
HOUSE BILL 2874

State of Washington

58th Legislature

2004 Regular Session

By Representatives Darneille and Kagi

Read first time 01/21/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to certificates of discharge of sentence; and
2 amending RCW 9.94A.637.

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

4 **Sec. 1.** RCW 9.94A.637 and 2003 c 379 s 19 are each amended to read
5 as follows:

6 (1)(a) When an offender has completed all requirements of the
7 sentence, including any and all legal financial obligations, and while
8 under the custody and supervision of the department, the secretary or
9 the secretary's designee shall notify the sentencing court, which shall
10 discharge the offender and provide the offender with a certificate of
11 discharge by issuing the certificate to the offender in person or by
12 mailing the certificate to the offender's last known address.

13 (b)(i) When an offender has reached the end of his or her
14 supervision with the department and has completed all the requirements
15 of the sentence except his or her legal financial obligations, the
16 secretary's designee shall provide the county clerk with a notice that
17 the offender has completed all nonfinancial requirements of the
18 sentence.

1 (ii) When the department has provided the county clerk with notice
2 that an offender has completed all the requirements of the sentence and
3 the offender subsequently satisfies all legal financial obligations
4 under the sentence, the county clerk shall notify the sentencing court,
5 including the notice from the department, which shall discharge the
6 offender and provide the offender with a certificate of discharge by
7 issuing the certificate to the offender in person or by mailing the
8 certificate to the offender's last known address.

9 (c) Upon being provided with proof from any party sufficient to
10 show that all requirements of the judgment and sentence have been met,
11 the court shall discharge the offender and provide the offender with a
12 certificate of discharge by issuing the certificate to the offender in
13 person or by mailing the certificate to the offender's last known
14 address.

15 (2) The court shall send a copy of every signed certificate of
16 discharge to the auditor for the county in which the court resides and
17 to the department. The department shall create and maintain a data
18 base containing the names of all felons who have been issued
19 certificates of discharge, the date of discharge, and the date of
20 conviction and offense.

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

27 (4) Except as provided in subsection (5) of this section, the
28 discharge shall have the effect of restoring all civil rights lost by
29 operation of law upon conviction, and the certificate of discharge
30 shall so state. Nothing in this section prohibits the use of an
31 offender's prior record for purposes of determining sentences for later
32 offenses as provided in this chapter. Nothing in this section affects
33 or prevents use of the offender's prior conviction in a later criminal
34 prosecution either as an element of an offense or for impeachment
35 purposes. A certificate of discharge is not based on a finding of
36 rehabilitation.

37 (5) Unless otherwise ordered by the sentencing court, a certificate
38 of discharge shall not terminate the offender's obligation to comply

1 with an order issued under chapter 10.99 RCW that excludes or prohibits
2 the offender from having contact with a specified person or coming
3 within a set distance of any specified location that was contained in
4 the judgment and sentence. An offender who violates such an order
5 after a certificate of discharge has been issued shall be subject to
6 prosecution according to the chapter under which the order was
7 originally issued.

8 (6) Upon release from custody, the offender may apply to the
9 department for counseling and help in adjusting to the community. This
10 voluntary help may be provided for up to one year following the release
11 from custody.

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