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SENATE BILL 5516

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State of Washington

57th Legislature

2001 Regular Session

By Senators Roach, Sheahan, Honeyford, Johnson, Stevens, McDonald, Hewitt, McCaslin, Swecker, Hochstatter and Morton

Read first time 01/25/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to restoration of the right to vote; and amending  
2 RCW 9.94A.220, 9.94A.260, and 9.96.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.94A.220 and 2000 c 119 s 3 are each amended to read  
5 as follows:

6 (1) When an offender has completed the requirements of the  
7 sentence, the secretary of the department or the secretary's designee  
8 shall notify the sentencing court, which shall discharge the offender  
9 and provide the offender with a certificate of discharge.

10 (2) An offender who is not convicted of a violent offense or a sex  
11 offense and is sentenced to a term involving community supervision may  
12 be considered for a discharge of sentence by the sentencing court prior  
13 to the completion of community supervision, provided that the offender  
14 has completed at least one-half of the term of community supervision  
15 and has met all other sentence requirements.

16 (3) Upon completion of his or her sentence, an individual may  
17 petition a court of record to have his or her civil right to vote  
18 restored. If the court finds that the sentence has been satisfactorily  
19 completed, it shall issue a certificate of restoration of the elective

1 rights to vote and to engage in political office. Except as provided  
2 in subsection (4) of this section, the discharge shall have the effect  
3 of restoring ~~((all))~~ other civil rights lost by operation of law upon  
4 conviction, and the certificate of discharge shall so state. Nothing  
5 in this section prohibits the use of an offender's prior record for  
6 purposes of determining sentences for later offenses as provided in  
7 this chapter. Nothing in this section affects or prevents use of the  
8 offender's prior conviction in a later criminal prosecution either as  
9 an element of an offense or for impeachment purposes. A certificate of  
10 discharge is not based on a finding of rehabilitation.

11 (4) Unless otherwise ordered by the sentencing court, a certificate  
12 of discharge shall not terminate the offender's obligation to comply  
13 with an order issued under chapter 10.99 RCW that excludes or prohibits  
14 the offender from having contact with a specified person or coming  
15 within a set distance of any specified location that was contained in  
16 the judgment and sentence. An offender who violates such an order  
17 after a certificate of discharge has been issued shall be subject to  
18 prosecution according to the chapter under which the order was  
19 originally issued.

20 (5) Upon release from custody, the offender may apply to the  
21 department for counseling and help in adjusting to the community. This  
22 voluntary help may be provided for up to one year following the release  
23 from custody.

24 **Sec. 2.** RCW 9.94A.260 and 1999 c 323 s 3 are each amended to read  
25 as follows:

26 (1) The clemency and pardons board shall receive petitions from  
27 individuals, organizations, and the department for review and  
28 commutation of sentences and pardoning of offenders in extraordinary  
29 cases, and shall make recommendations thereon to the governor.

30 (2) Upon completion of his or her sentence, an individual may  
31 petition a court of record to have his or her civil right to vote  
32 restored. If the court finds that the sentence has been satisfactorily  
33 completed, it shall issue a certificate of restoration of the elective  
34 rights to vote and to engage in political office. The board shall  
35 receive petitions from individuals or organizations for the restoration  
36 of other civil rights lost by operation of state law as a result of  
37 convictions for federal offenses or out-of-state felonies. ~~((The board~~  
38 ~~may issue certificates of restoration limited to the elective rights to~~

1 ~~vote and to engage in political office. Any certifications granted by~~  
2 ~~the board must be filed with the secretary of state to be effective.))~~  
3 In ~~((all))~~ such other cases, the board shall make recommendations to  
4 the governor.

5 (3) The board shall not recommend that the governor grant clemency  
6 under subsection (1) of this section until a public hearing has been  
7 held on the petition. The prosecuting attorney of the county where the  
8 conviction was obtained shall be notified at least thirty days prior to  
9 the scheduled hearing that a petition has been filed and the date and  
10 place at which the hearing on the petition will be held. The board may  
11 waive the thirty-day notice requirement in cases where it determines  
12 that waiver is necessary to permit timely action on the petition. A  
13 copy of the petition shall be sent to the prosecuting attorney. The  
14 prosecuting attorney shall make reasonable efforts to notify victims,  
15 survivors of victims, witnesses, and the law enforcement agency or  
16 agencies that conducted the investigation, of the date and place of the  
17 hearing. Information regarding victims, survivors of victims, or  
18 witnesses receiving this notice are confidential and shall not be  
19 available to the offender. The board shall consider written, oral,  
20 audio, or videotaped statements regarding the petition received,  
21 personally or by representation, from the individuals who receive  
22 notice pursuant to this section. This subsection is intended solely  
23 for the guidance of the board. Nothing in this section is intended or  
24 may be relied upon to create a right or benefit, substantive or  
25 procedural, enforceable at law by any person.

26 **Sec. 3.** RCW 9.96.050 and 1993 c 140 s 4 are each amended to read  
27 as follows:

28 When a prisoner on parole has performed the obligations of his or  
29 her release for such time as shall satisfy the indeterminate sentence  
30 review board that his or her final release is not incompatible with the  
31 best interests of society and the welfare of the paroled individual,  
32 the board may make a final order of discharge and issue a certificate  
33 of discharge to the prisoner. The board retains the jurisdiction to  
34 issue a certificate of discharge after the expiration of the prisoner's  
35 or parolee's maximum statutory sentence. If not earlier granted, the  
36 board shall make a final order of discharge three years from the date  
37 of parole unless the parolee is on suspended or revoked status at the  
38 expiration of the three years. ~~((Such))~~ Upon completion of his or her

1 sentence, an individual may petition a court of record to have his or  
2 her civil right to vote restored. If the court finds that the sentence  
3 has been satisfactorily completed, it shall issue a certificate of  
4 restoration of the elective rights to vote and to engage in political  
5 office. The order of discharge, regardless of when issued, shall have  
6 the effect of restoring ((all)) other civil rights lost by operation of  
7 law upon conviction, and the certification of discharge shall so state.  
8 This restoration of civil rights shall not restore the right to  
9 receive, possess, own, or transport firearms.

10 The discharge provided for in this section shall be considered as  
11 a part of the sentence of the convicted person and shall not in any  
12 manner be construed as affecting the powers of the governor to pardon  
13 any such person.

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