
SENATE BILL 6240

State of Washington 57th Legislature

2002 Regular Session

By Senators Franklin, Shin, Kline, Regala, Prentice and Costa

Read first time 01/14/2002. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notice to felons regarding restoration of voting
2 rights; amending RCW 9.94A.637 and 9.96.050; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that an
6 individual's right to vote is a hallmark of a free and inclusive
7 society and that it is in the best interests of society to provide
8 reasonable opportunities and processes for an offender to regain the
9 right to vote after completion of all of the requirements of his or her
10 sentence. The legislature intends to clarify the method by which the
11 court may fulfill its already existing direction to provide discharged
12 offenders with their certificates of discharge.

13 **Sec. 2.** RCW 9.94A.637 and 2000 c 119 s 3 are each amended to read
14 as follows:

15 (1) When an offender has completed the requirements of the
16 sentence, the secretary (~~(of the department)~~) or the secretary's
17 designee shall notify the sentencing court, which shall discharge the
18 offender and provide the offender with a certificate of discharge by

1 issuing the certificate to the offender in person or by mailing the
2 certificate to the offender's last known address.

3 (2) The court shall send a copy of every signed certificate of
4 discharge to the auditor for the county in which the court resides and
5 to the department. The department shall create and maintain a data
6 base containing the names of all felons who have been issued
7 certificates of discharge, the date of discharge, and the date of
8 conviction and offense.

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

15 ~~((+3))~~ (4) Except as provided in subsection ~~((+4))~~ (5) of this
16 section, the discharge shall have the effect of restoring all civil
17 rights lost by operation of law upon conviction, and the certificate of
18 discharge shall so state. Nothing in this section prohibits the use of
19 an offender's prior record for purposes of determining sentences for
20 later offenses as provided in this chapter. Nothing in this section
21 affects or prevents use of the offender's prior conviction in a later
22 criminal prosecution either as an element of an offense or for
23 impeachment purposes. A certificate of discharge is not based on a
24 finding of rehabilitation.

25 ~~((+4))~~ (5) Unless otherwise ordered by the sentencing court, a
26 certificate of discharge shall not terminate the offender's obligation
27 to comply with an order issued under chapter 10.99 RCW that excludes or
28 prohibits the offender from having contact with a specified person or
29 coming within a set distance of any specified location that was
30 contained in the judgment and sentence. An offender who violates such
31 an order after a certificate of discharge has been issued shall be
32 subject to prosecution according to the chapter under which the order
33 was originally issued.

34 ~~((+5))~~ (6) Upon release from custody, the offender may apply to
35 the department for counseling and help in adjusting to the community.
36 This voluntary help may be provided for up to one year following the
37 release from custody.

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

3 When a prisoner on parole has performed the obligations of his or
4 her release for such time as shall satisfy the indeterminate sentence
5 review board that his or her final release is not incompatible with the
6 best interests of society and the welfare of the paroled individual,
7 the board may make a final order of discharge and issue a certificate
8 of discharge to the prisoner. The certificate of discharge shall be
9 issued to the offender in person or by mail to the prisoner's last
10 known address.

11 The board shall send a copy of every signed certificate of
12 discharge to the auditor for the county in which the offender was
13 sentenced and to the department of corrections. The department shall
14 create and maintain a data base containing the names of all felons who
15 have been issued certificates of discharge, the date of discharge, and
16 the date of conviction and offense.

17 The board retains the jurisdiction to issue a certificate of
18 discharge after the expiration of the prisoner's or parolee's maximum
19 statutory sentence. If not earlier granted, the board shall make a
20 final order of discharge three years from the date of parole unless the
21 parolee is on suspended or revoked status at the expiration of the
22 three years. Such discharge, regardless of when issued, shall have the
23 effect of restoring all civil rights lost by operation of law upon
24 conviction, and the certification of discharge shall so state. This
25 restoration of civil rights shall not restore the right to receive,
26 possess, own, or transport firearms.

27 The discharge provided for in this section shall be considered as
28 a part of the sentence of the convicted person and shall not in any
29 manner be construed as affecting the powers of the governor to pardon
30 any such person.

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