

**SSB 5339 - S AMD 191**  
By Senator Regala

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Record numbers of our citizens have been sentenced to prison  
5 over the past two decades, more than ninety percent of whom will be  
6 reentering society.

7 (2) The successful reentry and reintegration of previously  
8 incarcerated men and women is important to the public safety of the  
9 state of Washington, to the health of our communities, and to the  
10 reduction of the growing costs of the criminal justice system.

11 (3) A comprehensive reentry program, including the removal of  
12 unreasonable barriers to reentry, offers the best opportunity for  
13 released persons to become productive citizens.

14 (4) Receipt of a certificate of discharge is critical to a released  
15 person's ultimate reintegration into society and avoidance of  
16 recidivism, including better employability, housing, and the exercise  
17 of civil rights.

18 (5) It is in the public interest that a person who has satisfied  
19 all incarceration and supervision requirements of his or her sentence  
20 receive a certificate of discharge if he or she has made a good faith  
21 effort to satisfy all legal financial obligations, according to his or  
22 her means, and the legal financial obligations remain enforceable by  
23 all parties as a civil judgment.

24 **Sec. 2.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read  
25 as follows:

26 (1)(a) When an offender has completed all requirements of the  
27 sentence, including any and all legal financial obligations, and while  
28 under the custody and supervision of the department, the secretary or  
29 the secretary's designee shall notify the sentencing court, which shall

1 discharge the offender and provide the offender with a certificate of  
2 discharge by issuing the certificate to the offender in person or by  
3 mailing the certificate to the offender's last known address.

4 (b)(i) When an offender has reached the end of his or her  
5 supervision with the department and has completed all the requirements  
6 of the sentence except his or her legal financial obligations, the  
7 secretary's designee shall provide the county clerk with a notice that  
8 the offender has completed all nonfinancial requirements of the  
9 sentence.

10 (ii) When the department has provided the county clerk with notice  
11 that an offender has completed all the requirements of the sentence and  
12 the offender subsequently satisfies all legal financial obligations  
13 under the sentence, the county clerk shall notify the sentencing court,  
14 including the notice from the department, which shall discharge the  
15 offender and provide the offender with a certificate of discharge by  
16 issuing the certificate to the offender in person or by mailing the  
17 certificate to the offender's last known address.

18 (c) When an offender who is subject to requirements of the sentence  
19 in addition to the payment of legal financial obligations either is not  
20 subject to supervision by the department or does not complete the  
21 requirements while under supervision of the department, it is the  
22 offender's responsibility to provide the court with verification of the  
23 completion of the sentence conditions other than the payment of legal  
24 financial obligations. When the offender satisfies all legal financial  
25 obligations under the sentence, the county clerk shall notify the  
26 sentencing court that the legal financial obligations have been  
27 satisfied. When the court has received both notification from the  
28 clerk and adequate verification from the offender that the sentence  
29 requirements have been completed, the court shall discharge the  
30 offender and provide the offender with a certificate of discharge by  
31 issuing the certificate to the offender in person or by mailing the  
32 certificate to the offender's last known address.

33 (2) The court shall send a copy of every signed certificate of  
34 discharge to the auditor for the county in which the court resides and  
35 to the department. The department shall create and maintain a data  
36 base containing the names of all felons who have been issued  
37 certificates of discharge, the date of discharge, and the date of  
38 conviction and offense.

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

7 (4)(a) A sentencing court may, on motion by the offender, discharge  
8 the offender's sentence prior to the offender completing the payment of  
9 legal financial obligations where the offender has made and continues  
10 to make a good faith effort to satisfy the legal financial obligations  
11 in accordance with his or her ability to pay and the repayment schedule  
12 adopted by the court, the department of corrections, or the county  
13 clerk. The offender must show that he or she has personally made a  
14 good faith effort to pay and that he or she will continue to make  
15 payments.

16 (b) For purposes of this section, "good faith effort" means that  
17 the offender has either: (i) Paid the principal amount in full; or  
18 (ii) made twenty-four consecutive monthly payments, excluding any  
19 payments mandatorily deducted by the department of corrections, on his  
20 or her legal financial obligations under his or her payment agreement  
21 with the court.

22 (c) A discharge of the offender's sentence under this subsection  
23 has no effect on the offender's liability to pay his or her legal  
24 financial obligations, which remain enforceable under this chapter. In  
25 addition, nothing in this subsection limits the jurisdiction of the  
26 court over the offender for the purpose of enforcing the offender's  
27 compliance with the payment of legal financial obligations or the  
28 authority of the county clerk to collect unpaid legal financial  
29 obligations as otherwise provided by statute.

30 (d) This subsection applies to persons convicted as adults or in  
31 juvenile court.

32 (5) Except as provided in subsection ((+5+)) (6) of this section,  
33 the discharge shall have the effect of restoring all civil rights lost  
34 by operation of law upon conviction, and the certificate of discharge  
35 shall so state. Nothing in this section prohibits the use of an  
36 offender's prior record for purposes of determining sentences for later  
37 offenses as provided in this chapter. Nothing in this section affects  
38 or prevents use of the offender's prior conviction in a later criminal

1 prosecution either as an element of an offense or for impeachment  
2 purposes. A certificate of discharge is not based on a finding of  
3 rehabilitation.

4 ~~((+5))~~ (6) Unless otherwise ordered by the sentencing court, a  
5 certificate of discharge shall not terminate the offender's obligation  
6 to comply with an order issued under chapter 10.99 RCW that excludes or  
7 prohibits the offender from having contact with a specified person or  
8 coming within a set distance of any specified location that was  
9 contained in the judgment and sentence. An offender who violates such  
10 an order after a certificate of discharge has been issued shall be  
11 subject to prosecution according to the chapter under which the order  
12 was originally issued.

13 ~~((+6))~~ (7) Upon release from custody, the offender may apply to  
14 the department for counseling and help in adjusting to the community.  
15 This voluntary help may be provided for up to one year following the  
16 release from custody.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.131 RCW  
18 to read as follows:

19 The recidivism reduction program created by chapter . . ., Laws of  
20 2005 (this act) shall be reviewed under this chapter and shall be  
21 terminated on June 30, 2012. In conducting the review, the committee  
22 shall consult with the Washington state institute for public policy.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.131 RCW  
24 to read as follows:

25 The following acts or parts of acts, as now existing or hereafter  
26 amended, are each repealed, effective June 30, 2013.

- 27 (1) Section 1 of this act; and
- 28 (2) The amendment of RCW 9.94A.637 by 2005 c . . . s 2 (section 2  
29 of this act)."

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1       On page 1, line 2 of the title, after "felons;" strike the  
2 remainder of the title and insert "amending RCW 9.94A.637; adding new  
3 sections to chapter 43.131 RCW; and creating a new section."

EFFECT: Restores JLARC as the lead agency in the sunset study and requires it to be done in consultation with the Washington State Institute for Public Policy.

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