

Page 2

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO CrR 4.2(g)—PLEAS

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court


González, C.J.

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULE CR 4.2(g)

1. Washington Pattern Forms Committee
2. Commissioner Rebekah Zinn, Pattern Forms Committee Chair
3. The purpose of this amendment is to incorporate the changes to CrR4.2(g) Statement of Defendant on Plea of Guilty (non-sex offense and sex offense) forms. The Plea forms were audited for clarity of language, legal accuracy, and a focus on direct consequences. The goal of the audit was the average defendant could read this form, understand what it says and be advised of all direct consequences of the guilty plea. Currently, the form contains inaccurate and repetitive information that impedes the readers understanding of the underlying legal concepts. Additionally, the form contains various collateral consequences that contribute to the overall complexity and length of the form. In an effort to improve these forms, a detailed review was conducted to ensure accuracy and identify areas that could be removed or rewritten.

The following areas of the plea forms were addressed because they contained inaccurate information. First, the obligation of the defendant to tell the judge about a new conviction prior to sentencing. The community custody advisement re: failure to register as a sex offender. The advisement regarding the defendant's ineligibility for assistance. The advisement regarding DOC sanctions for community custody violations. The statutory reference for first time offender sentencing option and the portion dealing with offender registration in the non-sex plea form.

The defendant must be informed of the direct consequences of a guilty plea or the plea may be deemed involuntary. *State v. Buckman*, 190 Wn.2d 51, 59, 409 P.3d 193 (2018). A "direct consequence" is one with a "definite, immediate and automatic effect on a defendant's range of punishment." *State v. Ross*, 129 Wn.2d 279, 284, 916 P.2d 405 (1996). An advisement of all possible "collateral consequences" of a guilty plea is not required. *State v. McDermond*, 112 Wn. App. 239, 245, 47 P.3d 60 (2002). Collateral consequences do not "alter the standard of punishment" and involve "ancillary or consequential results which are peculiar to the individual." *State v. Ward*, 123 Wn.2d 488, 513–14, 869 P.2d 1062 (1994).

The guilty plea form contains various advisements that have been (or likely would be) categorized as collateral. Lengthy advisements discussing collateral consequences is one of the primary reasons why this form is so daunting. Yet, certain collateral consequences can have a devastating impact on a defendant's life. Instead of not providing an advisement at all about some of the collateral consequences that are currently in the plea form, a brief and more general advisement on collateral consequences should be considered. A proposed general advisement concerning collateral consequences was added to Section 6.

“The clerk of the court is required to report this conviction to various administrative entities will result in civil consequences. I will lose the right to vote. Also, I may be ineligible to hold a driver’s license or receive government assistance. Other consequences may apply based on my specific circumstances.”

The following sections were identified as collateral consequences that are not otherwise required by statute or case law: Firearm prohibition, voter eligibility, government assistance, parts of the DOSA advisement, participation in rehabilitative programs, education benefits, firearm rights, felony firearm offender registration, work ethic camp, and the judge’s signature block. All other changes made to the form were to reduce duplicative statements and remove unnecessary language.

After the audit the Felony Judgment and Sentence Subcommittee reviewed the forms and approved them before sending them to the Pattern Forms Committee (PFC). The PFC published the forms for comment during the summer of 2021. The comments were reviewed by the Subcommittee and the larger PFC and worked into the current form.

4. Is Expedited Consideration Requested? Yes, the PFC would like to publish the new form on January 1, 2022 with the larger forms update.
5. Is a Public Hearing Recommended? No.

**CrR 4.2
Pleas**

(a) – (f) No changes

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

Superior Court of Washington for	
State of Washington _____, Plaintiff	No. Statement of Defendant on Plea of Guilty to Non-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 the Following Important Rights 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 in my defense. 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;~~ and
 - (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 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. If I have attached my own statement, I assert that it is correct and complete.~~
- (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. If this occurs, I cannot change my mind and withdraw this guilty plea. 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.~~
- ~~(fh) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution. , unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.~~
- ~~(i) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to 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
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.~~

(g) I understand that a conviction for the crime(s) listed above will result in a term of community custody for _____ months under RCW _____. During the period of community custody, I will be under the supervision of the Department of Corrections (DOC). I may have restrictions and requirements placed upon me by the court and by the Department of Corrections, depending on the crime and my individual circumstances. The conditions and requirements may include no drug or alcohol use without a valid prescription, treatment for a substance use disorder, urinalysis testing, treatment for mental health conditions, and compliance with a no contact order.

If I violate the conditions of my community custody, the ~~DOC~~ court may sanction me up to 60 days of confinement per violation. ~~and/or revoke my earned early release, or~~ The DOC may sanction me up to 30 days' 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.

(h 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.

(ik) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so or was under the age of 18 when I committed this crime. ~~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 to 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.~~
- (iv) If I committed this of a crime and sentencing enhancement that occurred when I was 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.

(lj) 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 under United States law.

(km) ~~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.~~ As a result of this conviction, I must immediately surrender any concealed pistol license(s) and I may not possess a firearm or ammunition unless the right to do so is restored by a court of record.

- ~~(n)~~ I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art VI, § 3; RCW 29A.04.079; RCW 29A.08.520.
- ~~(o)~~ Government assistance may be suspended during any period of confinement.
- ~~(p-l)~~ 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.
- (m) The clerk of the court is required to report this conviction to various administrative entities and will result in civil consequences. I will lose the right to vote until the right is restored in the manner provided by law. Also, I may be ineligible to hold a driver's license or receive government assistance. Other consequences may apply based on my specific circumstances.

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-l) 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-o) 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-p) 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 include conditions imposed by the court and by the DOC. 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 of the program by 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 if I violate a condition or requirement of the sentence.

_____ (qt) If this crime involves kidnapping or unlawful imprisonment 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.

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

_____ (sv) 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, the judge may order me to participate in necessary treatment to address substance use disorder and domestic violence issues related to this offense. A DOSA sentence could be either a prison-based alternative or a residential substance use disorder treatment-based alternative. 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.
During the term of community custody, the judge could order that I comply with conditions reasonably related to the offense. Additional costs could be imposed depending on the conditions ordered by the judge. The judge may order me to appear in court at any time during the term of community custody to determine if I have violated any of the conditions of my sentence.

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 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.

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. The sentence may also include an indeterminate term of confinement of no more than 30 days while I wait for a direct transfer to a residential substance use disorder treatment facility. If the judge finds the I have failed to comply with

treatment and monitoring requirements, 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. If this crime involves domestic violence, 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.

_____ (tw) The judge may sentence me under the mental health sentencing alternative (MHSA) if I qualify under ~~Laws of 2021, Ch. 242~~ RCW 9.94A.695. 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.

_____ (ux) If I am subject to community custody and the judge finds that I have a ~~chemical dependency~~ substance use 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.~~

_____ (vy) 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).

- (w) I understand that I am pleading guilty to _____, which is a sentence enhancement under RCW _____. This enhancement adds _____ months onto the end of my standard range sentence listed in Section 6(b). I understand that enhancements are mandatory, shall be served in total confinement (except for protected zone enhancements under RCW 9.94A.533(6)), and shall run consecutively to all other sentencing provisions.
- (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 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 may 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.~~

- _____ (~~yff~~) 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).
- _____ (~~zgg~~) 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.
- _____ (~~aahh~~) 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).
- _____ (~~bbi~~) 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.~~
- _____ (~~ccH~~) 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 unlawful possession of a 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.~~

_____ ~~(ddm)~~ 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.~~

_____ ~~(eep)~~ 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 a qualifying crime 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.

_____ ~~(ffq)~~ 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.

~~_____ (gg) If I am pleading guilty to aggravated murder in the first degree and 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. 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.~~

7. I plead guilty to:

count _____
count _____
count _____

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

8. I make this plea freely and voluntarily.

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime, including enhancements and domestic violence relationships, if they apply. This is my statement:

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

12. ~~My lawyer has explained to me, and we have fully discussed, all of the above paragraphs, 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 understand the above paragraphs and the "Offender Registration" attachment, if applicable.~~ I have no further questions to ask the judge.

Defendant

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

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

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

(a) The defendant had previously read the entire statement above and that the defendant understood it in full;

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

(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified

by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

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

Interpreter

Print Name

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

Dated: _____

Judge

**Superior Court of Washington
for**

State of Washington

Plaintiff

v.

Defendant

No.

**Statement of Defendant on Plea of
Guilty to Sex Offense
(Felony)
(STTDFG)**

1. My true name is: _____.
2. My age is: _____.
3. The last level of education I completed was: _____.
4. **I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____

The elements are: _____
_____.
5. **I Understand I Have the Following Important Rights and I Give Them Up the Following Important Rights 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 in my defense; 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; and~~
 - (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. If I have attached my own statement, I assert that it is correct and complete.~~
- (e) ~~If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:~~
- ~~(i) — As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a major disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.~~
 - ~~(ii) — If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.~~
 - ~~(iii) — If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court imposed term of incarceration.~~
- ~~(f) — If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense:~~
- ~~(vi) — If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25~~

~~years for that crime.~~

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

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

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

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

~~(g) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding. If this occurs, I cannot change my mind and withdraw this guilty plea, 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.~~

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

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

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

placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

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

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

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

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

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

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

- 1) If the offense is rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.
- 2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the

offense includes a special allegation that the victim of the offense was under 15 years of age at the time of the offense.

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

Community Custody Violation: If I violate the conditions of my community custody, the DOC court may sanction me up to 60 days of confinement per violation. ~~and/or revoke my earned early release, or~~ The DOC may sanction me up to 30 days' 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.~~

(ij) 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.

(jk) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so or was under the age of 18 when I committed this crime. ~~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 to 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.~~

(iv) ~~If I committed this of a crime and sentencing enhancement that occurred when I was 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.

~~(k)~~ 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~~ under United States law.

~~(lm)~~ ~~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. As a result of this conviction, I must immediately surrender any concealed pistol license(s) and I may not possess a firearm or ammunition unless the right to do so is restored by a court of record.~~

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

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

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

~~(ne)~~ 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.

(o) The clerk of the court is required to report this conviction to various administrative entities and will result in civil consequences. I will lose the right to vote until the right is restored in the manner provided by law. Also, I may be ineligible to hold a driver’s license or receive government assistance. Other consequences may apply based on my specific circumstances.

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*.

_____ ~~(pf)~~ This offense is a most serious offense or “strike” as defined by RCW 9.94A.030, and if I have at least ~~two~~ 2 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.~~

_____ (qs) **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.

_____ (rt) If this is a crime of domestic violence, the court may order me to pay a domestic violence

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

_____ (st) If I am subject to community custody and the judge finds that I have a ~~chemical dependency~~ substance use 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.~~

_____ (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 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 9A.04.040 (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.

_____ (tx) 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~~ may 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.

_____ (u) I understand that I am pleading guilty to _____, which is a sentence enhancement under RCW _____. This enhancement adds _____.

_____ months to the end of my standard range sentence listed in Section 6(b). I understand that enhancements are mandatory, shall be served in total confinement (except for protected zone enhancements under RCW 9.94A.533(6)), and shall run consecutively to all other sentencing provisions.

_____ (vz) 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).

_____ (waa) 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.

_____ (xbb) 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).

_____ (yee) 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.~~

_____ (zee) 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.~~

_____ ~~(aagg)~~ 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.

_____ ~~(bbhh)~~ 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.

_____ (cc) If I am pleading guilty to aggravated murder in the first degree and 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. 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.

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~~ I understand the above paragraphs and the "Offender Registration" Attachment and the "Felony Firearm Registration" Attachment, if applicable. ~~I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty."~~ I have no further questions to ask the judge.

Defendant

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

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

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

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

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

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

Interpreter

Print Name

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

Dated: _____

Judge

No Changes to the Felony Firearm Registration form or the Offender Registration form.

COPY OF CLEAN FORMS

**Superior Court of Washington
for**

State of Washington _____,

Plaintiff

v.

Defendant

No.

**Statement of Defendant on Plea of
Guilty to Non-Sex Offense**

(Felony)

(STTDFG)

1. My true name is: _____.
2. My age is: _____.
3. The last level of education I completed was: _____.
4. **I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____

The elements are: _____
_____.
5. **I Understand I Give Up the Following Important Rights 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;
 - (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 in my defense;
 - (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt;
 - (f) The right to appeal a finding of guilt after a trial.

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

- (b) 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.
- (e) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. If this occurs, I cannot change my mind and withdraw this guilty plea.
- (f) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge may order me to make restitution. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.
- (g) I understand that a conviction for the crime(s) listed above will result in a term of community custody for _____ months under RCW _____. During the period of community custody, I will be under the supervision of the Department of Corrections (DOC). I may have restrictions and requirements placed upon me by the court and by the Department

of Corrections, depending on the crime and my individual circumstances. The conditions and requirements may include no drug or alcohol use without a valid prescription, treatment for a substance use disorder, urinalysis testing, treatment for mental health conditions, and compliance with a no contact order.

If I violate the conditions of my community custody, the court may sanction me up to 60 days' confinement per violation. The DOC may sanction me up to 30 days' confinement per violation and/or revoke my earned early release, or the DOC may impose additional conditions or other stipulated penalties.

- (h) The prosecuting attorney will make the following recommendation to the judge:

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

- (i) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so or was under the age of 18 when I committed this crime. 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 9.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate to an exceptional sentence.
- (iv) If I am convicted of a crime and a sentencing enhancement that occurred when I was under the age of 18, the judge must consider mitigating circumstances related to my youth.

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

- (j) If I am **not** a citizen of the United States, a plea of guilty to a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization under United States law.
- (k) As a result of this conviction, I must immediately surrender any concealed pistol license(s) and I may not possess a firearm or ammunition unless the right to do so is restored by a court of record.

- (l) 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.
- (m) The clerk of the court is required to report this conviction to various administrative entities and will result in civil consequences. I will lose the right to vote until the right is restored in the manner provided by law. Also, I may be ineligible to hold a driver's license or receive government assistance. Other consequences may apply based on my specific circumstances.

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.*

- _____ (n) 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.
- _____ (o) 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.650. This sentence could include as much as 90 days' confinement and up to 1 year of community custody. 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.
- _____ (p) The judge may sentence me under the Parenting Sentencing Alternative, if I qualify under RCW 9.94A.655. The sentence will consist of 12 months of community custody and include 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. The court may modify the conditions of community custody, impose sanctions, and extend the length of the program by 6 months. The court may order me to serve a term of total confinement within the standard range for my offense if I violate a condition or requirement of the sentence.
- _____ (q) If this crime involves kidnapping or unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" attachment.
- _____ (r) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110 for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15.00.
- _____ (s) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. 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, the judge may order me to participate in necessary treatment to address substance use disorder and domestic violence issues related to this offense. A DOSA sentence could be either a prison-based alternative or a residential substance use disorder treatment-based alternative.

During the term of community custody, the judge could order that I comply with conditions reasonably related to the offense. Additional costs could be imposed depending on the conditions ordered by the judge. The judge may order me to appear in court at any time during the term of community custody to determine if I have violated any of the conditions of my sentence.

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. The judge will also impose a term of community custody of one-half of the midpoint of the standard range. If the judge 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.

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. The sentence may also include an indeterminate term of confinement of no more than 30 days while I wait for a direct transfer to a residential substance use disorder treatment facility. If the judge finds the I have failed to comply with treatment and monitoring requirements, 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.

- _____ (t) The judge may sentence me under the mental health sentencing alternative (MHSA) if I qualify under RCW 9.94A.695. 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.
- _____ (u) If I am subject to community custody and the judge finds that I have a substance use 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.
- _____ (v) 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).

- _____ (w) I understand that I am pleading guilty to _____, which is a sentence enhancement under RCW _____. This enhancement adds _____ months onto the end of my standard range sentence listed in Section 6(b). I understand that enhancements are mandatory, shall be served in total confinement (except for protected zone enhancements under RCW 9.94A.533(6)), and shall run consecutively to all other sentencing provisions.
- _____ (x) If I am pleading guilty to felony driving under the influence or felony actual physical control of a motor vehicle while under the influence, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I may also be required to pay the costs of treatment.
- _____ (y) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520(1)(a) or 46.61.522(1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).
- _____ (z) For the crimes of felony driving under the influence of intoxicating liquor or any drug, for vehicular homicide while under the influence of intoxicating liquor or any drug, or vehicular assault while under the influence of intoxicating liquor or any drug, the court may order me to reimburse reasonable emergency response costs, up to \$2,500 per incident.
- _____ (aa) 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).
- _____ (bb) 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.
- _____ (cc) If I am pleading guilty to more than one count of unlawful possession of a firearm, felony theft of a firearm, or possession of a stolen firearm, I must serve each sentence consecutive to each other.
- _____ (dd) 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.

- _____ (ee) 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 a qualifying crime. 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.
- _____ (ff) 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.
- _____ (gg) If I am pleading guilty to aggravated murder in the first degree and 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. 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.

7. I plead guilty to:

count _____

count _____

count _____

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

8. I make this plea freely and voluntarily.

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime, including enhancements and domestic violence relationships, if they apply. This is my statement:

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

12. I understand the above paragraphs and the "Offender Registration" attachment, if applicable. I have no further questions to ask the judge.

Defendant

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

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

The defendant signed the foregoing statement. The defendant asserted that [check the 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 the entire statement above to the defendant 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 direct consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

**Superior Court of Washington
for**

State of Washington _____,

Plaintiff

v.

_____,

Defendant

No.

**Statement of Defendant on Plea of
Guilty to Sex Offense**

(Felony)

(STDFG)

-
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 Give Up the Following Important Rights 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;
- (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 in my defense;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt;
- (f) The right to appeal a finding of guilt after a trial.

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

- (b) 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 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. If this occurs, I cannot change my mind and withdraw this guilty plea.

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

(h) 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 1 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 DOC, 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 DOC and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

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

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

(ii) If this offense is a sex offense that is not listed in paragraph 6(i)(i) then, in addition to sentencing me to a term of confinement, the judge may order me to serve up to 1 year of community custody, if the total period of confinement ordered is not more than 12 months. If the period of confinement is over 1 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 DOC, 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 court may sanction me up to 60 days' confinement per violation. The DOC may sanction me up to 30 days' confinement per violation and/or revoke my earned early release, or the DOC may impose additional conditions or other stipulated penalties.

- (i) The prosecuting attorney will make the following recommendation to the judge:

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

- (j) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so or if I was under the age of 18 when I committed this crime. 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 9.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate to an exceptional sentence.
- (iv) If I am convicted of a crime and a sentencing enhancement that occurred when I was under the age of 18, the judge must consider mitigating circumstances related to my youth.

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

- (k) If I am **not** a citizen of the United States, a plea of guilty to a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization under United States law.
- (l) As a result of this conviction, I must immediately surrender any concealed pistol license(s) and I may not possess a firearm or ammunition unless the right to do so is restored by a court of record.
- (m) I will be required to register where I reside, study, or work. The specific registration requirements are described in the "Offender Registration" attachment.
- (n) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee, unless a DNA collection fee has previously been ordered.
- (o) The clerk of the court is required to report this conviction to various administrative entities. This conviction will result in civil consequences. I will lose the right to vote until the right is restored in the manner provided by law. Also, I may be ineligible to hold a driver's license or receive government assistance. Other consequences may apply based on my specific circumstances.

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

- _____ (p) 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.
- _____ (q) **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 a 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 3 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 3 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.

- _____ (r) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110 for a violation of a domestic violence protection order issued under chapter 26.50 CW, the court shall impose a mandatory fine of \$15.00.
- _____ (s) 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.
- _____ (t) If I am pleading guilty to felony driving under the influence or felony actual physical control of a motor vehicle while under the influence, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I may be required to pay the costs of treatment.
- _____ (u) I understand that I am pleading guilty to _____, which is a sentence enhancement under RCW _____. This enhancement adds _____ months to the end of my standard range sentence listed in Section 6(b). I understand that enhancements are mandatory, shall be served in total confinement (except for protected zone enhancements under RCW 9.94A.533(6)), and shall run consecutively to all other sentencing provisions.
- _____ (v) 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).

- _____ (w) 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.
- _____ (x) 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).
- _____ (y) 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.
- _____ (z) 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.
- _____ (aa) 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.
- _____ (bb) 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.
- _____ (cc) If I am pleading guilty to aggravated murder in the first degree and 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. 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.

7. I plead guilty to:

count _____

count _____

count _____

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

8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea, except as set forth in this statement.
11. The judge has asked me to state what I did in my own words that makes me guilty of this crime, including enhancements and domestic violence relationships, if they apply. This is my statement:

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

12. I understand the above paragraphs and the "Offender Registration" attachment, if applicable. I have no further questions to ask the judge.

Defendant

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

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

The defendant signed the foregoing statement. 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 direct consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

No Changes to the Felony Firearm Registration form or the Offender Registration form.