

HOUSE BILL REPORT

HB 2874

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to certificates of discharge of sentence.

Brief Description: Changing provisions relating to certificates of discharge of sentence.

Sponsors: Representatives Darneille and Kagi.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/04, 2/6/04 [DP].

Brief Summary of Bill

- Authorizes courts to issue certificates of discharge to offenders when a sufficient party can verify that the offender has completed all requirements of his or her judgement and sentence.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Yvonne Walker (786-7841).

Background:

When an offender has completed all requirements of his or her sentence, including all legal financial obligations, while under the custody of the Department of Corrections (DOC), the DOC must notify the court. The court is then required to discharge the offender by issuing a certificate of discharge to the offender, either in person or to the offender's last known address.

In cases where an offender with outstanding legal financial obligations has completed the non-financial requirements of his or her sentence, the DOC must provide the county clerk with a notice that the offender has completed all the non-financial requirements of the

sentence. Once the offender completes payment of the legal financial obligations, the county clerk must notify the court, and include the notice from the DOC that the offender has completed all the requirements of his or her sentence. The court must then issue a certificate of discharge for the offense to the offender, either in person, or to the offender's last known address.

In 2003, the Legislature passed legislation (ESSB 5990) that stated that the DOC no longer had to provide supervision to certain offenders classified as low-risk (risk level C and D) to the community. Some of these low-risk offenders have completed the incarceration portion of their sentence and possibly satisfied their legal financial obligation, however many of these offenders may still owe community service hours or may still have treatment conditions, which have not been completed. The courts have no means of verifying whether the offender has completed his or her community restitution or treatment conditions in order to issue the offender with a certificate of discharge.

Summary of Bill:

The court must discharge an offender and provide that offender with a certificate of discharge when a sufficient party can show that all requirements of the judgment and sentence have been met. The certificate of discharge must be given to the offender either in person or sent to the offender's last known address.

Appropriation: None.

Fiscal Note: Requested on January 28, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Last year the Legislature passed ESSB 5990 that stated that the DOC no longer had to provide supervision to a certain group of low risk offenders. As a result, the DOC no longer provides information to the courts for those offenders that are ready to receive their certificates of discharge. This bill will give those offenders the means to go back to court, ask for that discharge, and for the records to reflect that he or she has completed all of the requirements of his or her sentence. This will also help judges to close out cases that are arguable ready for certificates of discharge.

Testimony Against: None.

Persons Testifying: Anne Fiala, Department of Corrections; and Leonard Costello, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.