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) 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.

(i) 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(f)). 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.

(j) 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.

(k) 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.

(l) 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, 29A.08.520.

(m) Government assistance may be suspended during any period of confinement.

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

(o) 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.

(p) 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.**

(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 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.

(r) **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(e). 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 (f)(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 (f)(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(e). 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.

\_\_\_ (s) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. 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.

\_\_\_ (t) 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.

\_\_\_ (u) 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.

\_\_\_ (v) 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.

\_\_\_ (w) 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 com-

mitted 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.

\_\_\_ (x) 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.

\_\_\_ (y) 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].

\_\_\_ (z) 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.

\_\_\_ (aa) I may be required to register as a felony firearm offender under RCW 9.41.\_\_\_\_\_. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

\_\_\_ (bb) 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.

\_\_\_ (cc) 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.

\_\_\_ (dd) 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.

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.

\_\_\_\_\_  
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 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**

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

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

SUPERIOR COURT OF WASHINGTON COUNTY OF JUVENILE COURT

STATE OF WASHINGTON

vs.

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.

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:

[ ] LOCAL SANCTIONS:

Table with columns: COUNT, SUPERVISION, COMMUNITY RESTITUTION, FINE, DETENTION, CVC, RESTITUTION. Rows 1-3.

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 columns: COUNT, WEEKS AT JUVENILE REHABILITATION ADMINISTRATION (JRA) FACILITY, CVC, RESTITUTION. Rows 1-3.

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

I understand that if I am pleading guilty to 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/REVOCAION 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.

[B] SUSPENSION/REVOCAION 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] DOMESTIC VIOLENCE ASSESSMENT: If this offense involves domestic violence, I may be required to pay a domestic violence assessment of up to \$100.

[G] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.

[H] MANDATORY PROSTITUTION/INDECENT EXPOSURE/COMMERCIAL SEXUAL ABUSE OF A MINOR/TRAFFICKING ASSESSMENTS: I have been informed that the court will order me to pay a mandatory assessment as required under RCW 9A.88.120, RCW 9.68A.105, or RCW 9A.40.100. The court may reduce up to two-thirds of this assessment if the court finds that I am not able to pay the assessment.

[I] 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.

[J] 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.

[K] 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.

[L] 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.

[M] 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.

[N] 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 (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) 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

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

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.

[O] FELONY FIREARM OFFENDER REGISTRATION: I may be required to register as a felony firearm offender under RCW 9.41.\_\_\_\_. 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.

Respondent

I have read and discussed this statement with the respondent. I 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

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

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

Court of Washington for
Plaintiff, vs. Defendant.

No. Statement of Defendant on Plea of Guilty

- 1. My true name is
2. My age is
3. I went through the grade.
4. I Have Been Informed and Fully Understand that:
(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
(b) I am charged with:

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

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

The elements are:

[ ] as set out in the charging document.

[ ] as follows:

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

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

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

- (a) The crime with which I am charged carries a maximum sentence of \_\_\_\_\_ days in jail and a \$ \_\_\_\_\_ fine.
- (b) The prosecuting authority will make the following recommendation to the judge:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- (d) The judge may place me on probation for up to five (5) years if I am sentenced for a domestic violence offense or under RCW 46.61.5055, or up to two (2) years for all other offenses and impose conditions of probation. If the court orders me to appear at a hearing regarding my compliance with probation and I fail to attend the hearing, the term of probation will be tolled until I appear before the court on the record.
- (e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- (f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

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

- (g) The crime of \_\_\_\_\_ has a mandatory minimum sentence of \_\_\_\_\_ days in jail and \$ \_\_\_\_\_ fine plus costs and assessments. The law does not allow any reduction of this sentence.
- (h) The crime of prostitution, indecent exposure, permitting prostitution and patronizing a prostitute has a mandatory assessment of \$ \_\_\_\_\_. The court may reduce up to two-thirds of this assessment if the court finds that I am not able to pay the assessment. RCW 9A.88.120.

(i) If this crime involves patronizing a prostitute, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. 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.

(j) 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.

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

(l) 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.

(m) 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.

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

(o) 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.

(p) 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.

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

If the judge orders me to refrain from consuming any alcohol, the judge may order me to submit to alcohol monitoring. I shall be required to pay for the monitoring unless the judge specifies that the cost will be paid with funds from another source.

The judge may waive electronic home monitoring or order me to obtain an alcohol monitoring device with wireless reporting technology, if that device is reasonably available, if I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring. The judge may waive electronic home monitoring if I live out of state, or if the judge determines I would violate the terms of electronic home monitoring. If the judge waives 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, beginning January 1, 2014, 24/7 sobriety program monitoring.

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

[ ](q) 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."

[ ](r) 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 – 1<sup>st</sup> Degree described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."

[ ](s) 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.

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

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

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

8. I make this plea freely and voluntarily.

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

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

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

\_\_\_\_\_

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

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

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



Date: \_\_\_\_\_

Defendant

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

Prosecuting Authority

Defendant's Lawyer

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

\_\_\_\_\_  
WSBA No.

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

\_\_\_\_\_  
WSBA No.

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

(a) The defendant had previously read; or

(b) The defendant's lawyer had previously read to him or her; or

(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

**Interpreter Declaration:** I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands. I have translated this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

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

\_\_\_\_\_  
Interpreter

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

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

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

\_\_\_\_\_  
**Judge**

**Case Name:** \_\_\_\_\_

**Cause No.:** \_\_\_\_\_

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

**Court – DUI Sentencing Grid (RCW 46.61.5055 as amended by statute effective June 12, 2014)**

<b>BAC Result &lt; .15 or No Test Result</b>	<b>No Prior Offense<sup>1</sup></b>	<b>One Prior Offense<sup>1</sup></b>	<b>Two or Three Prior Offenses<sup>1</sup></b>
Mandatory Minimum/ Maximum Jail Time <sup>2</sup>	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 <sup>2</sup>	15 Days in Lieu of Jail	60 Days Mandatory/4 Days Jail Min.	120 Days Mandatory/8 Days Jail Min.
Mandatory Minimum/ Maximum Fine <sup>3</sup>	\$940.50/\$5,000	\$1,195.50/\$5,000	\$2,045.50/\$5,000
If Passenger Under 16 Minimum/Maximum <sup>4</sup>	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	90-Day Suspension	2-Year Revocation	3-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed.

<b>BAC Result &lt; .15 or No Test Result</b>	<i>No Prior Offense<sup>1</sup></i>	<i>One Prior Offense<sup>1</sup></i>	<i>Two or Three Prior Offenses<sup>1</sup></i>
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program <sup>2</sup>	N/A	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

<b>BAC Result ≥.15 or Test Refusal</b>	<i>No Prior Offense<sup>1</sup></i>	<i>One Prior Offense<sup>1</sup></i>	<i>Two or Three Prior Offenses<sup>1</sup></i>
Mandatory Minimum/Maximum Jail Time <sup>2</sup>	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 <sup>2</sup>	30 Days in Lieu of Jail	90 Days Mandatory/6 Days Jail Min.	150 Days Mandatory/10 Days Jail Min.
Mandatory Minimum/Maximum Fine <sup>3</sup>	\$1,195.50/\$5,000	\$1,620.50/\$5,000	\$2,895.50/\$5,000
If Passenger Under 16 Minimum/Maximum <sup>4</sup>	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License <sup>**</sup>	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 <sup>2</sup>	N/A	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. DOL may impose more.

<b>Department of Licensing Required Ignition Interlock Device Requirements, RCW 46.20.720 (3)(4) as amended with statutes effective through June 12, 2014*</b>			
Requirement	No Previous Restriction no less than:	Previous 1-Year Restriction no less than:	Previous 5-Year Restriction no less than:
II Device	1 Year	5 Years	10 Years
Restriction effective, until IID vendor certifies to DOL that none of the following occurred within four months prior to date of release: any attempt to start the vehicle with a BAC of .04 or more 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.

**1Prior 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. Control, RCW 46.25.110; (4) Watercraft DUI, RCW 79A.60.040; (5) Aircraft DUI, RCW 47.68.220; (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. Contr., including a chemical dependency treatment program. If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in RCW 46.61.5055 (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing.
- **Amended Convictions for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.-520) or Veh. Assault (RCW 46.61.522);* but convicted of (1) Neg. Driving 1st (RCW 46.61.-5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses. *If originally charged with Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug;* but convicted of Veh. Hom. or Veh. Assault committed in a reckless manner or with the disregard for the safety of others.
- **Deferred Sentences for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522);* but deferred sentence was imposed for (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.-500), (3) Reckless Endangerment (RCW 9A.36.-050), (4) Equiv. out-of-state or local ordinance for the above offenses.

**2Mandatory Jail, 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. *Bremerton v. Bradshaw*, 121 Wn. App. 410, 88 P.3d 438 (Div. Two 2004). Where there are no prior offenses within seven years, the court may grant EHM instead of mandatory minimum jail. If there are prior offenses, the mandatory EHM may not be suspended 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 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 24 hour and 7 days a week sobriety program which requires tests of the defendant's blood, breath, urine or other bodily substances to find out if there is alcohol, marijuana, or any controlled substance in his/her body. The defendant will be required to pay the fees and costs for the program. RCW 46.61.5055 (1), (2), (3), (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 and proof of liability insurance or other financial responsibility (SR 22), (ii) drive or be in physical control of a vehicle while having an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher within two hours after driving, (iii) refuse to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug. Except for ignition interlock driver's license and device or alcohol monitoring requirements under RCW 46.61.5055(5), violation of **any** mandatory condition requires a minimum penalty of 30 days' confinement, which may not be suspended or deferred, and an additional 30-day license suspension. RCW 46.61.5055 (11). Courts are required to report violations of mandatory conditions requiring confinement or license suspension to DOL. RCW 46.61.5055.

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

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

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

occurred within ten years before or after the arrest for the current offense. RCW 46.61.5055 (14)(c).

**Jurisdiction:** Court has five years jurisdiction.

**Department of Licensing - DUI Administrative Sanctions and Reinstatement Provisions (As amended through June 12, 2014)**

<b>Administrative Sanctions – RCW 46.20.3101</b>		
<b>REFUSED TEST</b>	<b>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years*</b>	<b>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years*</b>
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
<b>BAC RESULT</b>	<b>First Administrative Action</b>	<b>Second or Subsequent Administrative Action</b>
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).

<b>Ignition Interlock Driver's License, RCW 46.20.385 (amended through June 12, 2014)</b>
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).

<ul style="list-style-type: none"> <li>• 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</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Driver's ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Satisfactorily complete a driver's ability test</li> </ul>
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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.

<b>Requirements for Reinstatement of Driving Privilege</b>	
<b>Suspended License* (RCW 46.20.311)</b>	<b>Revoked License* (RCW 46.20.311)</b>
<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR 22)</li> </ul>	<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR22)</li> </ul>

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

<b>Ignition Interlock Driver's License, RCW 46.20.380, 46.20.385</b>	
<b>Eligible to Apply</b>	<ul style="list-style-type: none"> <li>• Conviction of violation of RCW 46.61.502, 46.61.504, or an equivalent local or out-of-state statute or ordinance, 46.61.520 (1)(a), or 46.61.522 (1)(b) involving alcohol.</li> <li>• License suspended, revoked, or denied under RCW 46.20.3101.</li> <li>• Proof of installed functioning ignition interlock device.</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Proof of financial responsibility (SR 22).</li> </ul>

<b>Financial Obligations</b>	<ul style="list-style-type: none"> <li>• \$100 mandatory fee to DOL.</li> <li>• Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month, unless waived.</li> </ul>
<b>Duration</b>	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.
<b>Operation with Other Requirements</b>	The time period during which the person is licensed under RCW 46.20.385 shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720.

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

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

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

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

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

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

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

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

**Court – Reckless Driving/Negligent Driving – 1st Degree**

**Sentencing Grid**

**(RCW 46.61.500, RCW 46.61.5249, RCW 46.20.720 as amended through June 12, 2014)**

<b>Reckless Driving</b>	
<b>Conviction</b>	<b>Qualifications</b>
Reckless Driving (RCW 46.61.500 (3)(a))	<ul style="list-style-type: none"> <li>• Original charge: Violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance.</li> <li>• One or More Prior Offenses within 7 years as defined above.</li> </ul>
Reckless Driving (RCW 46.61.500 (3)(b))	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Consequences</b>	
II Device	<ul style="list-style-type: none"> <li>• 6 Months.</li> <li>• 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</li> </ul>

Conviction	Qualifications
	<p>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.</p> <ul style="list-style-type: none"> <li>• DOL will give day-for-day credit as allowed by law.</li> <li>• Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month.</li> </ul>
Maximum Jail Time	<ul style="list-style-type: none"> <li>• 364 Days if convicted of reckless driving.</li> </ul>
Maximum Fine	<ul style="list-style-type: none"> <li>• \$5,000 if convicted of reckless driving.</li> </ul>
EHM	<ul style="list-style-type: none"> <li>• As ordered.</li> </ul>
Driver's License	<ul style="list-style-type: none"> <li>• 30-day suspension.</li> <li>• DOL will give day-for-day credit as allowed by law.</li> </ul>
II Driver's License	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
	<ul style="list-style-type: none"> <li>• 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</li> </ul>

Conviction	Qualifications
	drive without getting a separate temporary restricted driver's license.
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"> <li>• As ordered.</li> </ul>

Negligent Driving - 1st Degree	
Conviction	Qualifications
Negligent Driving - 1st Degree (RCW 46.61.5249)	<ul style="list-style-type: none"> <li>• One or More Prior Offenses within 7 years as defined above.</li> </ul>

Consequences	
II Device	<ul style="list-style-type: none"> <li>• 6 Months.</li> <li>• 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.</li> </ul>
Maximum Jail Time	<ul style="list-style-type: none"> <li>• 90 Days if convicted of negligent driving in the 1st degree.</li> </ul>
Maximum Fine	<ul style="list-style-type: none"> <li>• \$1,000 if convicted of negligent driving in the 1st degree.</li> </ul>

Conviction	Qualifications
EHM	• As ordered.
Driver's License	• As imposed by DOL.
Alcohol/Drug Ed./Victim Impact or Treatment	• As ordered.

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

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

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

**RELEVANT FINDINGS**

FOR OFFENSES OCCURRING JUNE 12, 2014 OR LATER

Conviction: \_\_\_\_\_.

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

**STATUTORY MANDATORY MINIMUMS**

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

**DRIVER'S LICENSING CONSEQUENCES**

Min Driver's Lic  
 Susp as a result of  
 conviction: \_\_\_\_\_  
 Ignition Interlock  
 License: \_\_\_\_\_  
 Ignition Interlock  
 Device: \_\_\_\_\_

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

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

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

**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 14-17-001  
HEALTH CARE AUTHORITY**

[Filed August 6, 2014, 2:30 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 14-0023.

Effective Date: Anticipated on or after October 1, 2014.

Description: Medicaid SPA 14-0023 - Early intervention/prevention services for children birth to five.

The health care authority (the agency) intends to submit medicaid SPA 14-0023. This SPA is being submitted to provide early intervention/prevention services for children birth to five at risk of abuse and neglect.

Early childhood treatment services include a variety of activities that focus on developing trust, building relationships, and promoting pro-social behavior and adaptive functioning. These specialized services support and enhance healthy social and emotional development early in life by mitigating health and/or behavioral issues.

The agency estimates that if approved, this SPA will result in \$0.00 in annual aggregate expenditures.

To submit official written comments or request additional information, please contact Stacey Bushaw, Family Health Care Services, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1829, TDD/TTY 1-800-848-5429, fax (360) 725-1152, e-mail Stacey.busgaw@hca.wa.gov, web site www.hca.wa.gov.

**WSR 14-17-006  
NOTICE OF PUBLIC MEETINGS  
LOWER COLUMBIA COLLEGE**

[Filed August 7, 2014, 3:03 p.m.]

The board of trustees of Lower Columbia College will be holding a special executive session meeting on Tuesday, August 19, 2014, beginning at 5:00 p.m., in the Training Room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA. Purpose of the meeting is to review personnel performance.

If you have any questions, please don't hesitate to contact Christopher C. Bailey, President.

**WSR 14-17-012  
NOTICE OF PUBLIC MEETINGS  
FREIGHT MOBILITY  
STRATEGIC INVESTMENT BOARD**

[Filed August 8, 2014, 10:42 a.m.]

**2015 Meeting Schedule**

January 23	Olympia
March 20	Tacoma
May 29	Marysville
July 17	Suquamish
September 18	Spokane
November 20	Seattle

**WSR 14-17-016  
NOTICE OF PUBLIC MEETINGS  
LIFE SCIENCES  
DISCOVERY FUND AUTHORITY**

[Filed August 10, 2014, 1:27 p.m.]

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

**2014 Public Board Meeting Dates**

*(times are approximate and subject to change)*

Friday, August 29	8:30 a.m.- 12:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle, WA 98102 (third floor large conference room)
Monday, December 15	8:30 a.m.- 4:30 p.m.	LSDF Office 1551 Eastlake Avenue East Seattle WA 98102 (first floor Agora Conference Room)

**WSR 14-17-017  
CLEMENCY AND PARDONS BOARD**

[Filed August 11, 2014, 10:39 a.m.]

**Notice of Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for September 12, 2014, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington<sup>1</sup>. The following petitions will be considered by the board<sup>2</sup>:



<b>Petitioner:</b>	<b>Relief Requested:</b>
Wheeler, John	Commutation
Mitchell, Grady	Commutation
Dickerson, Gregory	Commutation
Bueno, Sigifredo	Pardon
Serjeant, Donald	Pardon
Ormsbee, Michael	Pardon
Thrasher, Tamra	Pardon

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

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

**WSR 14-17-018**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**PUBLIC DEFENSE**

[Filed August 11, 2014, 3:54 p.m.]

The meeting of the Washington state office of public defense (OPD) advisory committee that was scheduled for Thursday, September 25, 2014, has been changed to Thursday, October 2, 2014.

The meeting will be held from 9:30 a.m. - 11:30 a.m. at the Administrative Office of the Courts, SeaTac Office Center, South Tower, 18000 International Boulevard, Suite 1106, SeaTac, WA 98188-4251.

Please contact OPD at (360) 586-3164, extension 107, if you have questions regarding the above meeting date change.

**WSR 14-17-020**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 12, 2014, 8:31 a.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Aging and Long-Term Support Administration**  
**Division of Home and Community Services**

Document Title: Public Notice.  
 Subject: Renewal of the New Freedom waiver.  
 Effective Date: February 1, 2015.

Document Description: Home and community services, a division of aging and long-term support administration, in cooperation with the health care authority intends to submit a waiver application to the federal Centers for Medicaid and Medicare Services requesting renewal of the New Freedom waiver (WA# 0443). Currently the waiver is due to expire

February 14, 2015. Once approved, the state will be able to continue to provide services to eligible persons.

To receive a copy of the interpretive or policy statements, contact Debbie Johnson, Home and Community Services, P.O. Box 45600, phone (360) 725-2531, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail Debbie.Johnson2@dshs.wa.gov, web site <http://www.adsa.dshs.wa.gov/professional/newfreedom/>.

**WSR 14-17-021**  
**RULES COORDINATOR**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed August 12, 2014, 9:30 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington state criminal justice training commission is Sonja Hirsch, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7356, fax (206) 835-7313, e-mail shirsch@cjtc.state.wa.us (contact information as of September 1, 2014).

Sonja Hirsch  
 Executive Assistant  
 Rules Coordinator

**WSR 14-17-024**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 12, 2014, 3:05 p.m.]

**Notice of Interpretive or Policy Statement**

Under RCW 34.05.230, following is policy and interpretive statements for one policy issued by the department of labor and industries regarding the employment standards division.

If you have any questions or need additional information, please call Suchi Sharma at (360) 902-6744.

Suchi Sharma  
 Rules Coordinator and  
 Senior Policy Advisor

Title: ES.C.10 Frequently Asked Questions about the Family Care Act.

Date Issued: August 6, 2014.

Description: The department has had several comments from stakeholders that questions 17, 18, and 19 of the old policy are not clear. The questions came from both employers and employees, but focus primarily on the same three issues. The department recognizes the need to more clearly state our position on the meaning of "earned leave," entitlement to leave, and the use of "any and all of the employee's leave."

The changes to old question 17 – Most readers of the old policy thought that advanced vacation scheduling trumped

the choice of leave requirement of the Family Care Act, but it doesn't. The new policy makes that clear.

The changes to old question 18 – The first line of our answer is not factual. It says the law does not prevent an employer from applying its attendance policies, but actually RCW 49.12.287 does just that. If a person uses family care leave the employer is prohibited by law from applying any attendance policy to that leave if it has negative consequences for the employee.

The changes to old question 19 – The guidance that the old policy provided on the issue was not clear which left some readers with the impression that the lack of medical verification was a valid reason to deny FCA leave when a minor child is cared for and no doctor's note is presented.

The FAQ has been renumbered.

Contact: Amy Chaney, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-4930, [chai235@lni.wa.gov](mailto:chai235@lni.wa.gov).

### WSR 14-17-028

#### PUBLIC RECORDS OFFICER BEER COMMISSION

[Filed August 13, 2014, 8:19 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington beer commission is Eric Radovich, 1501 North 200th Street, Suite 111, Shoreline, WA 98133, phone (206) 795-5072, e-mail [eric@washingtonbeer.com](mailto:eric@washingtonbeer.com).

Kelly Frost  
Commodity Commission Coordinator

### WSR 14-17-029

#### INTERPRETIVE OR POLICY STATEMENT UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 13, 2014, 8:37 a.m.]

#### Notice of Interpretive or Policy Statement

Document Title: Interpretive Statement Concerning Commission Jurisdiction and Regulation of Third-Party Owners of Net Metering Facilities, Docket UE-112133.

Subject: In the matter of amending and repealing rules in chapter 480-108 WAC relating to Electric companies—Interconnection with electric generators.

Effective Date: July 30, 2014.

Document Description: The Washington utilities and transportation commission (commission) discusses its jurisdiction to regulate third-party owners of net metering facilities as public service companies, and consumer protection issues surrounding such business relationships. In this interpretive statement, the commission concludes that determination of whether or not a third-party owner of net metering facilities is subject to commission jurisdiction is substantially a fact-dependent determination. The commission recommends that the legislature clarify the commission's jurisdiction to regulate third-party owners of net metering facilities.

The commission issued an interpretive statement on July 30, 2014.

To receive a copy of the interpretive statement, contact the commission by phone (360) 664-1160, fax (360) 586-1150, or e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or go to the commission's web site at [www.utc.wa.gov/112133](http://www.utc.wa.gov/112133).

Washington Utilities and Transportation Commission.

Steven V. King  
Executive Director  
and Secretary

### WSR 14-17-033

#### HEALTH CARE AUTHORITY

[Filed August 13, 2014, 10:42 a.m.]

#### NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 14-0034 Home Health Services Rates.

Effective Date: July 1, 2014.

Description: The health care authority intends to submit Medicaid SPA 14-0034 to update the effective dates of the home health services related fee schedules, which were effective July 1, 2014. This is an annual update that implements budget related decisions approved in the last legislative session. These updates are budget neutral and do not affect aggregate expenditures.

For additional information, contact Jean Bui, Rates Development, 626 [8th] Avenue S.E., Olympia, WA 98501, phone (360) 725-1973, TDD/TTY 800-848-5429, fax (253) 350-6512, e-mail [jean.bui@hca.wa.gov](mailto:jean.bui@hca.wa.gov), web site <http://www.hca.wa.gov/medicaid/rbrvs/Pages/index.aspx>.

### WSR 14-17-034

#### NOTICE OF PUBLIC MEETINGS PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed August 13, 2014, 1:34 p.m.]

The public employment relations commission has changed the following regular meeting location:

From: September 9, 2014, at 10:00 a.m., 9757 Juanita Drive N.E., Suite 201, Kirkland, WA.

To: September 9, 2014, at 10:00 a.m., 112 Henry Street N.E., Suite 300, Olympia, WA.

If you need further information contact Majel Boudia, P.O. Box 40919, Olympia, WA 98504-0919, phone (360) 570-7311, fax (360) 570-7334, [filing@perc.wa.gov](mailto:filing@perc.wa.gov), web site [www.perc.wa.gov](http://www.perc.wa.gov).

**WSR 14-17-038**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 13, 2014, 5:17 p.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Aging and Long-Term Support Administration**  
**Division of Home and Community Services (HCS)**

Document Title: Public Notice.  
Subject: Amendment to residential support waiver.  
Effective Date: January 15, 2015.

Document Description: The purpose of this notice is to modify the information in WSR 14-04-061 informing the public of the state's plan to submit a Medicaid State Plan Amendment (SPA) 14-0028. The state will not be submitting this SPA and will instead submit an amendment to the residential support waiver, WA.1086.R00. The amendment will add enhanced services facility as a qualified waiver provider of residential services. This waiver provides residential supports to adults who are ready to relocate from a state or community psychiatric hospital to a community setting. The residential support waiver serves individuals who have a need for residential services that provide behavioral supports, personal care assistance, and supervision.

To receive a copy of the interpretive or policy statements, contact Sandy Robertson, HCS Program Manager, HCS, P.O. Box 45600, phone (360) 725-2576, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail Sandy.Robertson@dshs.wa.gov, web site <http://www.adsa.dshs.wa.gov>.

**WSR 14-17-040**  
**PUBLIC RECORDS OFFICER**  
**POTATO COMMISSION**  
[Filed August 14, 2014, 7:58 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington potato commission is Brandy Parker, 108 Interlake Road, Moses Lake, WA 98837, phone (509) 765-8845, fax (509) 765-4853, e-mail [bparker@potatoes.com](mailto:bparker@potatoes.com).

Kelly Frost  
Commodity Commission Coordinator

**WSR 14-17-051**  
**AGENDA**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 14, 2014, 5:10 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 14-18 issue of the Register.

**WSR 14-17-052**  
**PUBLIC RECORDS OFFICER**  
**TREE FRUIT RESEARCH COMMISSION**  
[Filed August 15, 2014, 7:41 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington tree fruit research commission is Kathy Coffey, 1719 Springwater Avenue, Wenatchee, WA 98801, phone (509) 665-8271, fax (509) 663-5827, e-mail [kathy@treefruitresearch.com](mailto:kathy@treefruitresearch.com).

Kelly Frost  
Commodity Commission Coordinator

**WSR 14-17-054**  
**PUBLIC RECORDS OFFICER**  
**ASPARAGUS COMMISSION**  
[Filed August 15, 2014, 8:22 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington asparagus commission is Alan Schreiber, 2621 Ringold Road, Eltopia, WA 99330, phone (509) 266-4303, fax (509) 266-4317, e-mail [aschreiber@centurytel.net](mailto:aschreiber@centurytel.net).

Kelly Frost  
Commodity Commissioner Coordinator

**WSR 14-17-055**  
**PUBLIC RECORDS OFFICER**  
**BLUEBERRY COMMISSION**  
[Filed August 15, 2014, 8:23 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington blueberry commission is Alan Schreiber, 2621 Ringold Road, Eltopia, WA 99330, phone (509) 266-4303, fax (509) 266-4317, e-mail [aschreiber@centurytel.net](mailto:aschreiber@centurytel.net).

Kelly Frost  
Commodity Commissioner Coordinator

**WSR 14-17-057****PUBLIC RECORDS OFFICER****COMMISSION ON PESTICIDE REGISTRATION**

[Filed August 15, 2014, 8:40 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state commission on pesticide registration is Alan Schreiber, 2621 Ringold Road, Eltopia, WA 99330, phone (509) 266-4303, fax (509) 266-4317, e-mail [aschreiber@centurytel.net](mailto:aschreiber@centurytel.net).

Kelly Frost  
Commodity Commission Coordinator

**WSR 14-17-067****INTERPRETIVE OR POLICY STATEMENT****PUBLIC DISCLOSURE COMMISSION**

[Filed August 18, 2014, 9:09 a.m.]

## NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PDC Interpretation 02-03.

Subject: Requests for modification of the requirements to report information on the personal financial affairs statement (F-1) for lawyers and law firms.

Effective Date: August 3, 2014.

Description: Superseded by WAC 390-28-100 (1)(a)(iv).

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail [lori.anderson@pdc.wa.gov](mailto:lori.anderson@pdc.wa.gov), fax (360) 753-1112.

**WSR 14-17-068****INTERPRETIVE OR POLICY STATEMENT****PUBLIC DISCLOSURE COMMISSION**

[Filed August 18, 2014, 9:10 a.m.]

## NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PDC Interpretation 02-04.

Subject: Requests for modification of the requirements to report information on the personal financial affairs statement (F-1) for judges and judicial candidates.

Effective Date: August 3, 2014.

Description: Superseded by WAC 390-28-100 (1)(a)(iv).

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail [lori.anderson@pdc.wa.gov](mailto:lori.anderson@pdc.wa.gov), fax (360) 753-1112.

**WSR 14-17-069****INTERPRETIVE OR POLICY STATEMENT****PUBLIC DISCLOSURE COMMISSION**

[Filed August 18, 2014, 9:10 a.m.]

## NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PDC Interpretation 04-01.

Subject: Contribution limits: Impact when a candidate subject to limit does not have a primary election.

Effective Date: June 22, 2014.

Description: Superseded by WAC 390-17-301.

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail [lori.anderson@pdc.wa.gov](mailto:lori.anderson@pdc.wa.gov), fax (360) 753-1112.

**WSR 14-17-070****INTERPRETIVE OR POLICY STATEMENT****PUBLIC DISCLOSURE COMMISSION**

[Filed August 18, 2014, 9:11 a.m.]

## NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PDC Interpretation 02-06.

Subject: Requests for modification of the requirements to report information on the personal financial affairs statement (F-1) for applicants whose spouses create a reporting obligation for the applicant.

Effective Date: August 3, 2014.

Description: Superseded by WAC 390-28-100 (1)(a)(iv).

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail [lori.anderson@pdc.wa.gov](mailto:lori.anderson@pdc.wa.gov), fax (360) 753-1112.

**WSR 14-17-071****INTERPRETIVE OR POLICY STATEMENT****PUBLIC DISCLOSURE COMMISSION**

[Filed August 18, 2014, 9:11 a.m.]

## NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PDC Interpretation 02-05.

Subject: Requests for modification of the requirements to report information on the personal financial affairs statement (F-1) for motor vehicle dealers.

Effective Date: August 3, 2014.

Description: Superseded by WAC 390-28-100 (1)(a)(iv).

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112.

**WSR 14-17-072**

**INTERPRETIVE OR POLICY STATEMENT  
PUBLIC DISCLOSURE COMMISSION**

[Filed August 18, 2014, 9:11 a.m.]

**NOTICE OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: PDC Interpretation 07-01.

Subject: Computing thresholds for independent expenditures.

Effective Date: June 22, 2014.

Description: Superseded by WAC 390-16-063.

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112.

**WSR 14-17-079**

**POLICY STATEMENT  
DEPARTMENT OF HEALTH**

(Office of Drinking Water)

[Filed August 18, 2014, 1:32 p.m.]

**NOTICE OF RESCINDING POLICY STATEMENT**

The department of health, office of drinking water, periodically examines it[s] policies and interpretive statements to determine if they accurately reflect the department's approach in implementing Washington Administrative Code (WAC). Due to recent amendments to chapter 246-292 WAC some policy statements have become outdated. Effective March 17, 2014, the office of drinking water has rescinded the following policy statements.

Policy Statement Title	Policy Statement Number	Effective Date
Group A/B Water System Classification	A.07	November 18, 1999
Two-Connection Residential Water System	A.13	March 14, 2007
Group B – Existing System Approval	J.19	April 12, 1995
Group B – Enforcement	J.20	April 12, 1995

Please contact Clark Halvorson at (360) 236-3110 or [clark.halvorson@doh.wa.gov](mailto:clark.halvorson@doh.wa.gov) for additional information.

**WSR 14-17-084**

**PUBLIC RECORDS OFFICER  
HEALTH CARE AUTHORITY**

[Filed August 18, 2014, 4:22 p.m.]

As director of the health care authority (HCA), I hereby appoint Ramona Roberts, Program Specialist 4, 626 8th Avenue S.E., Olympia, WA 98504-2700, Mailstop 42700, e-mail Ramona.Roberts@hca.wa.gov, phone (360) 725-1911, fax (360) 586-9585, as the HCA public records officer in accordance with RCW 42.56.580. In the event that our appointed designee changes we will notify your office within thirty days.

Dorothy F. Teeter, MHA  
Director

**WSR 14-17-091**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Dental Hygiene Examining Committee)

[Filed August 19, 2014, 8:33 a.m.]

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

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

Date	Time	Location
October 24, 2014	12:30 p.m.	Spokane

If you need further information, please contact Vicki Brown, Program Manager, Dental Hygiene Examining Committee, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, [vicki.brown@doh.wa.gov](mailto:vicki.brown@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov).

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

**WSR 14-17-099**  
**RULES COORDINATOR**  
**YAKIMA VALLEY**  
**COMMUNITY COLLEGE**  
 [Filed August 19, 2014, 11:49 a.m.]

Pursuant to RCW 34.05.312, effective September 1, 2014, the rules coordinator for Yakima Valley Community College is Leslie Blackaby, c/o President's Office, P.O. Box 22520, Yakima, WA 98908, phone (509) 574-6867, fax (509) 574-6860, e-mail lblackaby@yvcc.edu.

Linda Kaminski, Ed.D.  
 President

**WSR 14-17-122**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed August 20, 2014, 9:18 a.m.]

**PUBLIC NOTICE**

**NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COMMENT ON THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) REVISED HATCHERY GENETIC MANAGEMENT PLANS (HGMPs) FOR SIX COWLITZ RIVER HATCHERY PROGRAMS**

Revised HGMPs for six WDFW Cowlitz River artificial production programs are available for a thirty day public review and comment period. The comments, WDFW's response, and any resultant modifications to the HGMPs will subsequently be posted on the WDFW web site and provided to NOAA fisheries for its consideration.

The HGMPs describe, in a format prescribed by NOAA fisheries, the operation of artificial production programs for chinook and coho salmon, and steelhead and cutthroat trout, and the potential effects of the programs on listed species. The HGMPs will be provided to NOAA fisheries for consideration as a significant conservation measure under Section 4(d) of the Endangered Species Act.

The HGMPs may be accessed for review through one of the following means: (1) Electronically via the internet on WDFW's web site at <http://wdfw.wa.gov/hatcheries/>; or (2) in person through a scheduled appointment at WDFW's headquarters in Olympia, Washington. To schedule an appointment or to obtain more information, please call (360) 902-2676.

WDFW will be accepting public comments on the HGMPs for these Lower Columbia River artificial production programs until October 3, 2014. Comments must be submitted in writing to Phil Anderson, Director, WDFW (Attention: Hatcheries – NRB 6th Floor), 600 Capitol Way North, Olympia, WA 98501-1091, or electronically through e-mail addressed to [HGMP-LCRcomments@dfw.wa.gov](mailto:HGMP-LCRcomments@dfw.wa.gov). All comments must be received by WDFW at the appropriate address or via e-mail by 5 p.m. Pacific Daylight Time on October 3, 2014.

This notice can also be found on the Washington State Register web site at [http://www.leg.wa.gov/CODE\\_REVISER/Pages/Washington\\_State\\_Register.aspx](http://www.leg.wa.gov/CODE_REVISER/Pages/Washington_State_Register.aspx).

**WSR 14-17-129**  
**HEALTH CARE AUTHORITY**  
 [Filed August 20, 2014, 10:25 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 14-0031.

Effective Date: October 1, 2014.

Description: The health care authority (the agency) intends to submit medicaid SPA 14-0031 in response to recent guidance from the Centers for Medicare and Medicaid Services (CMS) allowing states that recognize same-sex marriages to use the same rules as those for opposite-sex marriages when determining eligibility for medicaid programs not based on modified adjusted gross income (MAGI) methodologies. This follows earlier CMS guidance regarding programs based on MAGI methodologies. This action reflects Washington state's recognition of married same-sex couples (without regard to where the marriage was performed). The same criteria will be used for household[s] with same-sex couples and opposite-sex couples when determining eligibility, using either MAGI or non-MAGE [non-MAGI] methodologies. This SPA is proposed to become effective on October 1, 2014. The impact of this SPA on annual aggregate expenditures is unknown at this time.

For additional information contact Stephen Kozak, Eligibility Policy and Service Delivery, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1343, TDD/TTY 800-848-6529, fax (360) 664-2186, e-mail [Stephen.kozak@hca.wa.gov](mailto:Stephen.kozak@hca.wa.gov).

**WSR 14-17-138**  
**HEALTH CARE AUTHORITY**  
 [Filed August 20, 2014, 11:57 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment 14-0030 PASRR Services.

Effective Date: [No information supplied by agency].

Description: The health care authority (HCA), along with the department of social and health services (DSHS) is adding language to the medicaid state plan via state plan amendment (SPA) 14-0030 regarding preadmission screening and resident review (PASRR). The proposed changes would clarify/add language that will discuss what services the rates will cover, where the listing of those services can be found, a reference to services that these rates will not cover, and a link to the rate table.

DSHS had previously send [sent] a public notice and submitted SPA 14-0007 to the Centers for Medicare and Medicaid Services, but based on preliminary feedback that SPA was withdrawn. This SPA covers the same general topic.

The estimated increase in federal expenditures is estimated to be less than one percent.

For additional information, contact Terry Hehemann, PASRR, P.O. Box 45600, Olympia, WA, phone (360) 725-3456, TDD/TTY 1-800-624-6186, fax (360) 407-0955, e-mail [Terry.Hehemann@dshs.wa.gov](mailto:Terry.Hehemann@dshs.wa.gov), web site [www.dshs.wa.gov/ddd](http://www.dshs.wa.gov/ddd).