

WSR 23-21-020
RULES OF COURT
STATE SUPREME COURT
[October 3, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1533
FELONY GUILTY PLEA FORMS:)
STATEMENT OF DEFENDANT UPON)
PLEA OF GUILTY—SEX AND—)
NON-SEX [CrR 4.2—PLEAS])

The Pattern Forms Committee, having recommended the adoption of the suggested amendments to Felony Guilty Plea Forms: Statement of Defendant Upon Plea of Guilty—Sex and—Non-Sex [CrR 4.2—Pleas], and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 3rd day of October, 2023.

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

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULES CrR4.2(g) and GR 39

1. Proponent Organization:

Pattern Forms Committee

2. Spokesperson & Contact Info:

Commissioner Barb McInville
Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
bmcinva@piercecountywa.gov

3. Purpose of Proposed Rule Amendment:

CrR 4.2 and GR 39

Forms:

CrR 4.2(g) Statement of Defendant Upon Plea of Guilty—Non-Sex
CrR 4.2(g) Statement of Defendant Upon Plea of Guilty—Sex
CR 08.0800 Petition re: Legal Financial Obligations
CR 08.0810 Order re: Legal Financial Obligations

Changes were made to the Felony plea form, CrR 4.2, to comply with legislative changes related to HB 1169, Concerning Legal Financial Obligations. The changes to CR 08.0800 and CR 08.0810 Petition and Order re: Legal Financial Obligations forms, GR 39, were made to

comply with legislative changes related to HB 1169, Concerning Legal Financial Obligations and House Bill 1412 (2022).

The plea form changes remove the \$500 fine for the victim compensation fund as a mandatory fee, change the language around restitution, and strikes the DNA fee from the forms. The changes are the same on both the sex and non-sex plea form.

The GR 39 changes add new remedies and instructions. The Pattern Forms Committee is requesting the court to approve two versions of the forms. One set has instructions for the form user and the other set does not. The two sets will allow users that do not need instructions or have limited funds for printing to choose a shorter set to print and file with the court.

4. Is Expedited Consideration Requested?

Yes, the forms included in this have been updated because of changes in law that are effective January 1, 2023, July 1, 2023 and July 23, 2023. Therefore, we request that CrR 4.2 and GR 39 be effective upon publication.

5. Is a Public Hearing Recommended?

No. The substantive legal changes are required by statute.

Attachments:

- CrR 4.2(g) Non-Sex Offense_redline
- CrR 4.2(g) Non-Sex Offense_clean
- CrR 4.2(g) Sex Offense_redline
- CrR 4.2(g) Sex Offense_clean
- GR 39 Petition (Instructions)_redline
- GR 39 Petition (Instructions)_clean
- GR 39 Petition_clean
- GR 39 Order (Instructions)_redline
- GR 39 Order (Instructions)_clean
- GR 39 Order_clean

Superior Court of Washington for _____

<u>State of Washington</u>	No.
Plaintiff	Statement of Defendant on Plea of Guilty to Sex Offense (Felony) (STDFG)
v.	
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:

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:

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

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

(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 property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate or waivable. 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 re-

quirements 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

(i) 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, 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.

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.

(iv) 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.

ing 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 register to vote until that right is restored in a manner provided by law. My right to vote is automatically restored as long as I am not serving a sentence of total confinement (as defined in RCW 29A.08.520) under the jurisdiction of the Department of Corrections and not incarcerated for a felony conviction in federal court or any state court other than Washington. If I am sentenced to total confinement under the jurisdiction of the Department of Corrections or otherwise incarcerated as described in this subsection, my voter registration will be cancelled.

(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.~~

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

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

_____ (s) **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.

_____ (t) 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 43.20A.735. If I am convicted for a violation of a domestic violence protection order, the court shall impose a mandatory fine of \$15.00.

_____ (u) 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. Re-

habilitative 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.

(v) 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 a manner that endangered persons or property during the commission of this felony.

(w) 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.

(x) 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.

(y) 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.

(z) 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).

_____ (aa) 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.

_____ (bb) 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).

_____ (cc) 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.

_____ (dd) 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.

_____ (ee) 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.

_____ (ff) 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.

_____ (gg) 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.

_____ (hh) 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.

(ii) If I am not indigent, the judge will order me to pay \$500.00 as a victim's compensation fund assessment.

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 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 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 defend-

ant 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.

Date: _____

Judge _____

Superior Court of Washington for _____

<p>State of Washington _____ Plaintiff</p> <p>v. _____ Defendant</p>	<p>No. _____</p> <p>Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)</p>
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1. My true name is: _____

2. My age is: _____

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

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

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

(b) I am charged with: _____

The elements are: _____

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

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

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

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

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

(e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;

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

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

(a) My right to appeal is limited.

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

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

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

*The sentencing enhancement codes are: (RPh) robbery of a pharmacy, (CSG) criminal street gang involving a 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) vehicular homicide, 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 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 the Department of Corrections (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.

I cannot change my mind if additional criminal history is discovered, even if the standard sentencing range and the prosecuting attorney's recommendation increases, 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 or waivable. 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 1 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 1 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 2 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 DOC, 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 1 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

OFFENSE TYPE	COMMUNITY CUSTODY TERM
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 (DOC). For crimes occurring on or after June 28, 2016, the supervision of the DOC 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 DOC. 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 DOC transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the DOC may sanction me up to 60 days of confinement per violation and/or revoke my earned early release, or the DOC 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 1 crime and I have an offender score of more than 9.

(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(s).

(n) I will be ineligible to register to vote until that right is restored in a manner provided by law. My right to vote is automatically restored as long as I am not serving a sentence of total confinement (as defined in RCW 29A.08.520) under the jurisdiction of the Department of Corrections and not incarcerated for a felony conviction in federal court or any state court other than Washington. If I am sentenced to total confinement under the jurisdiction of the Department of Corrections or otherwise incarcerated as described in this subsection, my voter registration will be cancelled.

(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 2 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 1 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 the DOC to complete a risk assessment report, including a family impact statement, 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 the 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 conditions of community custody or impose sanctions, including extending the length of participation in the alternative program by no more than 6 months. If the court finds that 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 43.20A.735. If I am convicted of a violation of a domestic violence protection order issued, the court shall impose a mandatory fine of \$15.00.

(v) 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 substance use disorder treatment-based alternative, the judge may order that I be examined by the 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 substance use disorder 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 use disorder assessment and to participate in treatment. If this crime involves domestic violence, I also will be required to undergo a comprehensive domestic violence assessment and to participate in a domestic violence treatment program provided by a state-certified treatment provider during the term of community custody. 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 substance use disorder treatment-based alternative**, the sentence will consist of a 2-year term of community custody and I will have to enter and remain in a certified residential substance use disorder treatment program for **up to 6 months**, as set by the court. If this crime involves domestic vio-

lence, I will be required to undergo a comprehensive domestic violence assessment and to participate in a domestic violence treatment program provided by a state-certified treatment provider. The sentence may also include an indeterminate term of confinement of no more than 30 days in a facility operated under contract by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential substance use disorder treatment and a treatment termination hearing scheduled 3 months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the DOC, 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 or, in cases of domestic violence, for monitoring with global positioning system technology for compliance with a no-contact order and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(h). On the judge's own initiative, they 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) The judge may sentence me under the mental health sentencing alternative (MHSA) if I qualify under Laws of 2021, Ch. 242. The sentence will be between 12 and 36 months of community custody and include 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. At the review or termination hearing, the court may impose different or additional conditions upon me, require me to serve a term of total or partial confinement, or revoke the sentencing alternative and impose a term of total or partial confinement.

(x) If I am subject to community custody and the judge finds that I have a chemical dependency disorder 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.

(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).

(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).

(aa) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds that I used a motor vehicle in a manner that endangered persons or property during the commission of this felony.

(bb) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under 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.

(cc) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520, an impaired driving enhancement of an additional 2 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.

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

(ee) 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 was 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.

(ff) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of

circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) must also 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).

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

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

_____ (ii) I am being sentenced for 2 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.

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

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

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

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

_____ (nn) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 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.

_____ (oo) 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.

_____ (pp) The judge may sentence me under the theft or taking of a motor vehicle sentencing option, RCW 9.94A.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 1 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.

_____ (qq) If I am pleading guilty to Animal Cruelty in the First Degree I will be permanently prohibited from owning, caring for, or residing with any animal. RCW 16.52.200.

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 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, 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 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

WSR 23-21-021
RULES OF COURT
STATE SUPREME COURT
[October 3, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1534
LEGAL FINANCIAL OBLIGATION)
(LFO) FORMS [GENERAL RULE 39])

The Pattern Forms Committee, having recommended the adoption of the suggested amendments to Legal Financial Obligation (LFO) Forms [General Rule 39], and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 3rd day of October, 2023.

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

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULES CrR4.2(g) and GR 39

1. Proponent Organization:

Pattern Forms Committee

2. Spokesperson & Contact Info:

Commissioner Barb McInville
Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
bmcinva@piercecountywa.gov

3. Purpose of Proposed Rule Amendment:

CrR 4.2 and GR 39

Forms:

CrR 4.2(g) Statement of Defendant Upon Plea of Guilty—Non-Sex
CrR 4.2(g) Statement of Defendant Upon Plea of Guilty—Sex
CR 08.0800 Petition re: Legal Financial Obligations
CR 08.0810 Order re: Legal Financial Obligations

Changes were made to the Felony plea form, CrR4.2, to comply with legislative changes related to HB 1169, Concerning Legal Financial Obligations. The changes to CR 08.0800 and CR 08.0810 Petition and Order re: Legal Financial Obligations forms, GR 39, were made to comply with legislative changes related to HB 1169, Concerning Legal Financial Obligations and House Bill 1412 (2022).

The plea form changes remove the \$500 fine for the victim compensation fund as a mandatory fee, change the language around restitu-

tion, and strikes the DNA fee from the forms. The changes are the same on both the sex and non-sex plea form.

The GR 39 changes add new remedies and instructions. The Pattern Forms Committee is requesting the court to approve two versions of the forms. One set has instructions for the form user and the other set does not. The two sets will allow users that do not need instructions or have limited funds for printing to choose a shorter set to print and file with the court.

4. Is Expedited Consideration Requested?

Yes, the forms included in this have been updated because of changes in law that are effective January 1, 2023, July 1, 2023 and July 23, 2023. Therefore, we request that CrR 4.2 and GR 39 be effective upon publication.

5. Is a Public Hearing Recommended?

No. The substantive legal changes are required by statute.

Attachments:

- CrR 4.2(g) Non-Sex Offense_redline
- CrR 4.2(g) Non-Sex Offense_clean
- CrR 4.2(g) Sex Offense_redline
- CrR 4.2(g) Sex Offense_clean
- GR 39 Petition (Instructions)_redline
- GR 39 Petition (Instructions)_clean
- GR 39 Petition_clean
- GR 39 Order (Instructions)_redline
- GR 39 Order (Instructions)_clean
- GR 39 Order_clean

_____ Court of Washington, County/City of _____

_____, Plaintiff. vs. _____, Defendant. DOB:	No. Petition re: Legal Financial Obligations (PT)
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Use this form to ask the Court to waive or reduce the amount you owe, or to remove your Legal Financial Obligations (LFOs) from collections. Please fill out any sections that might apply to your case. After you fill out this form, you should also fill out a proposed order for the judge to sign. That form is called "Order re: Legal Financial Obligations." You must fill out a separate copy of both forms for each case you have.

Petition re: Legal Financial Obligation

The undersigned requests that the sentencing court grant an order that will ~~(check all boxes that apply):~~

1. Jurisdiction

If it has been more than 10 years since you were convicted in this case or completed the jail/prison term imposed at your sentencing, the court may be required to cancel some or all of your LFOs. By completing this section, you are asking the court to review whether it is required to cancel any of your LFOs.

You should check the first box if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing. If you were sent back to jail or prison for violating probation or community custody, this does not restart the 10 year period. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the first box.

You should check the second box if you were not sentenced to jail or prison time in this case. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the second box.

You should check the third box if it has been fewer than 10 years since you completed the jail/prison term imposed at your sentencing.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

I declare, to the best of my knowledge, that more than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed in this case. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

I declare, to the best of my knowledge, that I did not receive a jail or prison sentence (total confinement) in this case. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

I declare, to the best of my knowledge, that fewer than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed in this case. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay *(Check all that apply)*

Anyone filling out this form may ask for relief in Part A.

Collection. I request that the court remove my unpaid LFOs from collection and waive all collection fees. RCW 19.16.500 (1)(b); RCW 36.18.190; GR 39.

LFO Interest. I request that the court waive all unpaid interest on my LFOs that are not restitution. RCW 10.82.090 (3)(a)).

DNA Fee. I request that the court waive the DNA fee. RCW 43.43.7541(2).

Restitution Interest After Payment of Original Amount Owed (Principal Balance). I have paid the original amount owed (principal balance) of my restitution in full. All that remains of my restitution obligation is the added (accrued) interest. I ask that the court waive or reduce the remaining interest on my restitution. (RCW 10.82.090 (3)(b))

B. LFO Relief Due to Inability to Pay (Indigency)

You can complete this section regardless of whether you completed Part A. However, you may only ask for relief in this section if you are unable to pay. If you don't know whether you are considered unable to pay, you can review the criteria, below, in Section ii (Declaration of Inability to Pay (Indigency)). If you check one of the boxes in that section, you are considered unable to pay.

Remission Waiver or Reduction of LFOs. I request that all unpaid optional (discretionary) LFOs be waived or reduced. ~~Waive or reduce all unpaid discretionary LFOs~~ RCW 7.68.035(5); RCW 9.94A.6333 (3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5).

Restitution Owed To An Insurer or State Agency. I request that the court waive or reduce restitution and added (accrued) interest owed to an insurer or a state agency (other than the Department of Labor and Industries). RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210.

Restitution Interest After Release from Total Confinement. I declare that I have been released from jail or prison (total confinement). I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)

Date I entered jail or prison in this case: _____

Date I was released from jail or prison in this case: _____

3. Declaration of Inability to Pay (Indigency)

You should complete this section if you completed the previous section—"(i) Waive or Reduce LFOs Due to Inability to Pay (Indigency)". You only need to meet one of the following criteria to be considered unable to pay. However, in order to give a full picture of your inability to pay to the court, please check all boxes that apply to your life.

I declare that I have not had enough money to pay all my LFOs and, because of this, my failure to pay them has not been willful. I declare that I am indigent (do not have the ability to pay) because:

~~I am the defendant in the above action and declare that I have been released from total confinement on this matter: (Check all that apply)~~

~~I have paid my restitution in full.~~

~~I am indigent because:~~

~~I am receiving one of the following types of public assistance (RCW 10.01.160 (3) (a)):~~

~~Food stamps or food stamp benefits transferred electronically (EBT);~~

~~Medicaid (for example, Apple Health);~~

~~Supplemental Security Income (SSI);~~

~~Temporary Assistance for Needy Families (TANF);~~

~~Aged, Blind, or Disabled assistance benefits (ABD);~~

~~Pregnant women assistance benefits;~~

~~Poverty-related veterans' benefits;~~

~~Refugee resettlement benefits; or~~

~~Medical care services under RCW 74.09.035;~~

~~I am homeless. (RCW 10.01.160 (3) (b)).~~

~~I am involuntarily committed to a public mental health facility. (RCW 10.101.010 (3) (b).)~~

I have an acute, chronic, or serious mental illness. (RCW 10.01.160 (3) (b)).

I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.01.160 (3) (a)). You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economicmobility/poverty-guidelines>; 125% of the federal poverty level can be found here: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=82>.

I am receiving an annual income, after taxes, of more than 125% of the federally established poverty level but I have living expenses making me unable to pay the LFOs imposed. (RCW 10.01.160 (3) (c)). You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economicmobility/poverty-guidelines>.

Details: _____

Other compelling circumstances exist that explain my inability to pay my LFOs. (RCW 10.01.160 (3) (d); RCW 13.40.192). Details:

I am not able to complete community restitution hours because:

I have not paid my LFOs in a timely manner. However, my late payment(s) or failure to pay was/were not willful because:

3. Process for Paying Any LFOs That Will Remain

You should fill out this section if you might have LFOs remaining even if the court offers you the relief you have asked for in this petition. For example, if you owe restitution or a mandatory LFO you may have LFOs remaining after the court rules on your motion. If you aren't sure if you will have LFOs remaining, please fill out this section.

You should check the box requesting additional time if you don't believe you could immediately pay whatever LFOs that remain in a single payment. When filling out this section, you can list any amount that you can afford to pay each month.

If your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs (VA) payments, you are not required to pay any remaining LFOs. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you obtain income from another source, you will be required to pay your remaining LFOs. If your only source of income is from Social Security, child support, or VA payments, you should not check the box below titled "Additional Time and Payment Plan."

Additional Time and Payment Plan. I request additional time to pay any remaining LFOs and that I be placed on a payment plan I can afford directly through the Clerk. I can afford to pay \$ _____ per month. RCW 9.94A.6333 (3) (f); RCW 10.01.170(1); RCW 10.01.180(5).

Protected Source of Income. I do not have the ability to pay and request that the court not engage in any active efforts to collect any remaining LFOs. City of Richland v. Wakefield, 186 Wn.2d 596, 607, 380 P.3d 459, 465, (2016). My only income is:

- Social Security benefits (retirement, disability, etc.);
- Child support payments; or
- Benefits from the Department of Veterans Affairs

4. Other Relief

Please fill out this section if you would like to request any other relief not included above.

In addition to the relief requested above, I request that the court:

5. Hearing

You can ask the court to hold a hearing with you present or to decide this motion without a hearing. Please select either box A or box B, but not both. If you check box B, please check which type of hearing you would be able to attend.

A. No Hearing. I request that the court rule on my petition without a hearing.

B. Hearing. I ask that the court hold a hearing on my petition. I request to appear at the hearing:

Via video conference or telephone; or

In-person.

OPTIONAL: I have attached my financial case history report from the court clerk.

I request:

the court rule without a hearing.

a hearing by telephone video conference in court appearance.

6. Declaration of Service

You must deliver a copy of this form and the form titled, "Order re: Legal Financial Obligations" to the prosecutor. If your case is in Superior or District Court, the prosecutor will be the county prosecuting attorney's office (for example, Pierce County Prosecuting Attorney's Office). If your case is in municipal court, the prosecutor will be the city attorney's office (for example, Tacoma City Attorney's Office).

You should contact the prosecutor or city attorney's office, explain that you are filing a motion to reduce your legal financial obligations, and ask them how to send them ("serve") the forms. After you send them the forms, you can complete this section. Next, you should then call the court and ask them how to file your forms with the court. You should then file your forms with the court.

I mailed or delivered this Petition and a Proposed Order to the Prosecuting Attorney on (date) _____.

I mailed or delivered this Petition, Declaration and proposed Order to the Court on (date) _____ and to the Prosecuting Attorney on (date) _____.

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

Signed at (City) _____, (State) _____ on (Date) _____

Signature of Defendant

Print Name

The following is my contact information:

Email: _____ Phone: _____

Street Address or PO Box City State Zip

Lawyer (if any) fills out below:

Lawyer signs here

Print name and WSBA No.

Date

Lawyer's Street Address or PO Box City State Zip
Email (if applicable):

Court of Washington, County/City of

Form with fields for County/City of, vs., Defendant, and DOB. Includes title: No. Order re: Legal Financial Obligations (ORWILFO) Clerk Action Required

You should fill out this document after you fill out the "Petition re: Legal Financial Obligations." This document will tell the judge exactly what you are asking them to do. There are instructions in each section of the form. Please fill out any sections that apply to what you're asking the court to do by checking the boxes next to those sections. This should mostly match what you're asking for in your petition.

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re: Legal Financial Obligations (LFOs), the defendant's declaration, and any testimony, and has reviewed the relevant court records.

The Court finds:

[] The defendant has been released from total confinement in this matter.

[] The defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs. RCW 10.82.090 (2) (b).

[] The defendant is indigent. RCW 10.101.010(3); RCW 9.94A.6333 (3) (c); RCW 10.01.180(5); GR 34 (a) (3); State v. Blazina, 182 Wn.2d 827, 839, 344 P.2d 827 (2015) (instructing courts to look to GR 34 for guidance concerning ability to pay).

[] The defendant is homeless. RCW 9.94A.6333 (3) (d); RCW 9.94A.760(11); RCW 10.01.180 (1) (c).

[] The defendant's failure to timely pay LFOs was not willful. RCW 9.94A.6333 (3) (e); RCW 10.01.180(5).

[] The defendant [] has [] has not requested the opportunity for community restitution.

[] Other:

1. Jurisdiction

The Court finds:

You should only fill out this section if it has been more than 10 years since you were convicted in this case. If it has been more than 10 years since your conviction, you should check the box on the bottom of the next page.

You should also check the box at the top of page three if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing you were not sentenced to jail or prison time in this case. You can check this box even though you likely don't know whether the court extended the judgment in your case.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney. You should refer to the instruction packet for more information.

[] Time Since Conviction: Ten years have passed since the defendant was convicted in this case (entry of the judgment and sentence). RCW 3.66.120(3); RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); State v. Gossage, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

Time Since Release from Jail/Prison or Extension of the Judgment: Ten years have elapsed since the defendant was released from total confinement or extension of the criminal judgment, whichever is later. RCW 3.66.120(3); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

The Court orders:

If you checked either of the boxes above, you should check the two boxes below. It is possible the court may still be allowed to collect LFOs or restitution. If that is the case, the judge will uncheck the boxes below before signing the order.

Expiration of LFO Jurisdiction: The Court is no longer authorized to collect all LFOs and LFO interest. The court may continue to collect any restitution and restitution interest, unless the box, "Expiration of Restitution Jurisdiction," is checked below. RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

Expiration of Restitution Jurisdiction: The Court is no longer authorized to collect restitution and restitution interest. RCW 3.66.120(3); RCW 6.17.020(4)(a); RCW 9.94A.753(4); RCW 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

You should check the box below if you have paid off your restitution principal (the original restitution amount imposed by the court) and all that remains of your restitution obligation is interest.

Restitution Interest After Payment of Principal. The defendant has paid restitution in full. RCW 10.82.090(3)(b).

The Court orders:

You can check multiple boxes in this section.

You should check the first box if you would like your LFOs removed from collections and any collections fees to be waived.

You should check the second box if you would like all interest, except restitution interest, to be waived. The court is required to waive non-restitution interest if you make this request. This will not affect whether you can request restitution interest waiver in other sections of the form.

You should check the third box if you were convicted in Superior Court and would like the court to waive the DNA fee. The court is required to waive the DNA fee if you make this request.

You should check the fourth box if you have paid off your original restitution amount (restitution principal) ordered by the court and would like your restitution interest waived.

Collection. The defendant's LFOs are removed from collections and all collection fees are waived. RCW 19.16.500(1)(b); RCW 36.18.190.

~~**Collection.** The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.~~

LFO Interest. All unpaid interest, except restitution interest, is waived. RCW 10.82.090(3)(a).

DNA Fee. The DNA fee is waived. RCW 43.43.7541(2).

Restitution Interest Waiver After Payment of Principal. Because the defendant has paid restitution principal in full, all restitution interest is waived. RCW 10.82.090(3)(b).

Restitution Interest Waiver. Because the defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs, all restitution interest is waived. RCW 10.82.090(2)(b).

B. LFO Relief Due to Inability to Pay

The Court finds:

You can check multiple boxes in this section.

You should only fill out this section if you are unable to pay your LFOs. You are unable to pay your LFOs if, in the Petition, you checked any of the boxes in the section titled "Declaration of Inability to Pay (Indigency)." If you are unable to pay your LFOs, you should check the first box, below.

You should also check the second box in this section if you are unable to pay your LFOs and are also seeking waiver of restitution interest that accrued while you were in jail or prison.

Inability to Pay. The defendant is indigent and payment of LFOs will impose a manifest hardship on the defendant or their family. The defendant's failure to timely pay LFOs was not willful. RCW 7.68.035(5); RCW 10.01.160(3); RCW 10.01.185; RCW 9.94A.6333 (3)(c); RCW 10.01.180(5).

Release from Total Confinement. The defendant was released from total confinement in this matter.

Notice to party entitled to restitution. The prosecuting attorney made reasonable efforts provide notice of the date and time of the hearing to the victim entitled to the restitution interest and considered the victim's input regarding financial hardship caused to the victim if interest is reduced or waived, if any.

The Court orders:

You can check multiple boxes in this section.

You should check the first box if you are requesting waiver of your LFOs. You do not need to list which required (mandatory) LFOs (if any) will remain. The judge will fill in that information.

You should check the second box if you owe restitution to an insurer or state agency (other than the Department of Labor & Industries) and would like it to be waived. This would eliminate all remaining restitution (the initial amount imposed and interest) in your case.

You should check the third box if you would like restitution interest that was added to the original amount ordered (accrued) while you were in jail or prison to be waived.

Remission. All discretionary LFOs that are not restitution, including all costs or fees attendant to private debt collection efforts, are waived. RCW 9.94A.6333 (3)(f); RCW 10.01.160 (3), (4) (relating to costs); RCW 10.01.180(5); RCW 46.63.190; RCW 36.18.190. The following mandatory LFOs shall remain:

Waiver of LFOs. Because the defendant is unable to pay, all discretionary LFOs, except restitution, are waived. RCW 7.68.035(5); RCW 9.94A.6333 (3)(f); RCW 10.01.160 (3), (4) (relating to costs); RCW 10.01.180(5); RCW 36.18.190. The following LFO's are **NOT** waived:

⋮

Waiver of Restitution Owed to an Insurer or State Agency or Insurer. Because the defendant is unable to pay and owes restitution to an insurer or state agency (other than the Department of Labor & Industries), the restitution owed is waived. RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

Waiver of Restitution Interest During Total Confinement. Because the defendant has been released from total confinement and is unable to pay, all restitution interest accrued during the defendant's period of confinement is waived. RCW 10.82.090(3).

3. Process for Paying Any LFOs That Will Remain

You should fill out this section if you filled out Section 3 in the Petition (also titled "Process for Paying Any LFOs That Will Remain").

The Court finds:

Instructions: You should fill out this section if your only source of income is Social Security benefits, child support payments, or benefits from the Department of Veterans Affairs. Please indicate which type of benefits you receive.

Protected Source of Income. The defendant's only source of income is:

Social Security benefits (retirement, disability, etc.); 42 U.S.C.A. § 407

Child support payments; or RCW 6.15.010

Benefits from the Department of Veterans Affairs 38 U.S.C.A. § 1562

The Court orders:

You should check the first box, below, if you requested additional time to pay your LFOs in Section 3 of the Petition. Please fill in the monthly payment amount you included in your petition.

You should check the second box if your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs payments. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you receive income from another source, you will be required to pay your remaining LFOs.

Instructions for Judges: If a defendant's only source of income is from Social Security, child support, or the Department of Veterans Affairs, federal law and caselaw prohibit the Clerk from taking any active efforts to collect that money. City of Richland v. Wakefield, 186 Wn.2d 596, 607, 380 P.3d 459, 465 (2016).

Additional Time and Payment Plan. The defendant shall be placed on a payment plan through the Clerk for all remaining LFOs. Payments shall be made directly to the Clerk. The defendant shall pay \$_____ per month. RCW 9.94A.6333 (3)(f); RCW 10.01.170(1); RCW 10.01.180(5).

Protected Source of Income. Because the defendant's only source of income is from a protected source, the Clerk shall not engage in any active efforts to collect any remaining LFOs. The Defendant shall not be required to make any LFO payments, the Clerk shall not mail the Defendant any LFO billing materials, and the Defendant's account shall not be sent to collections. *City of Richland v. Wakefield, 186 Wn.2d 596, 607, 380 P.3d 459, 465, (2016).*

Reduction. RCW 9.94A.6333 (3)(f); RCW 10.01.180(5). All discretionary LFOs that are not restitution are reduced as follows:

Community Restitution. All discretionary LFOs that are not restitution are converted to community restitution hours through a community restitution program at the rate of \$_____ per hour for each hour of community restitution. RCW 9.94A.6333 (3)(f); RCW 10.01.180(5); RCW 46.63.190.

~~Additional Time.~~ RCW 9.94A.6333 (3)(f); RCW 10.01.180(5); RCW 10.82.090 (2)(b); RCW 10.01.170; RCW 46.63.190. All remaining LFOs may be paid according to the following schedule:

Next payment due date: _____
Minimum monthly payment: _____
Payments shall be made to: _____

4. Other Relief

If you asked for other relief in Section 4 of the Petition, please include the relief you asked for below.

The Court orders:

To be filled out by Judge:

Dated: _____ Judge _____

To be filled out by person filling out this form:
Presented by: _____

Signature of Defendant/Attorney WSBA No.

Print Name

Petition re: Legal Financial Obligation Instructions

Use the petition to ask the Court to waive or reduce the amount you owe, or to remove your Legal Financial Obligations (LFOs) from collections. Please fill out any sections that might apply to your case. After you fill out the petition, you should also fill out a proposed order for the judge to sign. That form is called "Order re: Legal Financial Obligations" and instructions for completing that document follow the petition instructions in this document. You must fill out a separate copy of the petition and order for each case you have.

Each section, below, includes instructions for filling out the matching section in the petition.

1. Jurisdiction

Instructions: If it has been more than 10 years since you were convicted in this case or completed the jail/prison term imposed at your sentencing, the court may be required to cancel some or all of your LFOs. By completing this section, you are asking the court to review whether it is required to cancel any of your LFOs.

You should check the first box in this section if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing. If you were sent back to jail or prison for violating probation or community custody, this does not restart the 10 year period. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the first box.

You should check the second box in this section if you were not sentenced to jail or prison time in this case. If you have spent time in jail or prison in the past 10 years, but it was not related to this conviction, you can still check the second box.

You should check the third box in this section if it has been fewer than 10 years since you completed the jail/prison term imposed at your sentencing.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

Instructions: Anyone filling out this form may ask for relief in Part A.

B. LFO Relief Due to Inability to Pay (Indigency)

i. Inability to Pay

Instructions: You can complete this section regardless of whether you completed Part A. However, you may only ask for relief in this section if you are unable to pay. If you don't know whether you are considered unable to pay, you can review the criteria in Section ii of the Petition (Declaration of Inability to Pay (Indigency)). If you check one of the boxes in that section, you are considered unable to pay.

ii. Declaration

Instructions: You should complete this section if you completed the previous section—"i) Waive or Reduce LFOs Due to Inability to Pay (Indigency)". You only need to meet one of the listed criteria to be considered unable to pay. However, in order to give a full picture of your inability to pay to the court, please check all boxes that apply to your life.

3. Process for Paying Any LFOs That Will Remain

Instructions: You should fill out this section if you might have LFOs remaining even if the court offers you the relief you have asked for in this petition. For example, if you owe restitution or a mandatory LFO (Victim Penalty Assessment, DNA Fee, etc.) you may have LFOs remaining after the court rules on your motion. If you aren't sure if you will have LFOs remaining, please fill out this section.

You should check the box requesting additional time if you don't believe you could immediately pay whatever LFOs that remain in a single payment. When filling out this section, you can list any amount that you can afford to pay each month.

If your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs (VA) payments, you are not required to pay any remaining LFOs. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you obtain income from another source, you will be required to pay your remaining LFOs. If your only source of income is from Social Security, child support, or VA payments, you should not check the box in this section titled "Additional Time and Payment Plan."

4. Other Relief

Instructions: Please fill out this section if you would like to request any other relief not included in other sections of the petition.

5. Hearing

Instructions: You can ask the court to hold a hearing with you present or to decide this motion without a hearing. Please select either box A or box B, but not both. If you check box B, please check which type of hearing you would be able to attend.

6. Declaration of Service

Instructions: You must deliver a copy of the petition and the form titled, "Order re: Legal Financial Obligations" to the prosecutor. If your case is in Superior or District Court, the prosecutor

will be the county prosecuting attorney's office (for example, Pierce County Prosecuting Attorney's Office). If your case is in municipal court, the prosecutor will be the city attorney's office (for example, Tacoma City Attorney's Office).

You should contact the prosecutor or city attorney's office, explain that you are filing a motion to reduce your legal financial obligations, and ask them how to send them ("serve") the forms. After you send them the forms, you can complete this section. Next, you should then call the court and ask them how to file your forms with the court. You should then file your forms with the court.

Order re: Legal Financial Obligation Instructions

You should fill out the order after you fill out the "Petition re: Legal Financial Obligations." The order will tell the judge exactly what you are asking them to do. Please fill out all sections that apply to what you're asking the court to do by checking the boxes next to those sections. This should mostly match what you're asking for in your petition.

Each section, below, includes instructions for filling out the matching section in the order.

1. Jurisdiction

The Court finds:

Instructions: You should only fill out this section if it has been more than 10 years since you were convicted in this case. If it has been more than 10 years since your conviction, you should check the box titled "Time Since Conviction."

You should also check the box titled "Time Since Release from Jail/Prison or Extension of the Judgment" if it has been more than 10 years since you completed the jail/prison term imposed at your sentencing you were not sentenced to jail or prison time in this case. You can check this box even though you likely don't know whether the court extended the judgment in your case.

If you were convicted of Rape of a Child, which resulted in pregnancy, your case has special rules and you should contact an attorney.

The Court orders:

If you checked either of the boxes in this previous section ("Time Since Conviction" or "Time Since Release from Jail/Prison or Extension of the Judgment"), you should check the two boxes in this section. It is possible the court may still be allowed to collect LFOs or restitution. If that is the case, the judge will uncheck the boxes in this section before signing the order.

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

Instructions: You should check the box in this section if you have paid off your restitution principal (the original restitution amount imposed by the court) and all that remains of your restitution obligation is interest.

The Court orders:

Instructions: You can check multiple boxes in this section.

You should check the first box if you would like your LFOs removed from collections and any collections fees to be waived.

You should check the second box if you would like all interest, except restitution interest, to be waived. The court is required to waive non-restitution interest if you make this request. This will not affect whether you can request restitution interest waiver in other sections of the form.

You should check the third box if you were convicted in Superior Court and would like the court to waive the DNA fee. The court is required to waive the DNA fee if you make this request.

You should check the fourth box if you have paid off your original restitution amount (restitution principal) ordered by the court and would like your restitution interest waived.

B. LFO Relief Due to Inability to Pay

The Court finds:

Instructions: You can check multiple boxes in this section.

You should only fill out this section if you are unable to pay your LFOs. You are unable to pay your LFOs if, in the Petition, you checked any of the boxes in the section titled "Declaration of Inability to Pay (Indigency)." If you are unable to pay your LFOs, you should check the first box in this section.

You should also check the second box in this section if you are unable to pay your LFOs and are also seeking waiver of restitution interest that accrued while you were in jail or prison.

The Court orders:

Instructions: You can check multiple boxes in this section.

You should check the first box in this section if you are requesting waiver of your LFOs. You do not need to list which required (mandatory) LFOs (if any) will remain. The judge will fill in that information.

You should check the second box in this section if you owe restitution to an insurer or state agency (other than the Department of Labor & Industries) and would like it to be waived. This would eliminate all remaining restitution (the initial amount imposed and interest) in your case.

You should check the third box in this section if you would like restitution interest that was added to the original amount ordered (accrued) while you were in jail or prison to be waived.

3. Process for Paying Any LFOs That Will Remain

Instructions: You should fill out this section if you filled out Section 3 in the Petition (also titled "Process for Paying Any LFOs That Will Remain").

The Court finds:

Instructions: You should fill out this section if your only source of income is Social Security benefits, child support payments, or benefits from the Department of Veterans Affairs. Please indicate which type of benefits you receive.

The Court orders:

Instructions: You should check the first box in this section if you requested additional time to pay your LFOs in Section 3 of the Petition. Please fill in the monthly payment amount you included in your petition.

You should check the second box in this section if your only source of income is from Social Security (retirement, disability, etc.), child support payments, or Department of Veterans Affairs payments. In this situation, you will continue to owe your LFOs, but the Court will not require you to make payments or send your account to collections. In the future, if you receive income from another source, you will be required to pay your remaining LFOs.

4. Other Relief

Instructions: If you asked for other relief in Section 4 of the Petition, please include the relief you asked for in this section.

_____ Court of Washington, County/City of _____

Plaintiff. vs.	
Defendant.	DOB:

No. _____
Petition re: Legal Financial Obligations (PT)

Use this form to ask the Court to waive or reduce the amount you owe, or to remove your Legal Financial Obligations (LFOs) from collections.

Petition re: Legal Financial Obligation

The undersigned requests that the sentencing court grant an order that will ~~(check all boxes that apply):~~

1. Jurisdiction

I declare, to the best of my knowledge, that more than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed in this case. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

I declare, to the best of my knowledge, that I did not receive a jail or prison sentence (total confinement) in this case. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

I declare, to the best of my knowledge, that fewer than 10 years have passed since I completed the jail or prison sentence (total confinement) imposed in this case. I ask the court to review whether it has jurisdiction to collect remaining LFOs, restitution, and interest. (RCW 3.66.120; RCW 6.17.020(4); 9.94A.760(5); RCW 9.94A.753(4); 9.94A.760(5); *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008)).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay (Check all that apply):

Collection. I request that the court remove my unpaid LFOs from collection and waive all collection fees. RCW 19.16.500 (1)(b); RCW 36.18.190; GR 39.

LFO Interest. I request that the court waive all unpaid interest on my LFOs that are not restitution. RCW 10.82.090 (3)(a)).

DNA Fee. I request that the court waive the DNA fee. RCW 43.43.7541(2).

Restitution Interest After Payment of Original Amount Owed (Principal Balance). I have paid the original amount owed (principal balance) of my restitution in full. All that remains of my restitution obligation is the added (accrued) interest. I ask that the court waive or reduce the remaining interest on my restitution. (RCW 10.82.090 (3)(b))

B. LFO Relief Due to Inability to Pay (Indigency)

Remission Waiver or Reduction of LFOs. I request that all unpaid optional (discretionary) LFOs be waived or reduced. ~~Waive or reduce all unpaid discretionary LFOs~~ RCW 7.68.035(5); RCW 9.94A.6333 (3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5).

Restitution Owed To An Insurer or State Agency. I request that the court waive or reduce restitution and added (accrued) interest owed to an insurer or a state agency (other than the Department of

Labor and Industries). RCW 3.66.120, RCW 9.94A.750, .753, RCW 9.92.060, 760, RCW 9.95.210.

Restitution Interest After Release from Total Confinement. I declare that I have been released from jail or prison (total confinement). I ask that restitution interest that accrued during my confinement be reduced or waived. (RCW 10.82.090)

Date I entered jail or prison in this case: _____

Date I was released from jail or prison in this case: _____

3. Declaration of Inability to Pay (Indigency)

I declare that I have not had enough money to pay all my LFOs and, because of this, my failure to pay them has not been willful. I declare that I am indigent (do not have the ability to pay) because:

I am the defendant in the above action and declare that I have been released from total confinement on this matter: (Check all that apply)

I have paid my restitution in full.

I am indigent because:

I am receiving one of the following types of public assistance (RCW 10.01.160 (3) (a)):

Food stamps or food stamp benefits transferred electronically (EBT);

Medicaid (for example, Apple Health);

Supplemental Security Income (SSI);

Temporary Assistance for Needy Families (TANF);

Aged, Blind, or Disabled assistance benefits (ABD);

Pregnant women assistance benefits;

Poverty-related veterans' benefits;

Refugee resettlement benefits; or

Medical care services under RCW 74.09.035;

I am homeless. (RCW 10.01.160 (3) (b)).

I am involuntarily committed to a public mental health facility. (RCW 10.101.010 (3) (b).)

I have an acute, chronic, or serious mental illness. (RCW 10.01.160 (3) (b)).

I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.01.160 (3) (a)). You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>; 125% of the federal poverty level can be found here: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=82>.

I am receiving an annual income, after taxes, of more than 125% of the federally established poverty level but I have living expenses making me unable to pay the LFOs imposed. (RCW 10.01.160 (3) (c)). You can find the income limits (federally established poverty level) at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

Details: _____

Other compelling circumstances exist that explain my inability to pay my LFOs. (RCW 10.01.160 (3) (d); RCW 13.40.192). Details:

~~[] I am not able to complete community restitution hours because:~~

~~[] I have not paid my LFOs in a timely manner. However, my late payment(s) or failure to pay was/were not willful because:~~

3. Process for Paying Any LFOs That Will Remain

~~[] **Additional Time and Payment Plan.** I request additional time to pay any remaining LFOs and that I be placed on a payment plan I can afford directly through the Clerk. I can afford to pay \$ _____ per month. RCW 9.94A.6333 (3) (f); RCW 10.01.170(1); RCW 10.01.180(5).~~

~~[] **Protected Source of Income.** I do not have the ability to pay and request that the court not engage in any active efforts to collect any remaining LFOs. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465, (2016). My only income is:~~

- ~~[] Social Security benefits (retirement, disability, etc.);~~
- ~~[] Child support payments; or~~
- ~~[] Benefits from the Department of Veterans Affairs~~

4. Other Relief

~~[] In addition to the relief requested above, I request that the court:~~

5. Hearing

~~[] **A. No Hearing.** I request that the court rule on my petition without a hearing.~~

~~[] **B. Hearing.** I ask that the court hold a hearing on my petition. I request to appear at the hearing:~~

- ~~[] Via video conference or telephone; or~~
- ~~[] In-person.~~

~~[] **OPTIONAL:** I have attached my financial case history report from the court clerk.~~

~~I request:~~

~~[] the court rule without a hearing.~~

~~[] a hearing by [] telephone [] video conference [] in court appearance.~~

6. Declaration of Service

~~I mailed or delivered this Petition and a Proposed Order to the Prosecuting Attorney on (date) _____.~~

~~I mailed or delivered this Petition, Declaration and proposed Order to the Court on (date) _____ and to the Prosecuting Attorney on (date) _____.~~

~~I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.~~

~~Signed at (City) _____, (State) _____ on (Date) _____~~

Signature of Defendant

Print Name

The following is my contact information:

Email: _____ Phone: _____

Street Address or PO Box City State Zip

Lawyer (if any) fills out below:

Lawyer signs here Print name and WSBA No. Date

Lawyer's Street Address or PO Box City State Zip

Email (if applicable): _____

Court of Washington, County/City of _____

County/City of, vs. Defendant. _____	DOB: _____	No. Order re: Legal Financial Obligations (ORWILFO) Clerk Action Required
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Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order re: Legal Financial Obligations (LFOs), the defendant's declaration, and any testimony, and has reviewed the relevant court records.

~~The Court finds:~~

~~[] The defendant has been released from total confinement in this matter.~~

~~[] The defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs. RCW 10.82.090 (2) (b).~~

~~[] The defendant is indigent. RCW 10.101.010(3); RCW 9.94A.6333 (3) (c); RCW 10.01.180(5); GR 34 (a) (3); State v. Blazina, 182 Wn.2d 827, 839, 344 P.2d 827 (2015) (instructing courts to look to GR 34 for guidance concerning ability to pay).~~

~~[] The defendant is homeless. RCW 9.94A.6333 (3) (d); RCW 9.94A.760(11); RCW 10.01.180 (1) (c).~~

~~[] The defendant's failure to timely pay LFOs was not willful. RCW 9.94A.6333 (3) (e); RCW 10.01.180(5).~~

~~[] The defendant [] has [] has not requested the opportunity for community restitution.~~

~~[] Other:~~

1. Jurisdiction

The Court finds:

~~[] **Time Since Conviction:** Ten years have passed since the defendant was convicted in this case (entry of the judgment and sentence). RCW 3.66.120(3); RCW 6.17.020(1); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); State v. Gossage, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).~~

~~[] **Time Since Release from Jail/Prison or Extension of the Judgment:** Ten years have elapsed since the defendant was released from total confinement or extension of the criminal judgment, whichever is later. RCW 3.66.120(3); RCW 6.17.020(4); RCW 9.94A.750(4); RCW 9.94A.753(4); RCW 9.94A.760(5); State v. Gossage, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).~~

The Court orders:

~~[] **Expiration of LFO Jurisdiction:** The Court is no longer authorized to collect all LFOs and LFO interest. The court may continue to collect any restitution and restitution interest, unless the box, "Expiration of Restitution Jurisdiction," is checked below. RCW~~

6.17.020(1); RCW 6.17.020(4); RCW 9.94A.753(4); RCW 9.94A.760(5); State v. Gossage, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

[] Expiration of Restitution Jurisdiction: The Court is no longer authorized to collect restitution and restitution interest. RCW 3.66.120(3); RCW 6.17.020 (4) (a); RCW 9.94A.753(4); RCW 9.94A.760(5); State v. Gossage, 165 Wn.2d 1, 8, 195 P.3d 525, 528 (2008).

2. Reduce or Waive LFOs

A. LFO Relief Available Regardless of Ability to Pay

The Court finds:

[] Restitution Interest After Payment of Principal. The defendant has paid restitution in full. RCW 10.82.090 (3) (b).

The Court orders:

[] Collection. The defendant's LFOs are removed from collections and all collection fees are waived. RCW 19.16.500 (1) (b); RCW 36.18.190.

~~[] Collection.~~ The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.

[] LFO Interest. All unpaid interest, except restitution interest, is waived. RCW 10.82.090 (3) (a).

[] DNA Fee. The DNA fee is waived. RCW 43.43.7541(2).

[] Restitution Interest Waiver After Payment of Principal. Because the defendant has paid restitution principal in full, all restitution interest is waived. RCW 10.82.090 (3) (b).

~~[] Restitution Interest Waiver.~~ Because the defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs, all restitution interest is waived. RCW 10.82.090 (2) (b).

B. LFO Relief Due to Inability to Pay

The Court finds:

[] Inability to Pay. The defendant is indigent and payment of LFOs will impose a manifest hardship on the defendant or their family. The defendant's failure to timely pay LFOs was not willful. RCW 7.68.035(5); RCW 10.01.160(3); RCW 10.01.185; RCW 9.94A.6333 (3) (c); RCW 10.01.180(5).

[] Release from Total Confinement. The defendant was released from total confinement in this matter.

[] Notice to party entitled to restitution. The prosecuting attorney made reasonable efforts provide notice of the date and time of the hearing to the victim entitled to the restitution interest and considered the victim's input regarding financial hardship caused to the victim if interest is reduced or waived, if any.

The Court orders:

~~[] Remission.~~ All discretionary LFOs that are not restitution, including all costs or fees attendant to private debt collection efforts, are waived. RCW 9.94A.6333 (3) (f); RCW 10.01.160 (3), (4) (relating to costs); RCW 10.01.180(5); RCW 46.63.190; RCW 36.18.190. The following mandatory LFOs shall remain:

[] Waiver of LFOs. Because the defendant is unable to pay, all discretionary LFOs, except restitution, are waived. RCW 7.68.035(5); RCW 9.94A.6333 (3) (f); RCW 10.01.160(3), (4) (relating to costs); RCW 10.01.180(5); RCW 36.18.190. The following LFO's are **not** waived:

[] Waiver of Restitution Owed to an Insurer or State Agency or Insurer. Because the defendant is unable to pay and owes restitution to an insurer or state agency (other than the Department of Labor &

Industries), the restitution owed is waived. RCW 3.66.120; RCW 9.94A.750, .753; RCW 9.92.060, 760; RCW 9.95.210.

Waiver of Restitution Interest During Total Confinement. Because the defendant has been released from total confinement and is unable to pay, all restitution interest accrued during the defendant's period of confinement is waived. RCW 10.82.090(3).

3. Process for Paying Any LFOs That Will Remain

The Court finds:

Protected Source of Income. The defendant's only source of income is:

Social Security benefits (retirement, disability, etc.); 42 U.S.C.A. § 407

Child support payments; or RCW 6.15.010

Benefits from the Department of Veterans Affairs 38 U.S.C.A. § 1562

The Court orders:

Additional Time and Payment Plan. The defendant shall be placed on a payment plan through the Clerk for all remaining LFOs. Payments shall be made directly to the Clerk. The defendant shall pay \$ _____ per month. RCW 9.94A.6333 (3)(f); RCW 10.01.170(1); RCW 10.01.180(5).

Protected Source of Income. Because the defendant's only source of income is from a protected source, the Clerk shall not engage in any active efforts to collect any remaining LFOs. The Defendant shall not be required to make any LFO payments, the Clerk shall not mail the Defendant any LFO billing materials, and the Defendant's account shall not be sent to collections. *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459, 465, (2016).

Reduction. RCW 9.94A.6333 (3)(f); RCW 10.01.180(5). All discretionary LFOs that are not restitution are reduced as follows:

Community Restitution. All discretionary LFOs that are not restitution are converted to community restitution hours through a community restitution program at the rate of \$ _____ per hour for each hour of community restitution. RCW 9.94A.6333 (3)(f); RCW 10.01.180(5); RCW 46.63.190.

Additional Time. RCW 9.94A.6333 (3)(f); RCW 10.01.180(5); RCW 10.82.090 (2)(b); RCW 10.01.170; RCW 46.63.190. All remaining LFOs may be paid according to the following schedule:

Next payment due date: _____
Minimum monthly payment: _____
Payments shall be made to: _____

4. Other Relief

The Court orders:

To be filled out by Judge:

Dated: _____

Judge

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name

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

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

WSR 23-22-003
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 18, 2023, 4:00 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 9.05: Translation of DCS Forms.

Subject: Translation of DCS forms.

Effective Date: October 12, 2023.

Document Description: This policy explains how DCS provides translated forms.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5178, TDD/TTY 800-833-6384, fax 360-664-5342, email Kirsten.Turner@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-22-006
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE

[Filed October 18, 2023, 4:50 p.m.]

This notice is in accordance with RCW 42.30.075 that the board of trustees for Big Bend Community College, District No. 18 2024 board meeting schedule is as follows:

Thursday, February 1, 2024, at 1:30 p.m.

Thursday, March 14, 2024, at 1:30 p.m.

Thursday, May 9, 2023 [2024], at 1:30 p.m.

Thursday, June 6, 2024, at 1:30 p.m.

Thursday, August 29, 2024 (retreat)

Thursday, October 10, 2024, at 1:30 p.m.

Thursday, December 12, 2024, at 1:30 p.m.

If you have questions, please feel free to call.

WSR 23-22-014

NOTICE OF PUBLIC MEETINGS

EVERETT COMMUNITY COLLEGE

[Filed October 19, 2023, 11:28 a.m.]

2023-2024 Board of Trustees Meeting Dates

Please refer to the website <https://www.everettcc.edu/administration/trustees/meetings-and-minutes> for updated meeting details.

Date:	Time:	Location:
July 18, 2023 Regular meeting	5 p.m.	Jackson Wilderness
September 19, 2023 Regular meeting	5 p.m.	Jackson Wilderness
November 28, 2023 Regular meeting	5 p.m.	Jackson Wilderness
January 16, 2024 Regular meeting	5 p.m.	Jackson Wilderness
March 19, 2024 Regular meeting	5 p.m.	Jackson Wilderness
May 21, 2024 Regular meeting	5 p.m.	Jackson Wilderness
June 18, 2024 Regular meeting	5 p.m.	Jackson Wilderness

WSR 23-22-021

NOTICE OF PUBLIC MEETINGS

EXECUTIVE ETHICS BOARD

[Filed October 20, 2023, 8:52 a.m.]

The following is the executive ethics board (board) meeting schedule for the year 2024. The board will hold regular monthly meetings on the second Friday of each month or as indicated otherwise. All meetings will begin at 9:00 a.m. and be held at 7141 Cleanwater Drive S.W., Conference Room N110, Olympia, WA, and will also be broadcast via Zoom.

Meeting dates for 2024 are:

January 12	
February	No meeting
March 8	
April	No meeting
May 10	
June	No meeting
July 12	
August	No meeting
September 13	
October	No meeting
November 8	
December	No meeting

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

For additional information or reasonable accommodations to attend meetings, please contact board staff at 360-664-0871. Reasonable accommodation requests should be made at least 10 working days prior to the scheduled meeting date.

**WSR 23-22-024
NOTICE OF PUBLIC MEETINGS
EDMONDS COLLEGE**

[Filed October 20, 2023, 12:32 p.m.]

At the October 19, 2023, meeting, the Edmonds College board of trustees set its regular meeting schedule for 2024 as follows:

MONTH	DAY	START TIME	END TIME	MEETING TYPE
January - No meeting				
February 15, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
March 21, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
April 18, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
May 9, 2024	Thursday	4:00 p.m.	6:30 p.m.	Regular meeting
June 13, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
July - No meeting				
August 8-9, 2024	Thursday, Friday	8:00 am	5:00 p.m.	Study session
September 19, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
October 17, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
November 14, 2024	Thursday	3:30 p.m.	6:30 p.m.	Study session and regular meeting
December - No meeting				

If you need further information, contact Kristen NyQuist, Edmonds College, 20000 68th Avenue West, Lynnwood, 98036, kristen.nyquist@edmonds.edu.

WSR 23-22-028
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Filed October 20, 2023, 3:30 p.m.]

The community economic revitalization board (CERB) will hold regularly scheduled business meetings on the following dates:

2024 Meetings	Location
January 18, 2024	Washington State Department of Commerce Olympia, Washington
March 21, 2024	Washington State Department of Commerce Olympia, Washington
May 16, 2024	Washington State Department of Commerce Olympia, Washington
July 18, 2024	Washington State Department of Commerce Olympia, Washington
September 19, 2024	Washington State Department of Commerce Olympia, Washington
November 21, 2024	Washington State Department of Commerce Olympia, Washington

The meetings begin at 9:00 a.m. The agenda packet for each meeting will be posted on our website one week prior to each meeting www.commerce.wa.gov/cerb.

Please contact the CERB main line at 360-764-9820 for additional information, or find us on the web at www.commerce.wa.gov/cerb.

WSR 23-22-031

NOTICE OF PUBLIC MEETINGS

BUILDING CODE COUNCIL

[Filed October 23, 2023, 11:08 a.m.]

Revision to 2023 Meeting Schedule

In accordance with RCW 42.30.075, the Washington state building code council (council) is filing the following revisions to their regular meeting schedule.

If you have questions or need additional information, please contact council staff at 360-407-9255 or via email at sbcc@des.wa.gov.

Date	Location	Time
Friday, November 17, 2023	1500 Jefferson Street S.E. Olympia, WA 98501 Room 1213 Optional remote access	10:00 a.m.
Tuesday, November 28, 2023 (New meeting)	1500 Jefferson Street S.E. Olympia, WA 98501 Room 2208 Optional remote access	10:00 a.m.

WSR 23-22-039

NOTICE OF PUBLIC MEETINGS

ALFALFA SEED COMMISSION

[Filed October 23, 2023, 3:45 p.m.]

Following is the schedule of regular meetings for the Washington alfalfa seed commission for 2024:

Tuesday, February 20	Noon	Tri-Cities, Washington
Tuesday, May 14	10:00 a.m.	Annual meeting Alfalfa seed field day Touchet, Washington
Tuesday, September 24	Noon	Tri-Cities, Washington
Tuesday, December 10	Noon	Tri-Cities, Washington

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, C-2, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 23-22-040
NOTICE OF PUBLIC MEETINGS
MINT COMMISSION
 [Filed October 23, 2023, 3:51 p.m.]

The Washington mint commission will be holding the following regular meetings in 2024:

First Quarter (January - March)		
February 21, Wednesday	1 p.m.	Three Rivers Convention Center Kennewick, Washington
Second Quarter (April - June)		
April 9, Tuesday	6:00 p.m. dinner 7:00 p.m. meeting	Snipes Mountain Brewery Sunnyside, Washington
Second Quarter (April - June)		
June 4, Tuesday	3:00 p.m.	Mint commission meeting, followed by mint field day at WSU IAREC Research Station Prosser, Washington
Third Quarter (July - September)		
September 17, Tuesday	6:00 p.m. dinner 7:00 p.m. meeting	Snipes Mountain Brewery and Restaurant
Fourth Quarter (October - December)		
November 5, Tuesday	10:00 a.m.	Researchers meeting at WSU IAREC Research Station Prosser, Washington followed by noon commission meeting
Annual Meeting		
December 3, Tuesday	Noon	Three Rivers Convention Center Kennewick, Washington

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 23-22-046
RULES COORDINATOR
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed October 24, 2023, 4:17 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington state criminal justice training commission is Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, phone 206-670-5813, email lacey.ledford@cjtc.wa.gov.

Monica A. Alexander
Executive Director

WSR 23-22-057
PUBLIC RECORDS OFFICER
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed October 25, 2023, 9:33 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state criminal justice training commission is Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 206-793-6332, email Derek.Zable@cjtc.wa.gov.

Monica Alexander
Executive Director

WSR 23-22-059

NOTICE OF PUBLIC MEETINGS

RENTON TECHNICAL COLLEGE

[Filed October 25, 2023, 9:58 a.m.]

Pursuant to RCW 42.30.075, please be advised that the Renton Technical College board of trustees' regular meetings during 2024 will be held as follows:

Date	Week/Day of the Month
January 17, 2024	Third Wednesday
February 21, 2024	Third Wednesday
March 20, 2024	Third Wednesday
April 17, 2024	Third Wednesday
May 15, 2024	Third Wednesday
June 12, 2024	Third Wednesday
September 18, 2024	Second Wednesday *
October 16, 2024	Third Wednesday
November 20, 2024	Third Wednesday
December 11, 2024	Second Wednesday *

There are no regular meetings during the months of July and August. All regular meetings are scheduled at 3:00 p.m., at Renton Technical College, 3000 N.E. 4th Street, Roberts Campus Center Culinaire Room, Room I-104, Renton, WA 98056-4195.

If you need further information, please contact Erin Lewis at 425-235-2426.

WSR 23-22-064

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

(Agricultural and Seasonal Workforce Services Advisory Committee)

[Filed October 25, 2023, 11:13 a.m.]

Meeting Dates

February 2023 - January 2024

Third Wednesday at 1:00 p.m., unless otherwise indicated

Date	Location	Notes
February 15, 2023	Virtual	^Recorded meeting
March 15, 2023	Granger	KDNA 121 Sunnyside Avenue Granger, WA 98932
April 19, 2023	Virtual	^Recorded meeting
May 17, 2023	Virtual	^Recorded meeting
June 21, 2023	Granger	Cosecha Court II Cherry Hill Road Community Room 250 Granger, WA 98932
July 19, 2023	Virtual	^Recorded meeting
August 16, 2023	Virtual	^Recorded meeting
September 20, 2023	Granger	Cosecha Court II Cherry Hill Road Community Room 250 Granger, WA 98932
October 18, 2023	Virtual	^Recorded meeting
November 8, 2023***	Virtual	^Recorded meeting
January 17, 2024	Virtual	^Recorded meeting

** Extra meetings added.

*** Meeting dates moved.

Per vote of the agricultural and seasonal workforce services (ASWS) advisory committee members, meetings are being recorded as of the May 21, 2020, meeting.

^ RECORDING DISCLAIMER: This meeting may be recorded. Please be advised that if the meeting is recorded, your image will be captured and recorded during the videoconference. Your participation in this videoconference equals consent to be recorded as required by law. Questions about the collection may be addressed to ASWS at 815 North Kellogg Street, Suite D, Kennewick, WA 99336.

WSR 23-22-065

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed October 25, 2023, 11:16 a.m.]

Pursuant to RCW 42.30.075, the Bellingham Technical College board of trustees *regular* meetings during 2024 will be held on the third Thursday of each month except January, July, August, and September. All meetings will begin at 9:00 a.m. in the College Services Building Board Room, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225.

March 21, 2024

April 18, 2024

May 16, 2024

June 20, 2024

October 17, 2024

November 21, 2024

December 19, 2024

If you have questions, please contact Ronda Laughlin at 360-752-8334 or email r laughlin@btc.edu.

WSR 23-22-071
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Filed October 25, 2023, 4:14 p.m.]

Following is the schedule of regular meetings for the Peninsula College board of trustees for the 2023-24 academic year:

Date	Time	Location
October 17, 2023	2:00 p.m.	Peninsula College Port Angeles Cornaby Center
November 28, 2023	2:00 p.m.	Peninsula College Port Angeles Cornaby Center
December 19, 2023	2:00 p.m.	Peninsula College Port Angeles Cornaby Center
February 20, 2024	2:00 p.m.	Peninsula College Port Angeles Cornaby Center
March 19, 2024	2:00 p.m.	Peninsula College Port Angeles Cornaby Center
April 16, 2024	2:00 p.m.	Peninsula College Forks
May 21, 2024	2:00 p.m.	Peninsula College Port Townsend
June 15, 2024	TBD	Commencement Peninsula College Port Angeles
June 18, 2024	TBD	Peninsula College Port Angeles Cornaby Center

If you need further information, contact Trisha Haggerty, Executive Assistant to the President, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, 360-417-6201, thaggerty@pencol.edu, website <https://pencol.edu/about-pc/board-trustees/board-meeting-agendas-minutes>.

WSR 23-22-087
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Dental Hygiene Examining Committee)
 [Filed October 30, 2023, 8:42 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the approved schedule of regular meetings for the department of health (DOH), dental hygiene examining committee (committee), for the year 2024. The committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting.

2024 Meeting Schedule

Approved by the committee October 13, 2023.

Date	Time	Location
February 9, 2024	9:00 a.m.	Hybrid - Webinar and L&I Headquarters 7273 Linderson Way, S.W. Room S130 Tumwater, WA 98501
April 12, 2024	9:00 a.m.	Hybrid - Webinar and L&I Headquarters 7273 Linderson Way, S.W. Room S130 Tumwater, WA 98501
July 19, 2024	9:00 a.m.	Hybrid - Webinar and L&I Headquarters 7273 Linderson Way, S.W. Room S130, Tumwater, WA 98501
October 11, 2024	9:00 a.m.	To be determined

If you need further information, please contact Bruce Bronoske, Jr., Program Manager, Dental Hygiene Examining Committee, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4843, fax 360-236-2901, bruce.bronoske@doh.wa.gov, www.doh.wa.gov.

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

**WSR 23-22-089
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed October 30, 2023, 9:48 a.m.]

2024 MEETING SCHEDULE

The Washington state board of pilotage commissioners typically meets on the third Thursday of each month unless otherwise noted below, rescheduled, or canceled. Meetings are held at 2901 Third Avenue, Seattle, WA, and/or virtually. Meeting times are subject to change.

In accordance with RCW 42.30.075, this schedule of regular meeting dates for the board of pilotage commissioners is filed with the office of the code reviser for publication in the Washington State Register.

January 18	10:00 a.m.
February 15	10:00 a.m.
March 21	10:00 a.m.
April 12	10:00 a.m.
May 16	10:00 a.m.
June 20	10:00 a.m.
July 18	10:00 a.m.
August 15	10:00 a.m.
September 19	10:00 a.m.
October 17	10:00 a.m.
November 21	10:00 a.m.
December 12	10:00 a.m.

WSR 23-22-091

NOTICE OF PUBLIC MEETINGS

GRAIN COMMISSION

[Filed October 30, 2023, 1:10 p.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the State Register for the period January through December 2024. All meetings will take place in the commission conference room at 2702 West Sunset Boulevard, Suite A, Spokane, WA, unless otherwise noted. The meetings will begin at 10:00 a.m. the first day, and reconvene at 8:30 a.m. the second day, unless otherwise noted.

Thursday January 11 Regular	9:00 a.m.	Marriott Residence Inn 1255 N.E. North Fairway Road Pullman, WA
Wednesday and Thursday March 13 and 14 Regular		
Wednesday and Thursday May 29 and 30 Annual		
Wednesday and Thursday September 25 and 26 Regular		
Monday November 18 Regular	9:00 a.m.	

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least 20 days prior to the rescheduled meeting date for publication in the State Register. If further details are required, please do not hesitate to contact our office.

WSR 23-22-093
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 30, 2023, 2:00 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 4.08: DCS Vehicle Procedures.

Subject: DCS Vehicle Procedures.

Effective Date: October 27, 2023.

Document Description: This policy explains how DCS requires drivers of state-owned vehicles leased to DCS to follow proper training, checkout, and safety procedures.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520 [1520], phone 360-664-5178, TDD/TTY 800-833-6384, fax 360-664-5342, email Kirsten.Turner@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-22-098

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE UNIVERSITY

(Pullman Student Technology Fee Committee)

[Filed October 30, 2023, 3:25 p.m.]

Following is the schedule of regular meetings for the Washington State University (WSU) Pullman student technology fee committee for 2023:

Date	Time	Location
November 6, 2023	4:15 - 8:00 p.m.	CUE, Room 518, WSU, Pullman, Washington
November 7, 2023	5:00 - 8:00 p.m.	CUE, Room 518, WSU, Pullman, Washington
November 13, 2023	5:00 - 8:00 p.m.	CUE, Room 518, WSU, Pullman, Washington
November 14, 2023 (if necessary)	5:00 - 8:00 p.m.	CUE, Room 518, WSU, Pullman, Washington

If you need further information, contact Emily Green, Budget Office, Washington State University, P.O. Box 641041, Pullman, WA 99164-1041, 509-335-9681, ewgreen@wsu.edu, <https://budget.wsu.edu>.

WSR 23-22-107

NOTICE OF PUBLIC MEETINGS

HEALTH CARE AUTHORITY

(Pharmacy and Therapeutics Committee)

(Drug Utilization Review Board)

[Filed October 31, 2023, 11:05 a.m.]

2024 Meeting Schedule

Date	Time	Location
February 21, 2024	9:00 a.m. - 4:00 p.m.	Webinar*
April 17, 2024	9:00 a.m. - 4:00 p.m.	Webinar*
June 19, 2024	9:00 a.m. - 4:00 p.m.	Webinar*
August 21, 2024	9:00 a.m. - 4:00 p.m.	Webinar*
October 16, 2024	9:00 a.m. - 4:00 p.m.	Webinar*
December 11, 2024	9:00 a.m. - 4:00 p.m.	Webinar*

*Webinar registration link and meeting materials will be posted to the health care authority website 30 days prior to the meeting date at <https://www.hca.wa.gov/about-hca/prescription-drug-program/meetings-and-materials>.

Meeting announcements will also be sent out through GovDelivery to stakeholders 30 days prior to the meeting date. Interested parties can sign up at <https://public.govdelivery.com/accounts/WAHCA/subscriber/new>.

For further assistance, please contact Nonye Connor, 360-725-2044, nonye.connor@hca.wa.gov.

WSR 23-22-116

DEPARTMENT OF ECOLOGY

[Filed October 31, 2023, 2:48 p.m.]

PUBLIC NOTICE

Announcing the Draft Aquatic Mosquito Control General Permit and Fact Sheet for Review and Comment

The Washington state department of ecology (ecology) proposes to reissue the **Aquatic Mosquito Control** National Pollutant Discharge Elimination System and state waste discharge general permit (permit). The current permit was last issued in June 2019 and is scheduled to expire July 4, 2024. The revised draft permit and fact sheet, which explains the legal and technical basis for the permit, are available with any associated documents for review and public comment from **November 15, 2023, through December 29, 2023, 11:59 p.m.** Ecology will host informational workshops and public hearings on the draft permit.

Purpose of the Permit: The permit provides statewide coverage for the use of specific insecticides to control mosquitoes. Under federal and state water quality laws (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of larvicides or adulticides to control mosquitoes. Individuals, businesses, and government entities that apply pesticides either directly or indirectly to waters of the state must obtain permit authorization for their discharge. This permit *does not apply* to homeowner use of insecticides for residential control of mosquitoes.

Applying for Coverage Under the Permit: Permittees that have applied for renewed coverage by January 5, 2024, will continue to be covered under the existing permit until the new permit is issued. Obtain new coverage under the permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act (SEPA) requirements (WAC 173-226-200). Access to the application is available online at <https://ecology.wa.gov/mosquitopermit>.

Copies of the Draft Permit and Fact Sheet: The draft permit and fact sheet are available online at <https://ecology.wa.gov/mosquitopermit>. You may request hard copies from Jackie Lince at jackie.lince@ecy.wa.gov or 360-407-6600.

Submitting Written Comments: Ecology will accept written comments on the draft permit from **November 15, 2023, through December 29, 2023, 11:59 p.m.** Ecology prefers online comment submission via the eComment form (link below) on the permit web page. Written comments by mail must be postmarked by **December 29, 2023**. Comments should reference specific permit text when possible.

Online via the eComment form (preferred): <https://wq.ecology.commentinput.com/?id=TQHdpuW9a>.

By mail: Send to Shawn Ultican, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-407-6283, email shawn.ultican@ecy.wa.gov.

Assistance for Persons with Disabilities: To request ADA accommodation for disabilities, call ecology at 360-407-7285 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

En Español: Para información en español, por favor comuníquese con Shawn Ultican al 360-407-6283.

Public Workshop(s) and Hearing(s): The purpose of the workshops is to explain the general permit and to answer questions prior to the

formal public hearings. The purpose of the hearings is to provide an opportunity for people to give formal oral testimony and written comments on the proposed draft permit. Oral testimony will receive the same consideration as written comments.

The public hearings will begin immediately after the public workshops and will conclude when public testimony is complete.

The aquatic mosquito control online workshops and hearings will occur on **December 19, 2023, at 9:00 a.m.** Register for the webinar <https://waecy-wa-gov.zoom.us/j/81234567890>; and on **December 20, 2023, at 5:30 p.m.** Register for the webinar <https://waecy-wa-gov.zoom.us/j/90123456789>.

Issuing the Permit: After ecology receives and considers all public comments, we will make a final decision about issuing the aquatic mosquito control permit. Ecology expects to make this decision in **May 2024**.

WSR 23-22-117

DEPARTMENT OF ECOLOGY

[Filed October 31, 2023, 3:04 p.m.]

Notice of Public Comment Period and Public Meeting
Washington state department of ecology (ecology) invites you to review and comment on the draft Antifouling Boat Paint report.

Ecology has drafted a third report on antifouling boat paint. This report summarizes the results of ecology's review as directed by the legislature under RCW 70A.445.020(1). It consists of a scientific review of biocidal and nonbiocidal paints and ingredients, and it focuses on new scientific information that recently became available. In this report, we prioritize identifying alternatives that are safer and effective.

Ecology invites you to review the draft report and provide written comments from December 4, 2023, to January 17, 2024. Ecology will host an informational public workshop on December 6, 2023.

Viewing the draft report: Starting on **December 4, 2023**, the draft antifouling boat paint report will be available for review on the web page <https://ecology.wa.gov/antifouling>.

Submitting written comments: Ecology will accept online comments on the draft report from **December 4, 2023, to January 17, 2024**. Comments must be submitted no later than **11:59 p.m. PDT on January 17, 2024**.

To submit a comment online, please fill out the online comment form: <https://hwtr.ecology.commentinput.com?id=SkN8TbrMC>.

Join us for an informational meeting: Ecology will host a virtual informational meeting on the draft report. The public meeting will include a presentation to summarize findings and conclusions, and time to answer questions.

Antifouling boat paint meeting on Wednesday, December 6, 2023, 10:00 to 11:00 a.m. PDT, join through the Zoom link <https://waecy-wa-gov.zoom.us/s/81242965315> or phone +1 253 214 8782, Meeting ID 812 4296 5315.

Project background: Copper based hull paint has been the most popular antifouling biocide additive in the market since the 1980s. Ecology's earlier work found that copper can impact water quality and marine organisms. Washington state has concerns on the release of copper and other toxic chemicals into the aquatic environment.

In 2011, the Washington state legislature enacted legislation to phase out the use of copper-based antifouling paints. Ecology conducted two follow-up studies in 2017 and 2019 to investigate the availability and environmental impact of alternative antifouling products. Both studies concluded that some noncopper alternatives might be more harmful to the environment than the copper-based paints. As a result, the legislature adopted ecology's recommendations and delayed the copper ban in 2018 and 2020. Ecology continues to search for safer and effective alternatives to copper and summarized recent scientific information in this third report.

Ecology contact: If you have any questions, please contact the antifouling boat paint project lead, Iris Deng, hazardous waste and toxics reduction program, email Iris.Deng@ecy.wa.gov.

WSR 23-22-121
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed October 31, 2023, 4:34 p.m.]

The date(s) in **bold** have changed in the following schedule of regular meetings of the public employment relations commission in 2023, all to be tentatively held in Olympia with location and format subject to change:

Date	Time	Location
January 10, 2023	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
February 2023	No meeting	
March 2023	No meeting	
April 11, 2023	10:00 a.m.	Same as above
May 2023	No meeting	
June 13, 2023	10:00 a.m.	Same as above
July 2023	No meeting	
August 2023	No meeting	
September 12, 2023	10:00 a.m.	Same as above
October 10, 2023	10:00 a.m.	Same as above
November 14, 2023	10:00 a.m.	Same as above
December 12, 2023	1:30 p.m.	Same as above

If you need further information, contact Vanessa Smith at vanessa.smith@perc.wa.gov or 360-570-7332.

WSR 23-22-127

**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

(Invasive Species Council)

[Filed November 1, 2023, 10:43 a.m.]

The Washington invasive species council is adding a location of the regular quarterly meeting scheduled for December 7, 2023:

FROM: December 7, 2023, from 9:00 a.m. to 3:00 p.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501.

TO: December 7, 2023, from 9:00 a.m. to 3:00 p.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501; in person and online.

If you need further information, contact Julia McNamara, Board Liaison, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-902-2956, fax 360-902-3026, Julia.McNamara@rco.wa.gov, www.rco.wa.gov; or Justin Bush, Executive Coordinator, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-704-0973, fax 360-902-3026, Stephanie.Helms@rco.wa.gov, www.InvasiveSpecies.wa.gov.

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

WSR 23-22-128

HEALTH CARE AUTHORITY

[Filed November 1, 2023, 10:49 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0051
Managed Care Updates.

Effective Date: January 1, 2024.

Description: The health care authority (HCA) intends to submit SPA 23-0051 to incorporate changes that were inadvertently left out of the managed care section that reflects the changes made to the rehabilitative services section of the medicaid state plan, recently approved through SPA 23-0010. Changes made to this section will replace old service names with the new naming conventions and are effective January 1, 2024.

SPA 23-0051 is expected to have no material effect on the annual aggregate expenditures or payments for rehabilitation services not already accounted for through agency budget requests and legislative direction.

SPA 23-0051 is in the development process; therefore, a copy is not yet available for review. A copy of the updated SPA will be available no later than November 15, 2024. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or to 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: Jessica Diaz, Medicaid Programs Division, 626 8th Avenue S.E., Olympia, WA 98501, phone 360-725-1177, TRS 711, email jessica.diaz@hca.wa.gov, website www.hca.wa.gov.

WSR 23-22-129

NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Salmon Recovery Funding Board)

[Filed November 1, 2023, 10:50 a.m.]

The salmon recovery funding board is changing the date and location of the regular quarterly meeting scheduled for December 13-14, 2023:

FROM: December 13-14, 2023, from 9:00 a.m. to 5:00 p.m., at the Natural Resource Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501.

to: December 13, 2023, from 9:00 a.m. to 5:00 p.m., at the Natural Resource Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501; or in person and online via Zoom. Additional information can be found on the recreation and conservation office's (RCO) web page Meetings - RCO (wa.gov).

For further information, please contact Julia McNamara, julia.mcnamara@rco.wa.gov, or check RCO's web page at Meetings - RCO (wa.gov).

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

WSR 23-22-130
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed November 1, 2023, 11:32 a.m.]

Notice of Interpretive or Policy Statement

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

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.13 - How DCS Develops Policies.

Subject: DCS AP 1.13.

Effective Date: October 26, 2023.

Document Description: This DCS administrative policy explains procedures for how DCS develops policies.

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 Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.