

WSR 20-15-093
RULES OF COURT
STATE SUPREME COURT
 [July 15, 2020]

IN THE MATTER OF THE SUGGESTED) ORDER
 AMENDMENTS TO CrR 4.2(g)—) NO. 25700-A-1296
 PLEAS, CrRLJ 4.2(g) PLEAS AND PRE-)
 TRIAL DISPOSITION, AND JuCR 7.7—)
 STATEMENT OF JUVENILE ON PLEA)
 OF GUILTY)

The Washington State Pattern Forms Committee, having recommended the expeditious adoption of the suggested amendments to CrR 4.2(g)—Pleas, CrRLJ 4.2(g) Pleas and Pretrial Disposition, and JuCR 7.7—Statement of Juvenile on Plea of Guilty, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as attached hereto are expeditiously adopted.

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

DATED at Olympia, Washington this 9th day of July, 2020.

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

CrR 4.2—Statement of Defendant on Plea of Guilty

(a)-(f) [Unchanged.]

(g) **Written Statement.** A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

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

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

(c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes

Superior Court of Washington for	No.
<u>State of Washington</u> , Plaintiff	
v.	Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)
_____ 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) My right to appeal is limited.

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

prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

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

am sentenced, I am obligated to tell the sentencing judge about those convictions.

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

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

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

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

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

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

(ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years.

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

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

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

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

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

(i) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. 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. For crimes occurring on or after June 28, 2016, the supervision of the Department of Corrections cannot exceed the times specified

in this paragraph. I may have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6) (h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

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.

(j) 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.

(k) The judge does not have to follow anyone's recommendation as to sentence. If I was over the age of 18 when I committed this crime the judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If I was under the age of 18 when I committed this crime, the judge has the discretion to impose an exceptional sentence downward. 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.

(v) If I committed this crime under the age of 18, the judge must consider mitigating circumstances related to my youth, including, but not limited to immaturity, impetuosity, and failure to appreciate risks and consequences, the nature of my surrounding environment and family circumstances, the extent of my participation in the crime, the way familial and peer pressures may have affected me, how youth impacted any legal defense, and any factors suggesting that I might be successfully rehabilitated. If I am convicted of a sentencing enhancement, the court has full discretion to depart from mandatory sentencing enhancements and to take

the particular circumstances surrounding my youth into account.

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.

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

(m) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

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

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

(p) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee, unless a DNA collection fee has previously been ordered.

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 crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

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

(s) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.-655. If I am eligible, the judge may order DOC to complete ~~either~~ a risk assessment report, including a family impact statement, 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. I have the right to assistance of counsel at this hearing and the court will appoint counsel if I am indigent. The court may modify the condi-

tions of community custody or impose sanctions, including extending the length of participation in the alternative program by no more than six months. 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.

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

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

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

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

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

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

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the Depart-

ment 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(h). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

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

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

_____ (~~y~~~~z~~) If this crime involves a violation of the state drug laws, my eligibility for state and federal education benefits may be affected. 20 U.S.C. § 1091(r).

_____ (~~z~~~~a~~~~a~~) 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.

_____ (~~a~~~~a~~~~b~~~~b~~) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under chapters 69.41 [legend drug], 69.50 [Violation of the Uniform Controlled Substances Act], or 69.52 [imitation drugs] RCW, and I was under the age of 21 at the time of the offense or (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm) and I was under the age of 18 at the time of the offense, or (c) the current offense is a violation under chapter 66.44 RCW [alcohol] and I was under the age of 18 at the time of the offense, and if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlaw-

ful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

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

_____ (~~ccdd~~) 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.

_____ (~~ddee~~) 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, including other minor child enhancements, for all offenses sentenced under chapter 9.94A RCW.

_____ (~~eeff~~) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520 (1)(a) or 46.61.522 (1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

_____ (~~ffgg~~) 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.

_____ (~~gghh~~) 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(q).

_____ (~~hhii~~) 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.

_____ (~~jjkk~~) 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.

_____ (~~kkll~~) 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.

_____ (~~llmm~~) 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.

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

_____ (~~nnoo~~) 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.

_____ (~~oopp~~) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than 12 months and less than 36 months, I cannot currently be either pending prosecution or serving a sentence for violation of the Uniform Controlled

Substances Act, and I cannot have a current or prior conviction for a sex or violent offense.

(opp) The judge may sentence me under the theft or taking of a motor vehicle sentencing option, RCW 9A.711, if I am pleading guilty to one of the following crimes committed on or after July 28, 2019, and the midpoint of the standard sentence range is greater than one year: Theft of a motor vehicle (RCW 9A.56.065) or an attempt; Possession of a stolen vehicle (RCW 9A.56.068) or an attempt; Taking a motor vehicle without permission in the first degree (RCW 9A.56.070); or Taking a motor vehicle without permission in the second degree (RCW 9A.56.075). My sentence would include 6 to 12 months of community custody and the sentence of confinement could not exceed the midpoint of the standard range reduced by one-third of the community custody term.

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, including enhancements and domestic violence relationships, if they apply. 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 and the "Felony Firearms 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.

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

Reviser's note: The typographical errors in 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.

Superior Court of Washington for _____ State of Washington _____ Plaintiff, v. _____ Defendant	No.	Statement of Defendant on Plea of Guilty to Sex Offense (Felony) (STDFG)
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5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

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

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

- (a) My right to appeal is limited.
- (b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

- 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: _____.

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.

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

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

am sentenced, I am obligated to tell the sentencing judge about those convictions.

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

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

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

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

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

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

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

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

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

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

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

(h) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of prop-

erty, 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.

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

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

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

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

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

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree

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

(ii) If this offense is a sex offense that is not listed in paragraph 6 (i)(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. 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 a 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.

(j) 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.

(k) The judge does not have to follow anyone's recommendation as to sentence. If I was over the age of 18 when I committed this crime ~~T~~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(i)). If I was under the age of 18 when I committed this crime, the judge has the discretion to impose an exceptional sentence downward. 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.

(v) If I committed this crime under the age of 18, the judge must consider mitigating circumstances related to my youth, including, but not limited to immaturity, impetuosity, and failure to appreciate risks and consequences, the nature of my surrounding environment and family circumstances, the extent of my participation in the crime, the way familial and peer pressures may have affected me, how youth impacted any legal defense, and any factors suggesting that I might be successfully rehabilitated. If I am convicted of a sentencing enhancement, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding my youth into account.

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.

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

(m) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammuni-

tion, 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.

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

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

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

(q) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee, unless a DNA collection fee has previously been ordered.

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

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

~~(rs)~~ 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.

~~(st)~~ **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(h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

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

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

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

~~(vw)~~ 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.

_____ (~~wx~~) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under chapters 69.41 [legend drug], 69.50 [Violation of the Uniform Controlled Substances Act], or 69.52 [imitation drugs] RCW, and I was under the age of 21 at the time of the offense **OR** (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm), and I was under the age of 18 at the time of the offense **OR** (c) the current offense is a violation under chapter 66.44 RCW [alcohol], and I was under the age of 18 at the time of the offense, **AND** if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

_____ (~~xy~~) 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.

_____ (~~yz~~) 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 including other minor child enhancements, for all offenses sentenced under chapter 9.94A RCW.

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

_____ (~~aabb~~) 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.

_____ (~~bbee~~) 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(s).

_____ (~~ccdd~~) 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.

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

_____ (~~eeff~~) 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.

_____ (~~ffgg~~) 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.

_____ (~~gghh~~) 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.

_____ (~~hhii~~) If I am pleading guilty to possession of depictions of a minor engaged in sexually explicit conduct in the first or second degree, the court will impose a fee of

\$1,000 for each depiction or image that is a separate conviction.

7. I plead guilty to:
count _____
count _____
count _____
count _____
in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime, including enhance-

ments and domestic violence relationships if they apply. 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 and the "Felony Firearm 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 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 section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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

Felony Firearm Offender Attachment
[Unchanged.]

Offender Registration Attachment
[Unchanged.]

CrRLJ 4.2 - Statement of Defendant on Plea of Guilty

(a)-(f) [Unchanged.]

(g) **Written Statement.** A written statement of the defendant in substantially the form set below shall be filed on plea of guilty:

Court of Washington for _____ _____ Plaintiff, v. _____ Defendant.	No. Statement of Defendant on Plea of Guilty
--	---

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 that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with:

Count	Crime	RCW or Ordinance (with subsection)
1.		
2.		
3.		
4.		

Count(s) _____ was (were) committed against an intimate partner (~~RCW 9A.36.041 and RCW 26.50.010(7)~~).

Count(s) _____ was (were) committed against a family or household member (~~RCW 26.50.010(6)~~).

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~~ The right to be presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

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

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

(a) My right to appeal is limited.

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

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

_____.

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

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

(f) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

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

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

(h) The crime of _____ has a mandatory minimum sentence of _____ days in jail and \$ _____ fine plus costs and assessments.

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

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

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

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

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

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

~~(o)~~ I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court of record that ordered the prohibition on possession of a firearm or the superior court in Washington State where I live, and by a federal court if required.

(o) Concealed Pistol License:

My concealed pistol license (CPL) will be revoked until reinstated. RCW 9.41.270

OR

My concealed pistol license (CPL) will be revoked for a period of three (3) years from the date of conviction, and I am prohibited from applying for a CPL for three (3) years from the date of conviction. I must immediately surrender any concealed pistol license. RCW 9.41.282.

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

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

(r) This plea of guilty is considered a conviction under RCW 46.25.010 and I will be disqualified from driving a commercial motor vehicle. RCW 46.25.090. I am required to notify the Department of Licensing and my employer of this guilty plea within 30 days after the judge signs this document. RCW 46.25.030.

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

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

OR

these penalties: Mandatory minimum sentence:

- _____ days in jail.
- _____ days of electronic home monitoring.
- \$ _____ monetary penalty.
- If 24/7 sobriety program is available, if I have 2 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(l).

If I have no prior offenses: instead of the minimum jail term, the judge may order me to serve _____ days in electronic home monitoring or _____ days on 24/7 sobriety program monitoring.

If I have prior offense(s):

- The judge shall order me to submit to an expanded alcohol assessment and comply with treatment deemed appropriate by that assessment.
- If I have one prior offense, instead of mandatory jail and electronic home monitoring, the judge may order me to serve not less than _____ days in jail, and either _____ days of electronic home monitoring or a 120-day period of 24/7 sobriety program monitoring or a 120-day period of ignition interlock device requirement, or both.

- If I have two prior offenses, instead of mandatory electronic home monitoring, the judge may order me to serve additional jail time.

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

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

I understand that the 24/7 sobriety program is a program which requires tests of my blood, breath, urine or other bodily substances to find out if I have alcohol, marijuana, or any controlled substance in my body. Testing must take place at designated location/s. I may be required to pay the fees and costs for the program.

The judge will order as conditions of probation that I (i) shall not drive a motor vehicle without a valid license; (ii) shall not drive a motor vehicle without proof of liability insurance or other financial responsibility; (iii) shall not drive or be in physical control of a motor vehicle with an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer; (v) shall not drive a motor vehicle without a functioning ignition interlock device as required by the Department of Licensing. For each violation of the above mandatory conditions, the court shall order my confinement for a minimum of 30 days, which may not be suspended or deferred. For each incident involving a violation, the court shall suspend my license for 30 days.

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

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

or the "Washington State Misdemeanor DUI Sentencing Attachment."

(v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055. RCW 46.20.740(3).

(w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522 (1)(b).

(x) If this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation, or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register with the county sheriff as described in the "Offender Registration" Attachment.

(y) Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree where domestic violence was pleaded and proved, 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, indecent exposure, or violation of a sexual assault protection order granted under chapter 7.90 RCW, or comparable ordinance, 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.

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

7. I plead guilty to the crime(s) of _____ as charged in the complaint(s) or citation(s) and notice. I have received a copy of that complaint or citation and notice.

The complaint or citation and notice was orally amended and I waive filing of a written amended complaint or citation and notice.

8. I make this plea freely and voluntarily.

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

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

11. **Statement of Facts [by Defendant]:** The judge has asked me to state in my own words what I did that makes me guilty of the crime(s), including domestic violence relationships if they apply. This is my statement (state the specific facts that support each element of the crime(s)):

The crime(s) was (were) committed against intimate partner(s): _____ (name(s))
~~(RCW 9A.36.041 and RCW 26.50.010(7)).~~

Date: _____

Prosecuting Attorney

Type or Print Name

WSBA No.

- (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

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: _____

The crime(s) was (were) committed against family or household member(s): _____ (name(s)) ~~(RCW 26.50.010(6)).~~

[**No statement made.**] 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, including a determination of my relationship to each victim as:

intimate partner(s): _____ (name(s)) ~~(RCW 9A.36.041 and RCW 26.50.010(7)).~~

family or household member(s): _____ (name(s)) ~~(RCW 26.50.010(6)).~~

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

Defendant

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

Defendant's Lawyer

Type or Print Name

WSBA No.

Type or Print Name

WSBA No.

Print Name

Judge/Commissioner/Judge Pro Tempore

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

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 unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

"DUI" Attachment [Unchanged.]

(i) [Unchanged.]

Offender Registration Attachment

Case Name: _____ Cause No.: _____

"Offender Registration" Attachment: 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, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements: Because 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, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

While in custody, if I am approved for partial confinement, I must register when I transfer to partial confinement with the person designated by the agency that has jurisdiction over me. I must also register within three business days from the end of partial confinement or release from confinement with the sheriff of the county where I reside.

If I am not a resident of Washington, but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

2. Offenders Who Are New Residents, Temporary Residents, or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state. If I am visiting and intend to reside or be present 10 or

more days in Washington, then I must register the location where I plan to stay or my temporary address with the sheriff of each county where I will be staying within three business days of my arrival.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state, I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of the state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Travel Outside the United States: If I intend to travel outside the United States, I must provide, signed written notice of the details of my plan to travel out of the country to the sheriff of the county where I am registered. Notice must be provided at least 21 days before I travel. Notice may be provided to the sheriff by certified mail, with return receipt requested, or in person.

If I cancel or postpone this travel, I must notify the sheriff within three days of canceling or postponing my travel or on the departure date I provide in my notice, whichever is earlier.

If I travel routinely across international borders for work, or if I must travel unexpectedly due to a family or work emergency, I must personally notify the sheriff at least 24 hours before I travel. I must explain to the sheriff in writing why it is impractical for me to comply with the notice required by RCW 9A.44.130(3).

6. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

- (i) before arriving at a school or institution of higher education to attend classes;
- (ii) before starting work at an institution of higher education; or
- (iii) after any termination of enrollment or employment at a school or institution of higher education.

7. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the

sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

8. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.-130(7).

Date: _____

Petition for Deffered Prosecution
[Unchanged.]

Petition for Deferred Prosecution of Criminal Mistreatment Charge
[Unchanged.]

JuCR 7.7 - Statement of Juvenile on Plea of Guilty

A written statement of a juvenile on a plea of guilty shall be filed in substantially the following form:

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

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

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.

<p>Superior Court of Washington County of _____</p> <p>Juvenile Court</p> <p>STATE OF WASHINGTON</p> <p>v. _____, Respondent</p>	<p>NO: Statement on Plea of Guilty (STJOPG)</p>
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COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	RESTITUTION
<input type="checkbox"/> 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____

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

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

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

Count(s) _____ was (were) committed against a family or household member (~~RCW 26.50.010(6)~~).

Count(s) _____ was (were) committed against an intimate partner (~~RCW 26.50.010(7)~~).

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:

COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	RESTITUTION
<input type="checkbox"/> 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____

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.

In addition to these conditions, the court will order me to perform up to seven hours of community restitution per

offense involving a victim who suffered bodily injury or death and that is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under chapter 9.44 RCW. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, .020.

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

COUNT	WEEKS AT DCYFJR REHABILITATION FACILITY	RESTITUTION
<input type="checkbox"/> 1	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21 <input type="checkbox"/> 129 - 260	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21 <input type="checkbox"/> 129 - 260	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21 <input type="checkbox"/> 129 - 260	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if I am committed to a DCYFJR rehabilitation facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community 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.

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

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

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

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

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old 25 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to 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: I have been informed that the Department of Licensing will be notified and my privilege to drive suspended or revoked:

Over 13 & Alcohol, Drugs, Unlawful Possession of a Firearm (UPFA) <18, or Armed with Firearm (not first offense): (1) If the court finds me guilty of one of the following offenses and I was 13 years or older at the time I committed the offense: alcohol under chapter 66.44 RCW; violation of the Uniform Controlled Substances Act (VUCSA) under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA <18 under RCW 9.41.040 (2)(a)(vi); and/or an offense while armed with a firearm under RCW 13.40.196; AND (2) I have a prior offense for the same offense. See RCW 13.40.265.

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

Certain Motor Vehicle Offenses: the court finds me guilty of one of the following offenses: DUI; physical control; DWLS 1&2; vehicular assault/homicide; hit and run attended; reckless driving; any felony with a vehicle used in commission (except "TMVOOP2" (taking a motor vehicle without owner's permission) where the court finds I was a passenger only in committing the offense); false statements under Title 46 RCW; felony elude; unattended child in running vehicle (second or subsequent conviction); reckless endangerment of road workers; and/or theft of motor vehicle fuel. See RCW 46.20.285, 46.61.5055(9), 46.20.342(2), 46.61.524, 46.52.020(6), 46.61.500(2), 46.61.024(3), 46.61.-685(2), 46.61.527(5), 46.61.740(2), and 46.20.270.

[B] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[C] 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 where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, indecent exposure, or violation of a sexual assault protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100 DNA fee unless my DNA was previously taken in another case. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.

[D] 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.~~

[DE] \$100 CVC FEE FOR MOST SERIOUS OR SEX OFFENSE: I understand that if I am pleading guilty to a most serious offense as defined by RCW 9.94A.030 and/or a sex offense under chapter 9A.44 RCW, I will be required to pay a mandatory Crime Victim's Compensation Fee of \$100. RCW 7.68.-035.

[EF] SCHOOL NOTIFICATION: I understand that if one or more of the offenses for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; an offense under RCW chapter 9.41 (firearms/weapons); or, unlawful possession or delivery, or both, of a controlled substance in violation of RCW chapter 69.50; then, following my adjudication of guilt the court will provide written notification of the adjudication to any school in which I was enrolled prior to adjudication, or, in which I express an intent to enroll following adjudication, unless: (1) I have already received a high school diploma or its equivalent; or, (2) I am over the age of 18 and my enrollment information cannot be obtained or I assert no intention of enrolling in any educational program. 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.

[EG] 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 13.40.162.

[GH] 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.

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

[IF] 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)(vi), 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, unless the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. If the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, then a period of 12 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

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

[vi] Unlawful Possession of a Firearm in the 1st or 2nd degree. I understand that if I am pleading guilty to Unlawful Possession of a Firearm in the 1st or 2nd degree, I must participate in a "qualifying program" unless there is no such program available or the court makes a written finding based on the juvenile court risk assessment that participation in the program would not be appropriate. A qualifying program means an aggression replacement training program, a func-

tional family therapy program, or another cost-beneficial, evidence, or research based approved program applicable to the juvenile firearm offender population.

[JK] FELONY FIREARM OFFENDER REGISTRATION: I am subject to court-ordered felony firearm offender registration pursuant to RCW 9.41.330. The specific registration requirements are 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. [Statement of Respondent.] The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

The crime(s) was (were) committed against family or household member(s): _____ (name(s)) (~~RCW 26.50.010(6)~~).

The crime(s) was (were) committed against intimate partner(s): _____ (name(s)). (~~RCW 26.50.010(7)~~).

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

family or household member(s): _____ (name(s)) (~~RCW 26.50.010(6)~~).

intimate partner(s): _____ (name(s)). (~~RCW 26.50.010(7)~~).

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

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

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

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

Dated: _____

Respondent

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

Deputy Prosecuting Attorney

Attorney for Respondent

Type or Print Name

WSBA No.

Type or Print Name

WSBA No.

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 typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Felony Firearm Attachment

Offender Registration Attachment

Case Name _____ Cause No. _____
D.O.B: _____

"Offender Registration" Attachment: Offender Registration For Sex Offense or Kidnapping Offense (If required, attach to Statement on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves a sex offense or a kidnapping offense involving a minor as defined in RCW 9A.44.128, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me and I must also register

within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

While in custody, if I am approved for partial confinement, I must register when I transfer to partial confinement with the person designated by the agency that has jurisdiction over me. I must also register within three business days from the end of partial confinement or release from confinement with the sheriff of the county where I reside.

If I am not a resident of Washington, but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me and I must also register within three business days of my release with the sheriff of the county of the state of Washington where I am a student, where I am employed or where I carry on a vocation.

2. Offenders Who are New Residents, Temporary Residents, or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing

or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state. If I am visiting and intend to reside or be present 10 or more days in Washington, then I must register the location where I plan to stay or my temporary address with the sheriff of each county where I will be staying within three business days of my arrival.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state, I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of the state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Travel Outside the United States: **If I intend to travel outside the United States, I must provide, signed written notice of the details of my plan to travel out of the country to the sheriff of the county where I am registered. Notice must be provided at least 21 days before I travel. Notice may be provided to the sheriff by certified mail, with return receipt requested, or in person.**

If I cancel or postpone this travel, I must notify the sheriff within three days of canceling or postponing my travel or on the departure date I provide in my notice, whichever is earlier.

Date: _____

Respondent's signature

If I travel routinely across international borders for work, or if I must travel unexpectedly due to a family or work emergency, I must personally notify the sheriff at least 24 hours before I travel. I must explain to the sheriff in writing why it is impractical for me to comply with the notice required by RCW 9A.44.130(3).

6. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

7. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

8. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130 (7).

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 section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 20-16-120
AGENDA
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH
 [Filed July 31, 2020, 5:09 p.m.]

July 2020
Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at 360-628-0096. If you have any questions regarding SBOH rule-making activities please contact Michelle Davis at 360-236-4105.

This agenda is for information purposes, and the anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional rule-making activities that cannot be forecasted as DOH and SBOH initiate rule making to implement new state laws, meet federal

requirements, or meet unforeseen circumstances. See the "Key" below for explanations of terms and acronyms.

KEY

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

CR: "Code reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule making filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

SBOH
Rule Making

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR#	CR-102 WSR#	CR-103 WSR#	CR-105 WSR#	Program Contact Name	Program Contact Phone
State Board of Health	RCW 43.20.050 and 43.20.145	Chapter 246-215 WAC, Food service.	18-14-085	20-15-157			Kaitlyn Donahoe or Peter Beaton	360-584-6737 or 360-236-4031
State Board of Health	RCW 43.20.050, 70.119A.080, and 70.142.010	Chapter 246-290 WAC, Group A water supplies, per- and polyfluoroalkyl substances (PFAS).	18-01-080				Stuart Glasoe or Jocelyn Jones	360-236-4111 or 360-236-3020
State Board of Health	RCW 43.20.050 and 70.90.120	Chapter 246-260 WAC, Water recreation facilities, and chapter 246-262 WAC, Recreational water contact facilities.	17-01-048				Peter Beaton or Kaitlyn Donahoe	360-236-4031 or 360-584-6737
State Board of Health	RCW 43.20.050	Chapter 246-272A WAC, On-site sewage systems.	18-06-082				Stuart Glasoe or Mike Dixel	360-236-4111 or 360-236-3011
State Board of Health	RCW 43.20.050	Chapter 246-272A WAC, On-site sewage systems, drainfield remediation.	06-12-108				Stuart Glasoe or Mike Dixel	360-236-4111 or 360-236-3011
State Board of Health	RCW 43.20.050, 48.21.244, 48.44.344, 48.46.375, and 70.54.220	Chapter 246-680 WAC, Prenatal tests—Congenital and heritable disorders.	18-24-016				Samantha Pskowski	360-789-2358
State Board of Health	RCW 43.20.050	WAC 246-203-130 Keeping of animals.	19-21-018				Stuart Glasoe	360-236-4111
State Board of Health	RCW 43.20.050 and chapter 70.83 RCW	Chapter 246-650 WAC, Newborn screening, adding spinal muscular atrophy.	19-15-087				John Thompson	206-418-5531

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR#	CR-102 WSR#	CR-103 WSR#	CR-105 WSR#	Program Contact Name	Program Contact Phone
State Board of Health	RCW 43.20.050	Chapter 246-390 WAC, Lab certification and data reporting to incorporate changes for per- and polyfluoralkyl substances.	20-05-032				Jocelyn Jones or Stuart Glasoe	360-236-3020 or 360-236-4111
State Board of Health	Chapter 432, Laws of 2019	Chapter 46-500 WAC, Handling of human remains; incorporating natural organic reduction and alkaline hydrolysis.	20-07-055				Samantha Pskowski or Cait Lang-Perez	360-789-2358 or 360-628-7342
State Board of Health	RCW 43.20.050 (2)(f)	WAC 246-80-021 Prohibition of Vitamin E Acetate?	20-10-113				Samantha Pskowski	360-789-2358
State Board of Health	RCW 43.20.050 and 70.24.130	Chapter 246-100 WAC, Communicable and certain other diseases, and chapter 246101 [246-101] WAC, Notifiable conditions. SBOH is considering amending these chapters to implement changes made by ESHB 1551 as it relates to HIV/AIDS. The board may also consider other technical or editorial changes as needed.	20-15-112				Kaitlyn Donahoe or LinhPhnug Huynh	360-584-6737 or 360-789-6860
State Board of Health and Department of Health	RCW 43.20.050, 70.104.055, and 43.70.545	Chapter 246-101 WAC, Notifiable conditions.	18-11-089	20-13-062			Alexandra Montano	360-236-4205

**Department of Health
Rule Making**

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Board of Denturists	RCW 18.30.065; ESHB 1551 (chapter 76, Laws of 2020)	Chapter 246-812 WAC, Board of denturists. The board of denturists (board) is considering rule making necessary to implement 2020 legislative changes throughout the chapter to repeal the AIDS education and training requirement.		Anticipate Filing			Vicki Brown	360-236-4865
Board of Hearing and Speech	ESB 5210 (chapter 183, Laws of 2019)	WAC 246-828-025, 246-828-290, hearing and speech definitions, purchaser rescission rights and new section(s) addressing consumer notification	19-20-100				Kim-Boi Shadduck	360-236-2912

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Board of Hearing and Speech	RCW 18.35.161 and 43.70.250	WAC 246-828-020, 246-828-025, 246-828-04503, 246-828-075, 246-828-300, and 246-828-990, hearing and speech, examinations, definitions, postgraduate professional work experience requirements—Audiologist and speech-language pathologist, supervisors of students, expired license or certification, and hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant fees and renewal cycle.	19-13-038				Kim-Boi Shaddock	360-236-2912
Board of Massage	Chapter 18.215 RCW	WAC 246-830-005, 246-830-020, 246-830-035, 246-830-037, 246-830-420, 246-830-430, 246-830-440, 246-830-475, 246-830-550, 246-830-555, 246-830-560, 246-830-565, and 246-830-570, massage practitioners. DOH, in coordination with the board of massage (board), is considering revising sections of the massage practitioner rules following the chapter review that became effective July 30, 2017. The department and board will consider revising training hours, continuing education, approval of schools and programs, perineal massage, recordkeeping and record retention. The board and department will also consider clarifying other rules as needed.	17-18-110	20-14-102			Megan Maxey	360-236-4945

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Board of Naturopathy	RCW 18.36A.160; ESHB 1551 (chapter 76, Laws of 2020)	WAC 246-836-410 (naturopathic physicians) AIDS prevention and information education requirements. The board of naturopathy (board) is considering repealing WAC 246-836-410 as required by ESHB 1551 Modernizing the control of certain communicable diseases (chapter 76, Laws of 2020).			Anticipate Filing	20-16-001	Sue [Susan] Gragg	360-236-4941
Board of Naturopathy	RCW 18.36A.160	Chapter 246-836 WAC, considering the practice of nonsurgical cosmetic procedures in naturopathic practice.	13-22-059	18-14-087			Susan Gragg	360-236-4941
Board of Occupational Therapy	RCW 18.59.130	WAC 246-847-125 Applicants currently licensed in other states or territories. The occupational therapy practice board (board) is opening rules to consider clarifying and modernizing the requirements for applicants that are licensed in another state and seeking Washington licensure.	20-08-073				Kathy Weed	360-236-2901
Board of Occupational Therapy	ESHB 1551 (chapter 76, Laws of 2020)	WAC 246-847-190 AIDS education and training. Repealing rule in support of ESHB 1551.		Anticipate Filing			Kathy Weed	360-236-4883
Board of Optometry	ESHB 1551 (chapter 76, Laws of 2020)	Chapter 246-851 WAC, suicide prevention training, repealing AIDS education requirements.		Anticipate Filing			Loralei Walker	360-236-4947
Board of Osteopathic Physicians and Surgeons	ESHB 1551 (chapter 76, Laws of 2020)	WAC 246-853-230 and 246-854-080, repealing AIDS education and training as required by ESHB 1551.		Anticipate Filing			Tracie Drake	360-236-4766
Board of Physical Therapy	ESHB 1551, (chapter 76, Laws of 2020)	WAC 246-915-110 AIDS education and training. Repealing rule concerning AIDS training and education in support of ESHB 1551.			Anticipate Filing	20-15-167	Kris Waidely	360-236-4847
Board of Physical Therapy	RCW 18.74.190	WAC 246-915-380 Spinal manipulation—Endorsement, and 246-915-382 Spinal manipulation—Clinical supervisor.			Anticipate Filing	20-14-103	Kris Waidely	360-236-4847

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Chiropractic Quality Assurance Commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720, and 246-808-810. The chiropractic quality assurance commission is considering revising these rules regarding definitions, procedures, instrumentation, publicity, advertising, printed materials, transactions, costs, records, duties, mandatory reporting, associations, societies, insurance and professional liability carriers, courts, state and federal agencies, and conflict of interest.	16-23-120				Bob Nicoloff	360-236-4924
Chiropractic Quality Assurance Commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-105, 246-808-115, 246-808-130, 246-808-133, 246-808-135, 246-808-140, 246-808-180, 246-808-181, 246-808-190, 246-808-201, 246-808-215, 246-808-510, and 246-808-535, regarding Licensure—Application and eligibility requirements. The chiropractic quality assurance commission is considering revising the rules and proposing to establish new temporary practice rules for military status or military-related status.	16-21-080				Bob Nicoloff	360-236-4924

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Chiropractic Quality Assurance Commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-540 Billing, 246-808-545 Improper billing practices, 246-808-550 Future care contracts prohibited, 246-808-560 Documentation of care, 246-808-565 Radiographic standards, 246-808-570 Pelvic or prostrate [prostate] examination prohibited, 246-808-575 Intra-vaginal adjustment restricted, 246-808-580 Acupuncture, 246-808-585 Clinically necessary X-rays, and 246-808-590 Sexual misconduct. The chiropractic quality assurance commission is considering amending these rules to align with current practice standards.	16-23-106				Bob Nicoloff	360-236-4924
Chiropractic Quality Assurance Commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-XXX Independent chiropractic examinations (ICE). The chiropractic quality assurance commission is considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews.	15-21-047				Bob Nicoloff	360-236-4924
Dental Quality Assurance Commission	ESHB 1551 (chapter 76, Laws of 2020)	WAC 246-817-010, 246-817-110, 246-817-135, 246-817-190, 246-817-195, 246-817-200, 246-817-205, and 246-817-220. Repeal AIDS education and training requirements from rule in support of ESHB 1551.		Anticipate Filing			Jennifer Santiago	360-236-4893
Dental Quality Assurance Commission	RCW 18.32.002, 18.32.0357, 18.32.0356, and 18.32.180	WAC 246-817-420 Specialty representation. The dental quality assurance commission is considering amendments to recognized specialties to include the American Board of Dental Specialties (ABDS) boards/areas of specialty and other potential specialties.	17-23-124				Jennifer Santiago	360-236-4893

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Dental Quality Assurance Commission	RCW 18.32.002 and 18.32.0365	WAC 246-817-601, 246-817-610, 246-817-620, and 246-817-630, dental infection control. The dental quality assurance commission (commission) is considering rules amendments or repeals and creating new sections to update dental infection control practice standards.	19-05-073				Jennifer Santiago	360-236-4893
Dental Quality Assurance Commission	RCW 18.32.002, 18.32.0365, and 18.32.640	WAC 246-817-701 through 246-817-790, administration of anesthetic agents for dental procedures. The dental quality assurance commission is considering amendments to update general requirements. In addition to general updates, the commission is also considering amendments to address twenty-four hour on-call availability after a complex dental procedure, on-site inspections for all dentists holding sedation permits, and creation of a pediatric sedation endorsement.	17-17-089				Jennifer Santiago	360-236-4893
Department of Health	ESHB 1551 (chapter 76, Laws of 2020)	Repealing WAC under secretary authority concerning AIDS education and training requirements in support of ESHB 1551.		Anticipate Filing			Hope Kilbourne	360-236-4622
Department of Health	RCW 70.342.075 and 43.70.040	Title 246 WAC, creating a new chapter of rules to establish nicotine content measurement standards for closed system nicotine containers use with vapor products.	17-15-026				Stacia Wasmundt or Liz Clement	360-236-2568 or 360-236-3309
Department of Health	Chapter 220, Laws of 2017	Title 246 WAC, establishing a new chapter relating to rapid health information network data reporting (RHINO).	17-21-075				Amanda Morse	206-437-2045

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 43.70.040 and 34.05.220 (1)(a)	WAC 246-10-109 and 246-11-080. DOH (department) is considering amending the procedural rules applicable to adjudicative proceedings conducted by DOH and health professions boards and commissions in order to facilitate filing and serving documents. The department is considering adding the option of e-filing documents with the department's adjudicative clerk's office (ACO) and serving documents to a party or a party's designated representative. Documents would be e-filed at a particular email address at the department's ACO and parties could agree to serve documents electronically. The department will consider retaining the options of mailing hard copies to or faxing to the ACO or a party or their designated representative, but removing the requirement to mail copies at the same time as faxing them. The department is considering retaining the option to file by hand delivery.	20-15-095				Tami Thompson	360-628-0096
Department of Health	RCW 4.70.040, 35.05.410, and 18.130.050; ESSB 5332 (chapter 148, Laws of 2019), and HB 2246 (chapter 20, Laws of 2020)	WAC 246-10-501 and 246-10-502. Application of and preliminary record in brief adjudicative proceedings (BAP). DOH (department) is considering amending these rules to: (1) Add categories that qualify for the use of brief adjudicative proceedings; (2) implement legislation; and (3) update existing citations and make other housekeeping changes.	20-15-094				Tami Thompson	360-628-0096
Department of Health	RCW 43.70.280	Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers.	17-10-007				Kris Reichl	360-236-4692

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 43.70.280	Chapter 246-12 WAC, the department of health is considering adding a new section to address closing abandoned, incomplete health care credential applications.	17-10-045				Kris Reichl	360-236-4692
Department of Health	RCW 43.70.075; and SHB 1049 (chapter 62, Laws of 2019)	Chapter 246-15 WAC, Whistleblower complaints in health care settings.	20-07-054				Marlee O'Neill	360-236-4845
Department of Health	RCW 43.70.510	Chapter 246-50 WAC, Coordinated quality improvement program (CQIP). DOH will review the CQIP chapter and will consider updating the rules for clarification, streamlining, modernization, and other necessary updates for compliance with state statute.	19-11-021				Jovi Swanson	360-545-7315
Department of Health	Chapter 43.70 RCW; and ESHB 1094 (chapter 203, Laws of 2019)	Chapter 246-72 WAC, Medical marijuana consultant certification. DOH is opening chapter 246-72 WAC to consider amendments that would enhance and clarify training requirements and practice parameters of a medical marijuana certified consultant (certified consultant).	20-06-027				Shelly Rowden	360-236-2820
Department of Health	RCW 43.70.250	WAC 246-282-990(5), sanitary control of shellfish—Fees, annual paralytic shellfish poisoning testing fee distribution.		20-07-122	Anticipate Filing		Peter Beaton	360-236-4031
Department of Health	RCW 43.70.250 and 43.20B.020	WAC 246-282-990 Fees (shellfish).		Anticipate Filing			Jerry Borchert	360-236-3328
Department of Health	RCW 70.38.115, 70.38.135, and 43.70.040	Chapter 246-310 WAC, Certificate of need. DOH is considering amending, creating, and repealing rules in order to clarify, streamline, and modernize language including need methodologies.	20-02-008				Eric Hernandez	360-236-2956
Department of Health	HB 1177 (chapter 68, Laws of 2019)	Chapter 246-315 WAC, Dental laboratories (new). Create new chapter establishing registration and fees for dental laboratories.	19-17-048				Bruce Bronoske	360-236-4843

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 70.41.030	Chapter 246-320 WAC, Hospital licensing regulations (construction standards only).	18-17-045				Susan Upton or John Williams	360-236-2950
Department of Health	SHB 2426 (chapter 115, Laws of 2020)	Chapter 246-322 WAC, Private psychiatric and alcoholism hospitals. DOH is considering creating a severity matrix for fines related to psychiatric hospital enforcement in order to implement SHB 2426 (chapter 115, Laws of 2020).	20-14-108				Julie Tomaro	360-236-2937
Department of Health	RCW 71.12.670, 43.70.040	Chapters 246-322 and 246-324 WAC, private psychiatric, alcoholism, and chemical dependency hospitals. Updating construction standards and merging chapters into one chapter.	16-19-037				Julie Tomaro	360-236-4987
Department of Health	RCW 71.12.670	WAC 246-337-040 Construction review services requirements. DOH is considering updating residential treatment facility rules to reflect upcoming changes to the Washington state building code.	20-07-124				John Hilger	360-236-2929
Department of Health	RCW 70.42.090	WAC 246-338-990 Medical test site fees. DOH is considering an increase to the medical test site's licensing fees.		20-14-106	Anticipate Filing		Stephanie Vaughn	360-236-4617
Department of Health	Chapters 71.05 and 71.24 RCW	Chapter 246-341 WAC, Behavioral health services administrative requirements. DOH is considering updating the chapter of rules for licensed and certified behavioral health agencies that will include: (1) Changes to reflect legislation; (2) changes related to federal requirements; (3) requests from partners and stakeholders for clarification, and areas of clean up that have been identified since the department began regulating behavioral health agencies in 2018.	20-14-121				Julie Tomaro	360-236-2937
Department of Health	RCW 43.70.040 and 70.170.060	Chapter 246-453 WAC, Hospital charity care.	18-18-073				Renee Cottriel	360-236-4701

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 70.225.090 (2)(b)	Chapter 246-470 WAC, adding a new section relating to the prescription monitoring program (PMP). DOH is proposing a new section in chapter 246-470 WAC to establish a waiver process and criteria for facilities, entities, offices, or provider groups with ten or more prescribers to apply for an exemption from the PMP and electronic health record integration required by SSB 5380.	20-03-038				Carly Bartz-Overman	360-236-3044
Department of Health	RCW 43.70.040, 43.70.080, and 43.70.120	Chapter 246-710 WAC, Coordinated children's services. Children with special health care needs. Updating the rules to current standards, amending to include accessing the department as payer of last resort, and repayment to the department under certain circumstances; and adding new sections to include programs such as neurodevelopmental centers.	17-15-067	20-03-118	Anticipate Filing		Michelle Hoffman or Ashley Noble	360-236-3504 or 360-236-3736
Department of Health	RCW 18.380.110	Chapter 246-805 WAC, Applied behavior analysts (ABA). New rule sections to address temporary licensure for ABA practitioners.	17-17-020				Jeff Wise	360-236-4987
Department of Health	Chapter 229, Laws of 2020	WAC 246-809-080, 246-809-615, 246-809-630, and 246-809-632 licensure for mental health counselors, marriage and family therapists, and social workers. DOH is considering amending rules to reflect legislation.	Anticipate Filing				Brandon Williams	360-236-4611
Department of Health	RCW 18.225.040 and 18.225.090	Chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.	18-11-029				Brandon Williams	360-236-4611

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 18.205.060	Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees. DOH is considering amendments to the alternative training requirements for chemical dependency professional (CDP) certification. The department will review possible inclusion of pharmacists as eligible licensees for this certification option and will consider any necessary clarification or technical changes.	Anticipate Filing				Ted Dale	360-236-2991
Department of Health	RCW 18.205.060	Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees. The department is considering amendments regarding chemical dependency professional trainee (CDPT) certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarifying and technical changes to other requirements, as needed.	18-11-030				Ted Dale	360-236-2991
Department of Health	RCW 18.138.070	Chapter 246-822 WAC, Dietitians or nutritionists. DOH is considering rule making to amend or repeal several sections of the dietitians and nutritionists chapter. Specific sections focus on mandatory reporting, examinations, and curriculum.	18-10-059				Ted Dale	360-236-2991
Department of Health	RCW 43.70.250, and 43.70.280	WAC 246-843-990, nursing home admin, 246-810-990, counselors and hypnotherapist, and 246-849-990, ophthalmologist. DOH is opening the listed sections of WAC to consider updates to fees for the specified professions, as well as to ensure clarity and consistency of fees that are standard across all professions.	20-01-072				Cori Tarzwell	360-236-4981

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 18.84.040, 43.70.040	Chapter 246-926 WAC, Radiological technologists. DOH is considering opening rules to clarify, streamline, and modernize the regulations for cardiovascular invasive specialists, radiologic technologists, radiologist assistants, and X-ray technicians. This may include repealing or adding new sections of rules, clarifying competency requirements and identifying authorized duties.	19-16-115				Debra Mendoza	360-236-4841
Department of Health	RCW 18.89.040 and 18.89.050	Chapter 246-928 WAC, creating a new section of rule to clarify the scope of practice regarding the administration of medications by respiratory therapists.	10-17-099				Ted Dale	360-236-2991
Department of Health	RCW 18.155.040; ESSB 6641 (chapter 266, Laws of 2020) and ESHB 1551 (chapter 76, Laws 2020)	Chapter 246-930 WAC, Sex offender treatment provider. DOH is considering updating the chapter of rules for sex offender treatment providers to include changes to reflect legislation.	20-16-003				Brandon Williams	360-236-4611
Department of Health	Chapters 70.168, 18.73 RCW	Chapter 246-976 WAC (minus WAC 246-976-420, 246-976-580, and 246-976-700 currently open). Updating EMS and trauma care systems. Chapter to align with the national standards and streamline applications.	17-24-013				Catie Holstein	360-236-2830
Department of Health	SSB 5380 (section 19, chapter 314, Laws of 2019)	Chapter 246-976 WAC, Emergency medical services (EMS) and trauma care systems. DOH is considering updating the sections of this chapter relating to EMS data to respond to legislative requirements required by SSB 5380, section 19, chapter 314, Laws of 2019. New sections may be added as required.	Anticipate Filing				Jim Jansen	360-236-2821

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Department of Health	RCW 18.88B.021 and 18.88B.060	Chapter 246-980 WAC, Home care aides. DOH is considering amending the rules to allow a one-time opportunity to extend the applicant's work period beyond the initial date of hire to allow individuals to complete their initial certification and reduce barriers to reentry.	20-07-049				Stacey Saunders	360-236-2813
Examining Board of Psychology	RCW 18.83.090	WAC 246-924-230, continuing education requirements. The board of psychology will examine the possibility of reducing the number of hours required for continuing education.	Anticipate Filing				Stacey Saunders	360-236-2813
Examining Board of Psychology	ESHB 2411 (chapter 229, Laws of 2020)	WAC 246-924-255 and 246-924-110, the examining board of psychology (board) is considering amending WAC 246-924-255 to implement ESHB 2411.	Anticipate Filing				Stacey Saunders	360-236-2813
Nursing Care Quality Assurance Commission	RCW 18.79.110, 18.79.400, and 18.79.800	Chapter 246-840 WAC, practical and registered nursing, advanced practice pain management rules.	19-15-092				Chris Archuleta	360-236-4239
Nursing Care Quality Assurance Commission	RCW 18.79.110	WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, and 246-840-905, include licensed practical nurse (LPN) students as eligible for the nursing technician credential.	20-11-044				Chris Archuleta	360-236-4239
Nursing Care Quality Assurance Commission	ESHB 1551 (chapter 76, Laws of 2020)	WAC 246-840-025, 246-840-030, 246-840-045, 246-840-090, 246-840-539, 246-840-541, 246-840-860, 246-840-905, 246-841-490, 246-841-578, 246-841-585, and 246-841-610, repealing requirements for AIDS education and training as required by ESHB 1551.		Anticipate Filing			Chris Archuleta	360-236-4239
Nursing Care Quality Assurance Commission	RCW 18.79.110	WAC 246-840-111, 246-840-125, 246-840-200 through 246-840-260, nursing continuing competency.	19-01-001				Chris Archuleta	360-236-4239
Nursing Care Quality Assurance Commission	RCW 18.79.110, 18.79.250, 18.79.260, 18.79.270	WAC 246-840-300, 246-840-700 through 246-840-710, nursing scope of practice.	19-01-002				Chris Archuleta	360-236-4239

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Pharmacy Quality Assurance Commission	SSB 5380 (chapter 314, Laws of 2019)	Chapter 246-945 WAC, creating a new section to implement a waiver to the e-prescribing requirement as outlined in SSB 5380.	20-03-020				Lindsay Trant	360-236-2932
Pharmacy Quality Assurance Commission	SSB 6526 chapter 264, Laws of 2020)	Chapter 246-945 WAC, creating a new section allowing for the donation and reuse of unexpired drugs as required by SSB 6526.	Anticipate Filing				Lindsay Trant	360-236-2932
Pharmacy Quality Assurance Commission	SSB 6086 (chapter 244, Laws of 2020)	Chapter 246-945 WAC, creating a new section to allow remote dispensing sites for OUD as required by SSB 6086.	Anticipate Filing				Lindsay Trant	360-236-2932
Pharmacy Quality Assurance Commission	RCW 18.64.005, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.080, 18.64.140, 18.64.205, 18.64.310, and 18.64.460	Chapter 246-945 WAC, creating a new section to consider moving the licensing fees under the authority of the commission to the commission's new chapter. The commission will also explore changes to renewal cycles, and restructuring the fees for drug researchers as requested by stakeholders during public comment of the chapter rewrite.	20-14-129				Cori Tarzwell	360-236-4981
Pharmacy Quality Assurance Commission	RCW 18.64.005, 18.64.080, 18.130.075, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.370, 18.64.460, 69.50.310, 18.64.011, 18.64.245, 18.64.470, 18.64.255, 18.64.205, 18.64.253, 18.64.410, 18.64.500, and 18.64.590	Repealing thirty-three chapters of WAC which were replaced by chapter 246-945 WAC effective 7/1/20.			Anticipate Filing	20-16-045	Lindsay Trant	360-236-2932

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Podiatric Medical Board	RCW 18.22.015; ESHB 1551 (chapter 76, Laws of 2020)	WAC 246-922-070 (podiatric physicians) AIDS prevention and information education requirements. The podiatric medical board (board) is considering repealing WAC 246-922-070 as required by ESHB 1551 Modernizing the control of certain communicable diseases (chapter 76, Laws of 2020).			Anticipate Filing	20-15-167	Susan Gragg	360-236-4941
Podiatric Medical Board	Chapter 18.22 RCW	Chapter 246-922 WAC, opening the chapter for amendments following review under RCW 43.70.041.	Anticipate Filing				Susan Gragg	360-236-4941
Veterinary Board of Governors	ESHB 1551 (chapter 76, Laws of 2020)	Chapter 246-933 WAC, suicide prevention education, repealing AIDS education.		Anticipate Filing			Loralei Walker	360-236-4947
Veterinary Board of Governors	RCW 18.92.030 and 18.92.260	WAC 246-933-501 through 246-933-590, authorizing animal care and control agencies and nonprofit humane societies to provide veterinary services.	20-01-013				Loralei Walker	360-236-4947
Washington Medical Commission	RCW 18.71.017, 18.71.002, and 18.130.050	Chapters 246-919 and 246-918 WAC, considering a new technical assistance program to address practitioner deficiency issues. The medical quality assurance commission (commission) is considering creating two new rule sections that will establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision for allopathic physicians and physician assistants. The commission will consider amending other related rules as needed.	18-06-007				Amelia Boyd	360-236-2727
Washington Medical Commission	RCW 18.71.017, 18.130.050	Chapters 246-918 and 246-919 WAC, adding new sections regarding stem cell therapies.	20-09-132				Amelia Boyd	360-236-2727

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Washington Medical Commission	RCW 18.71.017, 18.130.050	Chapters 246-918 and 246-919 WAC, adding new sections regarding telemedicine.	19-19-072				Amelia Boyd	360-236-2727
Washington Medical Commission	SB 6551 (chapter 325, Laws of 2020)	Chapter 246-919 WAC, creating a new section establishing a waiver and experience license for international medical grads as required by SB 6551 from the 2020 session.	Anticipate Filing				Amelia Boyd	360-236-2727
Washington Medical Commission	RCW 18.71.017, 18.130.050, and 18.71A.020	Chapters 246-918 and 246-919 WAC, creating new sections regarding collaborative drug therapy agreements.	20-16-008				Amelia Boyd	360-236-2727
Washington Medical Commission	RCW 18.71.017 and 18.71A.020	WAC 246-918-801 and 246-919-85[1]. The Washington medical commission is considering amendments to expand the types of patients who are exempt from certain provisions of rule when prescribed opioid drugs.	20-08-070				Amelia Boyd	360-236-2727

WSR 20-16-143

AGENDA

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 4, 2020, 1:05 p.m.]

Following is the department of labor and industries' (L&I) semi-annual rules development agenda for July 1 through December 31, 2020.

This report details current and anticipated rule-making activities for L&I. This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

Please contact Tracy West at 360-902-6954 or Tracy.West@Lni.wa.gov if you have any questions.

Semi-Annual Rules Development Agenda

July 1 - December 31, 2020

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Division: Administrative Services						
296-30 296-31 296-33	Crime victims compensation (CVC)	Maty Brimmer Crime Victims 360-902-6707 Linda Messick Crime Victims 360-902-5374	TBD	TBD	TBD	This rule making pertains to the administration of the CVC program, mental health treatment rules and fees, and attendant services. This rule making will consider adopting some rules from chapters 296-14, 296-20, 296-21, 296-23, 296-23A, and 296-23B WAC.
Division: Division of Occupational Safety and Health (DOSH)						

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-36 296-155 Part Q	Compressed air (tunnels)	Chris Miller DOSH Standards Program 360-902-5516	9/18/12	TBD	TBD	This rule making is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in chapters 296-36 and 296-155 WAC, Part Q.
296-62 296-155	Lead	Chris Miller DOSH Standards Program 360-902-5516	4/19/16	TBD	TBD	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.
296-67	Process safety management of highly hazardous chemicals (PSM) for petroleum refineries	Chris Miller DOSH Standards Program 360-902-5516	8/22/17	5/19/20	TBD	The purpose of this rule making is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over twenty years and do not reflect current industry practices.
296-52	Safety standards for possession, handling, and use of explosives	Chris Miller DOSH Standards Program 360-902-5516	1/23/18	TBD	TBD	In order to reflect technological advancements in explosives over the past ten to thirty years, and better align with federal regulations, L&I is updating the safety standards for possession, handling, and use of explosives. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among other sections.
296-155	Crane incident reporting requirement	Chris Miller DOSH Standards Program 360-902-5516	3/20/18	TBD	TBD	The purpose of this rule making is to provide clarity on L&I's interpretation of requirements relating to crane decertification and reinstatement. This rule making intends to address what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. This rule making will include additional housekeeping changes as well.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-155 Part S	Demolition standards	Chris Miller DOSH Standards Program 360-902-5516	7/5/18	11/3/20	2/2/21	The purpose of this rule making is to update the requirements regarding demolition standards. This rule making will remove confusing and unnecessary language, as well as add clarification where necessary throughout the rule to improve safety. Other updates and housekeeping changes may also be made throughout the chapter.
296-800	Adult Entertainer Safety (EHB 1756)	Chris Miller DOSH Standards Program 360-902-5516	11/5/19	TBD	TBD	The purpose of this rule making is to implement the requirements of EHB 1756 (chapter 304, Laws of 2019) codified under RCW 49.17.470, for adult entertainer safety in the accident prevention plan and other measures.
296-155 Part L	Cranes, rigging, and personnel lifting	Chris Miller DOSH Standards Program 360-902-5516	11/19/19	TBD	TBD	This rule making in response to OSHA updating their standards for crane operator licensing/certification requirements and establishing minimum requirements for determining operator competency. Additionally, state-initiated amendments will also be proposed to address other areas in rule relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees.
296-67	High hazard facilities workforce (ESHB 1817)	Chris Miller DOSH Standards Program 360-902-5516	2/18/20	TBD	TBD	The purpose of this rule making is to implement 2019's ESHB 1817/chapter 49.80 RCW, high hazard facility workforce. Chapter 49.80 RCW requires owners of petroleum refining or petrochemical manufacturing facilities use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. This rule will address the advanced safety-training curriculum and training provider approval requirements.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-823	Occupational exposure to bloodborne pathogens	Chris Miller DOSH Standards Program 360-902-5516	6/30/20 (CR-105 Expedited)	N/A	9/22/20 (tentative)	The purpose of this rule making is to update a reference to align with RCW 70.24.017. The rule making also includes a housekeeping update as well as reformatting to reflect clear rule writing. No requirements will be affected.
296-800	COVID-19 prohibited business activities and conditions for operations	Chris Miller DOSH Standards Program 360-902-5516	N/A	N/A	7/2/20 (CR-103E Emergency) 7/8/20 (CR-103E Emergency) 7/28/20 (CR-103E Emergency)	The purpose of this emergency rule making is to amend WAC 296-800-14035 in the safety and health core rules. L&I is responding to the COVID-19 pandemic by amending the emergency rule related to prohibited business activities and compliance with conditions under the governor's proclamations and amendments issued under RCW 43.06.220: <ul style="list-style-type: none"> • Employers must not allow employees to perform work where a business activity is prohibited by an emergency proclamation. • Employers must comply with all conditions for operation required by emergency proclamation, including Safe Start phased reopening requirements for all business and any industry specific requirements. The emergency rule will be updated as needed.
296-32	eRules reformatting, Phase XI	Chris Miller DOSH Standards Program 360-902-5516	7/21/20 (CR-105 Expedited)	N/A	10/6/20 (tentative)	This rule making is the eleventh filing package to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access. Due to the limitations for holding public hearings during this time, the CR-101 filed on 8/6/19 was withdrawn on 6/29/20 (WSR 20-14-077).

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-307	eRules reformatting, Phase X	Chris Miller DOSH Standards Program 360-902-5516	8/4/20 (CR-105 Expedited)	N/A	10/20/20 (tentative)	This rule making is the tenth filing package to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access. The specific parts of chapter 296-307 WAC expected to be included are: Parts B through H, J through N, and P through Y-10. eRule changes to other parts of chapter 296-307 WAC will be addressed in other rule-making projects. Due to the limitations for holding public hearings during this time, the CR-102 filed on 2/18/20 was withdrawn on 3/18/20 (WSR 20-07-118), and the CR-101 filed on 1/3/17 was withdrawn on 6/29/20 (WSR 20-14-076). Note that amendments to chapter 296-45 WAC were addressed in separate rule making adopted on June 18, 2019, under WSR 19-13-083.
296-850	Beryllium	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	This rule making is in response to OSHA updating their standards beryllium, beryllium compounds and dermal exposure issues.
296-823	Infectious diseases	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The purpose of this rule making is to establish control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. During public health emergencies, disease outbreaks involving community spread of a pathogen may endanger workers in a wide range [of] settings.
296-800	Biological hazards	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The purpose of this rule making is to clarify [how] to protect employees from all biological agents be it airborne, droplets, fluids, or any other methods.
296-307 Parts I and O	Worker protection standard (pesticides) administrative changes (Part I); and eRules for both parts	Chris Miller DOSH Standards Program 360-902-5516	BD	TBD	TBD	This rule making is to amend Part I; and, to reformat both parts as part of the eRules initiative resulting in rules easier use, clearer understanding, and greater stakeholder access.
296-840 296-307	Respirable crystalline silica (agriculture)	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The purpose of this rule making is to clarify the application of the respirable crystalline silica rules in agriculture.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
269-307 Part Y	Precommercial thinning	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The rule making is to consider establishing minimum safety standards for precommercial thinning in agriculture.
Division: Field Services and Public Safety						
296-150F	Factory assembled structures (FAS): Factory-built housing and commercial structures	Alicia Curry Field Services and Public Safety 360-902-6244	7/2/19	TBD	TBD	The purpose of this rule making is to update the rules regarding factory-built housing and commercial structures, to include panelized construction. This rule making will include intent to make the rules related to E2SHB [E3SHB] 1257 - Energy efficiency, HB 1486 - Delegation of authority, and SB [ESSB] 5383 - Tiny homes.
296-150I 296-150M	FAS: Manufactured homes and manufactured home installer training and certification program	Alicia Curry Field Services and Public Safety 360-902-6244	8/20/19	TBD	TBD	The purpose of this rule making is to update existing rules to comply with United States Department of Housing and Urban Development (HUD) regulations. In 2017, HUD reviewed FAS rules and standards for manufactured housing installations to ensure the program's compliance with HUD regulations. This rule making addresses HUD's findings that require revisions to L&I's rules. Additionally, the program is reviewing all rules in chapter 296-150I WAC for updates, clarity, and housekeeping changes.
296-96	Elevator rules	Alicia Curry Field Services and Public Safety 360-902-6244	10/22/19	TBD	TBD	The purpose of this rule making is to consider changes to the elevator rules. L&I's elevator program is reviewing specific sections of the elevator rules to update and clarify existing rules, make reference corrections, perform general housekeeping, and consider other rule changes.
296-104	Boiler rules	Alicia Curry Field Services and Public Safety 360-902-6244	10/6/20	1/5/21	4/20/21	The purpose of this rule making is to update existing rules and increase fees by 5.79%, which is the office of financial management's (OFM) maximum allowable fiscal growth rate for fiscal year 2022. A fee increase is necessary to cover the program's operating expenses for inspections and other program public safety activities.
Division: Fraud Prevention and Labor Standards						

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-140 (new)	Clean energy labor standards certification	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	11/27/19	TBD	TBD	The Clean Energy Transformation Act (E2SSB 5116) of 2019 requires L&I adopt permanent rules related to labor standard certification for certain tax exemptions for alternative energy projects. The purpose of this rule making is to define and set minimum requirements for all labor standards associated with the certification for tax remittance; set requirements for all good faith efforts; and set other requirements for documentation and the certification process. L&I filed emergency rules on November 27, 2019, which became effective on January 1, 2020. Emergency rules were filed again on March 27 and July 23, 2020, as rule making is still ongoing.
296-400A	Plumber rules (SB 6170)	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	6/2/20 (CR-105 Expedited)	N/A	8/4/20	The purpose of this rule making is to implement the requirements of the Plumbing Act (SB 6170), which addresses the following: Create a residential service plumbing certificate; modify the acceptable supervisory ratios of plumber trainees to certified plumbers and authorizes remote supervision in certain circumstances; increase the number of members on the advisory board of plumbers; and adjust fees related to journey level and specialty plumber certification.
Division: Insurance Services						
296-17 296-17A	Classification and reporting amendments 2021	Jo Anne Attwood Employer Services 360-902-4777	3/3/20	7/21/20	10/6/20	The purpose of this rule making is to implement clear rule writing to ensure L&I staff and customers can easily understand and apply the workers' compensation insurance classifications and reporting rules. Classification development studied some subclassifications for potential reduction in number, and reviewed reporting rules for improvement.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-17 296-17A 296-17B	Employment covered by RCW 51.32.187	Jo Anne Attwood Employer Services 360-902-4777	3/3/20	9/22/20	11/30/20	The purpose of this rule making is to consider whether provisions of RCW 51.32.187 regarding presumption of certain occupational diseases for Hanford site workers necessitate special rates, classifications, and other rating rules for employment covered by RCW 51.32.187 insured with the state fund. Such rules would charge premiums for employment covered by RCW 51.32.187 consistent with recognized insurance principles, while protecting existing risk classes from having their rates adversely affected by risks present for employment covered by RCW 51.32.187, but not elsewhere.
296-17 296-17A	Fulfillment center classification	Jo Anne Attwood Employer Services 360-902-4777	6/3/20	9/22/20	11/30/20	The purpose of this rule making is to research and evaluate the operations of fulfillment centers currently classified in classification 2102 warehouse general merchandise. After evaluating expected losses and some unique operations of fulfillment centers, possible classification changes may be required to ensure these operations are still being classified by their degree of hazard to ensure fair rates in the industry. A new risk classification for fulfillment centers may be created.
296-17 296-17B	Industrial insurance premium rates 2021	Jo Anne Attwood Employer Services 360-902-4777	6/16/20	9/22/20	11/30/20	This rule making establishes the premium rates and experience rating parameters for calendar year 2021.
296-20 296-23	Medical aid rules update	Emily Stinson Health Services Analysis 360-902-5974	12/18/18	3/2/20	8/18/20	The purpose of this rule making is to update payment rates for health care services, which are published annually in the medical aid rules and fee schedules.
296-23A	Outpatient hospitals (medical aid rules)	Dee Hahn Health Services Analysis 360-902-2868	TBD	TBD	TBD	The purpose of this rule making is to consider amending two rules that L&I determined are in conflict with each other because the underlying federal regulations (per Centers for Medicare and Medicaid Services) changed January 1, 2017 (creating the conflict).

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-23	Independent medical exams (IME)	Kristen Baldwin-Boe Health Services Analysis 360-902-6815	TBD	TBD	TBD	The purpose of this rule making is to create new rules required by ESSB 6440 to address how to accommodate workers when no IME is available in a reasonably convenient location and to develop rules governing the use of telemedicine for IMEs.
296-14	Presumptive PTSD coverage (SB 6214)	Suzy Campbell Legal Services 360-902-5003	8/21/18	TBD	TBD	The purpose of this rule making is to update existing rules and create new rules needed to implement SB 6214, allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement, firefighters and emergency medical technicians.
296-14	Occupational disease presumption	Jordan Ely Legal Services 360-902-4616	11/19/19	TBD	TBD	The purpose of this rule making is to amend existing rules that conflict with RCW 51.32.185, and clarify presumptive coverage for certain firefighters, law enforcement officers, and emergency medical technicians covered under workers' compensation. Legislation passed during the 2019 and 2018 sessions (chapter 133, Laws of 2019, HB 1913; and chapter 264, Laws of 2018, SSB 6214) resulted in updates to RCW 51.32.185.
296-21	Master's level therapists pilot	Suzy Campbell Legal Services 360-902-5003	12/3/19	TBD	TBD	The purpose of this pilot rule making is to allow master's level therapists (MLTs) to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot will begin on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.
296-14	Pension discount rate 2021	Suzy Campbell Legal Services 360-902-5003	8/18/20	10/20/20	1/5/21	The purpose of this rule making is to reduce the current pension discount rate for 2021. The pension discount rate is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-17B	Retrospective rating for workers' compensation insurance	Rachelle Bohler Retrospective Rating 360-902-5967	11/5/13	TBD	TBD	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.
296-17B	Retrospective rating for workers' compensation insurance—Common ownership (pilot)	Rachelle Bohler Retrospective Rating 360-902-5967	8/5/15	TBD	TBD	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.
296-15	Licensing and certification of administrators	Sue Callaghan Strategic Business Office 360-902-4913 Starla Treznoski Self-Insurance 360-902-5668	8/18/20	TBD	TBD	The purpose of this rule making is to update existing rules and create new rules as needed to implement SHB 2409, which requires the licensing of third party administrators and certification of all claims administrators for self-insured employers.
296-15	Self-insurance financial requirements	Brian Schmidkofer Self-Insurance 360-902-6839	9/22/20	TBD	TBD	The purpose of this rule making is to update the rules for the financial qualification and maintenance of self-insurance certification, so that these rules are consistent with modern business practices. Existing rules will be amended, and new sections may be added.

WSR 20-17-007
NOTICE OF PUBLIC MEETINGS
EMPLOYMENT SECURITY DEPARTMENT
 [Filed August 5, 2020, 4:16 p.m.]

Following is an update to the 2020 meetings of the employment security advisory committee, which was convened pursuant to RCW 50.12.200.

Date	Time	Location
August 17, 2020	1 to 3 p.m.	In response to the COVID-19 situation, this meeting will be by videoconference only. Videoconference details: Meeting number (access code): 146 703 4986 Meeting password: 2hM2r3TdVw2 Join by phone: Tap to call in from a mobile device (attendees only) +14043971516 US Toll 8773093457 US Toll Free

Date	Time	Location
October 26, 2020	1 to 3 p.m.	In response to the COVID-19 situation, this meeting will be by videoconference only. Videoconference details: Meeting number (access code): 146 456 4682 Meeting password: bPaBUwV3k69 Tap to join from a mobile device (attendees only) +14043971516,,1464564682## US Toll 8773093457,,1464564682## US Toll Free Join by phone: +14043971516 US Toll 8773093457 US Toll Free

In accordance with chapter 42.30 RCW, the Open Public Meetings Act, these meetings are open to the public and conducted at a barrier-free site.

For special assistance and for additional information, please contact Bianca Stoner, legislative analyst, employment security department, at 360-522-4039 or via email at bstoner@esd.wa.gov.

Meeting information is also available on the employment security advisory committee website at <https://esd.wa.gov/newsroom/ESAC>.

If you need further information or special assistance, such as enlarged type materials, please visit the board's website at www.acb.wa.gov or contact the board clerk at the board office, TDD 800-833-6388, voice 360-664-9191, or fax 360-664-9190.

WSR 20-17-009
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Filed August 6, 2020, 9:37 a.m.]

The August 19, 2020, regularly scheduled meeting of the board of trustees of Walla Walla Community College, District Number Twenty, has been canceled.

Please direct any questions to Jerri Ramsey at jerri.ramsey@wwcc.edu or by phone 509-527-4274.

WSR 20-17-013
NOTICE OF PUBLIC MEETINGS
BOARD OF ACCOUNTANCY
 [Filed August 6, 2020, 12:05 p.m.]

2020 BOARD MEETING SCHEDULE CHANGE

Due to the COVID-19 virus the scheduled October 16, 2020, board meeting will no longer be held in a physical location. The meeting will be held by virtual conference by way of a Microsoft Teams meeting.

Once we have everything in order we will post all the details on our website at www.acb.wa.gov. The information will be posted on the homepage under the "Quick Links" section in the "Next Board Meeting" link.

Alternatively, you may contact Kirsten Donovan, board clerk, for the meeting details at kirsten.donovan@acb.wa.gov or 360-664-9191.

WSR 20-17-014
NOTICE OF PUBLIC MEETINGS
EMPLOYMENT SECURITY DEPARTMENT

[Filed August 6, 2020, 12:28 p.m.]

Unemployment Insurance (UI) Advisory Committee
Meeting Dates - 2020

Date (Every two weeks on Wednesday, until December 23, 2020, unless otherwise indicated)	Location	Host	Notes
August 3, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
August 19, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
September 2, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
September 16, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
September 30, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
October 14, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
October 28, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
November 11, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
November 25, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
December 9, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting
December 23, 2020 10:00 a.m.	*Zoom	ESD	^Recorded meeting

NOTE: Hosts may have the opportunity to present to the committee and bring invited guests as part of our meeting agenda.

*Join Zoom meeting <https://zoom.us/j/93955799629>, Meeting ID: 939 5579 9629, One tap mobile: +125321587 82,,93955799629# US (Tacoma)

Per vote of UI advisory committee members meetings are being recorded as of August 3, 2020, meeting.

^RECORDING DISCLAIMER: This meeting may be recorded. Please be advised that if the meeting is recorded, your image and voice will be captured and recorded during the videoconference. Your participation in this videoconference equals consent to be recorded as required by law.

WSR 20-17-015
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed August 6, 2020, 12:56 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Enforcement of AIDS Education and Training Rules. Policy Number: P001.

Issuing Entity: Pharmacy quality assurance commission.

Subject Matter: The pharmacy quality assurance commission will not enforce AIDS training, education, and documentation requirements in WAC 246-863-120 and 246-901-120; and chapter 246-12 WAC, Part 8 while rules are being repealed to comply with ESHB 1551 enacted in law by the Washington state legislature in 2020.

Effective Date: June 11, 2020.

Contact Person: Lauren Lyles, executive director, lauren.lyles@doh.wa.gov, 360-236-4853.

WSR 20-17-016
PUBLIC RECORDS OFFICER
GAMBLING COMMISSION
[Filed August 6, 2020, 1:29 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the gambling commission is Katherine Husted, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3529, email publicdisclosure@wsgc.wa.gov.

Brian J. Considine
Legal and Legislative Manager

WSR 20-17-017
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed August 6, 2020, 1:46 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: New WAC Supersedes Old WAC: Clarification of Rules Enforcement After July 1, 2020. Policy Number: P002.

Issuing Entity: Pharmacy quality assurance commission.

Subject Matter: The pharmacy quality assurance commission (commission) will only enforce rules adopted under chapter 246-945 WAC, except for continuing education rules contained within WAC 246-945-178 and 246-945-220, which have a delayed effective date. The commission has begun a separate rule making to repeal rules under Title 246 WAC that have been replace[d] with chapter 246-945 WAC.

Effective Date: July 1, 2020.

Contact Person: Lauren Lyles-Stolz, executive director, lauren.lyles@doh.wa.gov, 360-236-4853.

WSR 20-17-018
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed August 6, 2020, 1:46 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Enforcement of AIDS Education and Training Rules. Policy Number: P005.

Issuing Entity: Pharmacy quality assurance commission.

Subject Matter: The pharmacy quality assurance commission will not enforce AIDS training, education, and documentation requirements in WAC 246-945-162(4), 246-945-205 (2)(b), 246-945-200(2); and chapter 246-12 WAC, Part 8 while rules are being repealed to comply with ESHB 1551 enacted in law by the Washington state legislature in 2020.

Effective Date: July 1, 2020.

Contact Person: Lauren Lyles, executive director, lauren.lyles@doh.wa.gov, 360-236-4853.

WSR 20-17-021
NOTICE OF PUBLIC MEETINGS
FREIGHT MOBILITY
STRATEGIC INVESTMENT BOARD

[Filed August 6, 2020, 2:14 p.m.]

2020 Meeting Schedule Revised August 5, 2020

January 24	Olympia
March 20	Webinar
July 30	Webinar
September 18	Webinar
November 20	Webinar

WSR 20-17-022
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 6, 2020, 2:30 p.m.]

MEETING NOTICE: October 29, 2020
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98502
Zoom attendance available
1:00 - 5:00 p.m.
Possible executive session

MEETING NOTICE: October 30, 2020
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98502
Zoom attendance available
8:30 a.m. - noon
Possible executive session

*Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at 360-753-5989.

Hearing and speech impaired persons call 1-800-833-6384.

For questions, please call 360-753-5989.

WSR 20-17-030
HEALTH CARE AUTHORITY

[Filed August 7, 2020, 10:49 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 20-0026 Telehealth.

Effective Date: October 1, 2020.

Description: The health care authority (HCA) intends to submit Medicaid SPA 20-0026 in order to update and streamline the information regarding telehealth/telemedicine services in the medicaid state plan. Because telehealth/telemedicine is a method of delivering services and not an actual service, the Centers for Medicare and Medicaid Services (CMS) informed HCA that it is not necessary to include information about telehealth/telemedicine in Attachment 3, which is the section of the state plan that describes medicaid services. Therefore SPA 20-0026 is updating Attachment 3 by removing that information.

In addition, CMS informed HCA that it is not necessary to list specific originating sites in Attachment 4, which is the section of the state plan that describes the payment methodology for services delivered via telehealth/telemedicine. SPA 20-0026 is streamlining Attachment 4 by removing the list of originating sites, while retaining the description of the payment methodology.

SPA 20-0026 is expected to have no effect on the annual aggregate reimbursement/payment for services delivered via telehealth/telemedicine.

A draft of SPA 20-0026 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Jodi Kunkel, Occupational Nurse Consultant, Clinical Evaluation, 626 8th Avenue S.E., Olympia, WA 98504, TTY 711, email Jodi.kunkel@hca.wa.gov.

WSR 20-17-035
RULES COORDINATOR
DEPARTMENT OF COMMERCE

[Filed August 10, 2020, 8:14 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the public works board is Karin Berkholtz, 1011 Plum Street S.E., Olympia, WA 98504, phone 360-688-0313, fax 360-568-8440, email Karin.berkholtz@commerce.wa.gov.

Mark Barkley
Assistant Director

WSR 20-17-037
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION

[Filed August 10, 2020, 8:27 a.m.]

2020 Meeting Schedule - Updated
(All meetings begin at 9:00 a.m.)

The Washington state beef commission will meet in 2020 as indicated below.

January 23, 2020 Thursday	Regular meeting	Conference call
March 11-12, 2020 Wednesday/Thursday	Strategic planning meeting	Seattle
April 30, 2020 Thursday	Budget meeting	Ellensburg
June 4, 2020 Thursday	Annual meeting	Ellensburg
September 3, 2020 Thursday	Regular meeting	Conference call
November 2020 To be determined	Regular meeting	WCA Convention

If you have any questions or need more information, please contact us at 206-444-2902.

WSR 20-17-040
NOTICE OF PUBLIC MEETINGS
WOMEN'S COMMISSION
[Filed August 10, 2020, 9:38 a.m.]

The Washington state women's commission has changed the following regular meeting:

From: August 13, 2020.
To: September 18, 2020.

If you need further information contact Daniya Baisubanova, program coordinator, phone 360-902-8015, email Daniya.baisubanova@wswc.wa.gov, web wswc.wa.gov.
Event location - virtual event.

WSR 20-17-046
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed August 10, 2020, 3:15 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Enforcement of AIDS Education and Training Rules. Policy number: HSQA OHP OT01.

Issuing Entity: Occupational therapy practice board.

Subject Matter: The occupational therapy practice board will not enforce AIDS training, education, and documentation requirements in WAC 246-847-051(4), 246-847-190, and chapter 246-12 WAC, Part 8 while rules are being repealed to comply with ESHB 1551 enacted in law by the Washington state legislature in 2020.

Effective Date: June 11, 2020.

Contact Person: Kathy Weed, program manager, 360-236-4883, kathy.weed@doh.wa.gov.

WSR 20-17-055
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
[Filed August 11, 2020, 4:05 p.m.]

The Walla Walla Community College board of trustees has changed the following regular meeting:

From: September 16, 2020.
To: September 23, 2020.

If you need further information, please contact Jerri Ramsey, 500 Tausick Way, Walla Walla, WA 99362, phone 509-527-4274, email jerri.ramsey@wwcc.edu, www.wwcc.edu.

WSR 20-17-057
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Filed August 12, 2020, 8:05 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday,

September 17, 2020, has been cancelled. Call 752-8334 for information.

WSR 20-17-063
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
SALMON COMMISSION
[Filed August 12, 2020, 12:29 p.m.]

Meeting Schedule Revision

The October 3, 2020, meeting of the Puget Sound salmon commission has changed to a conference call format and will no longer be held in person. The meeting will begin at 9:30 a.m.

For more information, please call 509-585-5460 or email mjohnson@agmgt.com.

WSR 20-17-064
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 12, 2020, 1:13 p.m.]

Prevailing Rate of Wage Publication -
Wage Rate Corrections

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on August 11, 2020, the industrial statistician determined and published on the internet a correction to multiple prevailing rates. The corrected rates become effective thirty days from publication on September 10, 2020, and impact multiple counties in Washington state.

For more information on prevailing wage or a copy of the rates please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

Tracy West
Rules Coordinator

WSR 20-17-066
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 12, 2020, 4:46 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules meeting and study session for August 2020, has been changed to:

Date(s)	Time	Location
Study session: August 20, 2020	10:00 a.m.	Meeting will take place via tele-conference. Dial-in Number: 1-866-715-6499 Guest Passcode: 817 963 9712#
Board meeting: August 20, 2020	11:00 a.m.	

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

WSR 20-17-067
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Filed August 13, 2020, 8:37 a.m.]

As required by RCW 42.30.075, Open Public Meetings Act, the following change to the regular meeting schedule of the Washington state parks and recreation commission is submitted for publishing in the Washington State Register.

Due to technical difficulties and network disruption with the live feed of the regular commission meeting that took place on July 30, that meeting was adjourned at 3:23 p.m., after it was determined that the technical issues were unlikely to be resolved. That adjourned meeting has been continued to and will resume at 10:30 a.m. on Thursday, August 27. Members of the public may attend remotely using one of the following phone numbers:

Seattle Toll: (206) 207-1700.

US Toll: (415) 655-0001.

Meeting Access Code: 133 197 8337.

Prior to adjournment on July 30, the commission had completed Agenda Items 1 through 6, with Items 7 and 8 still pending. However, due to the technical issues experienced by those who may have tried to view the live feed that day, the commission will revisit Items 1 through 6 on an expedited agenda, during which state parks staff will provide a summary of each item, and the commissioners will re-vote on each item that a vote is requested. After completing Items 1 through 6, the commission will continue on to Items 7 and 8, for which state parks staff will provide a full presentation.

Written public comment will be accepted for all agenda items until 5 p.m. on August 25, but please note the commission will not be taking any public comments during the meeting.

This meeting begins promptly at 10:30 a.m. and runs until about 2:20 p.m. on August 27.

Time: Opening session will begin as shown; all other times are approximate.

Order of Presentation: Agenda Items 1-6 will include a summary and then call for the vote. Agenda Items 7 and 8 will include a presentation, followed by commission discussion and then a decision.

Public Comment: There will be no oral public comment during the meeting. You may submit written comments to the commission in advance by email or mail. We have extended the comment period due to the technical difficulties on July 30. **All comments must be received by 5 p.m. on August 25.** Any comments received after the cutoff will be given to the commission before its next meeting. If you previously submitted a comment, those comments will be included in the record and you do not need to resubmit.

Email Commission@parks.wa.gov, mail WSPRC, Attn: Becki Ellison, P.O. Box 42650, Olympia, WA 98504.

Agendas are posted on the agency website at least one week in advance of meetings, and commission action posted. <http://parks.state.wa.us>.

WSR 20-17-075
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed August 13, 2020, 11:14 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following property tax advisory (PTA): **PTA 6.2.2020 - Property Taxability of Motor Vehicles.**

This PTA explains which vehicles qualify as "motor vehicles" and are therefore exempt from property taxation under RCW 84.36.595. It provides a general rule for exemption, defines "motor vehicles" and other statutory definitions related to the exemption, and lists examples of motor vehicles that do not qualify for the exemption. This PTA also describes criteria necessary for certain motor vehicles, such as fixed load vehicles, equipment added to a vehicle, and neighborhood electric vehicles.

A copy of this document is available via the Internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz, Tax Policy Manager
 Rules Coordinator

WSR 20-17-076
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL

[Filed August 13, 2020, 11:25 a.m.]

The Washington state independent living council (WASILC) has made the following changes to our 2020 meeting schedule:

October quarterly meeting: Due to COVID-19, WASILC has changed the meeting format to be held online via Zoom. This meeting will be Thursday, October 1st, 2020, from 9:00 a.m. - 3:00 p.m.

If you would like to attend, please email or call WASILC staff to be provided the webinar instructions and access code. Email jolie.ramsey@dshs.wa.gov, call 800-624-4105.

If you would like to submit a comment for public discussion via mail, please send your comment to P.O. Box 45343, Lacey, WA 98504-5343.

The following are council approved meeting dates and locations for the 2021 quarterly meeting schedule:

- January 25-26, 2021: Olympia (or via Zoom, depending on COVID-19 safety guidelines).
- April 15-16, 2021: Seattle (or via Zoom, depending on COVID-19 safety guidelines).

- July 15-16, 2021: Ellensburg (or via Zoom, depending on COVID-19 safety guidelines).
- October 2021: Council to decide at January 2021 meeting.

WSR 20-17-101
RULES COORDINATOR
OLYMPIC COLLEGE
 [Filed August 14, 2020, 1:46 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Olympic College is Adam Morris, 1600 Chester Avenue, Bremerton, WA 98337, phone 360-475-7102, fax 360-475-7302, email amorris@olympic.edu.

Marty Cavalluzzi
 President

WSR 20-17-104
NOTICE OF PUBLIC MEETINGS
CENTER FOR DEAF AND
HARD OF HEARING YOUTH
 [Filed August 17, 2020, 9:50 a.m.]

The Washington Center for Deaf and Hard of Hearing Youth board of trustees will be having a special board meeting via Zoom that will be open to the public on August 20, 2020.

Erica Rader
 Executive Assistant
 Office of the Executive Director

WSR 20-17-105
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF REVENUE
 [Filed August 17, 2020, 10:50 a.m.]
CANCELLATION OF INTERPRETIVE AND/OR
POLICY STATEMENTS

This announcement of the cancellation of these interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230. The department of revenue has cancelled the following six audit directives: No. 8108.1, No. 8144.1, No. 8168.1, No. 8171.2, No. 8177.1, and No. 8178.1, effective August 17, 2020. As a result of this action, no audit directives are remaining, and the entire audit directive series is completely cancelled.

No. 8108.1 Merchandise Returns With Restocking Charge (1984): Audit Directive 8108.1 became redundant with a Tax Topic (Restocking fees for returned merchandise) in 2009, and WAC 458-20-278 (2)(b) in 2015. Both cover the same subject as the audit directive, the tax treatment of restocking fees charged by sellers on the return of sold goods.

No. 8144.1 Printing Plates (1984): This audit directive cites two ETBs, 417 and 456, now renumbered as ETAs 3063 and 3074 respectively. The audit directive provides a presumption about the value of printing plates and similar items for sales and use tax purposes. It instructs auditors to presume the sales/use tax value of printing plates "and similar items used by printers" to equal fifteen percent of their total cost. Neither ETA includes the fifteen percent-of-cost presumption. The rules applicable to printers/publishers and to the printing industry, Rules 143 and 144, respectively, also make no mention of the presumption stated in the audit directive. This information is outdated.

No. 8168.1 Retirement Homes (1984): This audit directive addresses the taxability of "retirement home" meals. Meals provided to residents were not to be considered sold when the retirement homes were not subject to B&O tax on the living quarter's charges. The information about meals in retirement homes being part of the tax exempt real estate rental income is incorrect. "Retirement homes" are not a current tax classification. Meals provided by a statutorily defined nursing home or assisted living facility are exempt. *See* WAC 458-20-168 (7)(b). Meals provided to tenants by other types of entities, including independent senior living boarding homes that are not licensed, and that do not provide healthcare services, are subject to sales tax. *See* WAC 458-20-166 (5)(b)(v). A Tax Topic "Meals provided to senior residents" from 2015 describes these issues. Audit Directive No. 8168.1 is out of date, and partially conflicting with Rule 166 and the 2015 Tax Topic.

No. 8171.2 Paving Cuts (1987): Paving cuts are the activity by utilities and contractors where a paved road is cut open to access something underneath, generally a utility line. When the utility work is finished, the opened section is paved over again. Audit Directive 8171.2 became redundant with ETA 3035.2009 in 2009, and a Tax Topic in 2015. The 2015 "Paving Cuts" Tax Topic covers the same subject.

No. 8177.1 Out of State Affidavits (1986): Audit Directive 8177.1 cites an older version of WAC 458-20-177 requiring automobile dealers to attach copies of the out-of-state delivery affidavits to their tax returns. The directive indicated that it was better for the dealer to retain the affidavits than to attach them to their returns. This is outdated because WAC 458-20-177 was amended in 2005, removing that requirement.

No. 8178.1 Use Tax Value of Equipment Used Temporarily in Washington (1987): Audit Directive 8178.1 became redundant in 2014 when the formula for calculating the rental value (for use tax purposes) of out-of-state equipment used temporarily in Washington was incorporated into the use tax rule. WAC 458-20-178 (4)(i).

Questions regarding the cancellation of these documents may be directed to Atif Aziz, Rules Coordinator, Interpretations and Technical Advice, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1593, email AtifA@dor.wa.gov.

Atif Aziz
 Rules Coordinator

WSR 20-17-107

ATTORNEY GENERAL OPINION
[Filed August 17, 2020, 11:13 a.m.]

WASHINGTON ATTORNEY GENERAL

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by September 9, 2020. This is not the due date by which comments must be received, and we will consider any comments we receive before we complete our opinion. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by email to OpinionComments@atg.wa.gov or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney general's opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%9090> opinions for more information on how to join our AGO opinions list.

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

Opinion Docket No. 20-07-04

Request by Amy Walen, Representative, District 48

QUESTION(S):

Is it acceptable for engineers to stamp and sign architectural drawings for permits prepared by non-professionals for projects not excepted under RCW 18.08.410?

WSR 20-17-108

ATTORNEY GENERAL OPINION
[Filed August 17, 2020, 11:13 a.m.]

WASHINGTON ATTORNEY GENERAL

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that

we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

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If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%9090> opinions for more information on how to join our AGO opinions list.

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

Opinion Docket No. 20-07-02

Request by Monica Stonier, Representative, District 49

QUESTION:

Does the authority of school districts to offer school-based health clinics remain limited in the manner described by AGO 1988 No. 2 and AGO 1989 No. 17 in light of subsequent legislation?

WSR 20-17-112

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Filed August 17, 2020, 1:53 p.m.]

Notice of Special Meeting

The public works board announces a special meeting on August 20, 2020, at 9:30 - 11:30 a.m.

The link and password to the online meeting, along with all meeting materials will be posted on our website twenty-four hours prior to this special meeting at www.pwb.wa.gov.

For more information contact Ellen Hatleberg, Board Liaison, Public Works Board, Washington State Department of Commerce, ellen.hatleberg@commerce.wa.gov, 360-338-5739.

WSR 20-17-118
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Filed August 18, 2020, 8:27 a.m.]

The health care authority will hold a public meeting to consider proposed public employees benefits board program administrative policies.

The meeting is scheduled for **Monday, September 14, 2020, at 10:00 a.m.** In light of the current public health emergency and the Governor's Safe Start plan, it is unknown whether, by the date of this public meeting, restrictions on meeting in public places will be eased. Therefore, this hearing is being held virtually only. To attend, you must register **prior** to the public meeting using the following registration link <https://attendee.gotowebinar.com/register/7967640006987582992>.

After registering, you will receive a confirmation email containing information about joining the webinar.

The proposed policies can be downloaded online at hca.wa.gov/pebb-rules. Public comment on these policies can be submitted to Stella Ng at P.O. Box 42684, Olympia, WA 98504-2684 or via email at Stella.Ng@hca.wa.gov. The deadline for public comment is September 14, 2020.

For further information or to receive a hard copy of the proposed policies, please contact Stella Ng at Stella.Ng@hca.wa.gov.

WSR 20-17-119
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (School Employees Benefits Board)
 [Filed August 18, 2020, 8:27 a.m.]

The health care authority will hold a public meeting to consider proposed school employees benefits board program administrative policies.

The meeting is scheduled for **Monday, September 14, 2020 at 10:00 a.m.** In light of the current public health emergency and the Governor's Safe Start plan, it is unknown whether, by the date of this public meeting, restrictions on meeting in public places will be eased. Therefore, this hearing is being held virtually only. To attend, you must register **prior** to the public meeting using the following registration link <https://attendee.gotowebinar.com/register/7967640006987582992>.

After registering, you will receive a confirmation email containing information about joining the webinar.

The proposed policies can be downloaded online at hca.wa.gov/sebb-rules. Public comment on these policies can be submitted to Stella Ng at P.O. Box 42720, Olympia, WA

98504-2720 or via email at Stella.Ng@hca.wa.gov. The deadline for public comment is September 14, 2020.

For further information or to receive a hard copy of the proposed policies, please contact Stella Ng at Stella.Ng@hca.wa.gov.

WSR 20-17-126
NOTICE OF PUBLIC MEETINGS
ATTORNEY GENERAL'S OFFICE
 [Filed August 18, 2020, 1:20 p.m.]

The acting chair of the public records exemptions accountability committee (sunshine committee) has designated a special meeting to be held remotely as follows: **September 22, 2020, at 9 a.m. - 1 p.m.**

The meeting agenda and GoToWebinar information will be available seven business days prior to the meeting at <https://www.atg.wa.gov/sunshine-committee>. Please visit this website to join the sunshine committee listserv to receive notices about when agendas are posted to the website.

Please feel free to contact Elaine Ganga, phone 360-753-9672, email elaine.ganga@atg.wa.gov with any questions.

WSR 20-17-127
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed August 18, 2020, 1:24 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.27: Instant Messaging Software (e.g., Skype for Business).

Subject: Instant messaging software (e.g., Skype for Business).

Effective Date: August 18, 2020.

Document Description: This DCS administrative policy explains expectations and procedures for using instant messaging software.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email shaddrm@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 20-17-128
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 18, 2020, 1:36 p.m.]

Notice of Interpretive or Policy Statement

Under RCW 34.05.230, enclosed are statements related to one repealed and four amended policy statements, issued by the department of labor and industries. Four are from the insurance services division, and one is from the fraud prevention and labor standards division.

If you have any questions or need additional information, please contact Tracy West, rules coordinator, at 360-902-6954.

Title: Policy 4.05 - *Determining the Worker's Employment Pattern for the Purpose of Calculating the Monthly Wage.*

Date Amended: April 1, 2020.

Description: The policy was updated from an interim to a permanent policy, additional examples were added for clarification, and updates were made to reflect current practice.

Contact: Suzy Campbell, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-5003, Suzanne.Campbell@Lni.wa.gov.

Title: Policy 14.40 - *Tinnitus with Compensable Hearing Impairment.*

Date Repealed: July 15, 2020.

Description: The policy was repealed as all relevant policy information was moved to policy 14.45 to combine related hearing loss information.

Contact: Jordan Ely, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-4616, Jordan.Ely@Lni.wa.gov.

Title: Policy 14.45 - *Permanent Partial Disability (PPD) Awards for Hearing Loss Claims.*

Date Amended: July 15, 2020.

Description: The policy was updated to align with changes made from case laws, improve the clarity of information, and to correct grammar and punctuation.

Contact: Jordan Ely, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-4616, Jordan.Ely@Lni.wa.gov.

Title: Policy 19.11 - *Liens Against Third Party Recoveries with Loss of Consortium or Pain and Suffering.*

Date Amended: August 15, 2020.

Description: The policy was updated to reflect new case law, add a new clarifying definition, and updates were made to reflect current practice.

Contact: Heather Lattin, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-6522, Heather.Lattin@Lni.wa.gov.

Title: Policy 74.02 - *Adjusting Claim Cost Penalties.*

Date Amended: January 15, 2020.

Description: The policy was updated to correct grammar, punctuation, and improve the clarity of writing. Irrelevant

sections were removed, and statutory and policy references were added.

Contact: Suzy Campbell, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-5003, Suzanne.Campbell@Lni.wa.gov.