
**Criminal Justice & Corrections
Committee**

HB 2874

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

Sponsors: Representatives Darneille and Kagi.

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.

Hearing Date: 2/3/04

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 know address.

When 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.

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 know 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.