

SENATE BILL REPORT

SB 5339

As Reported By Senate Committee On:
Human Services & Corrections, February 21, 2005

Title: An act relating to recidivism reduction through discharge of convicted felons.

Brief Description: Regarding recidivism reduction through discharge of convicted felons.

Sponsors: Senators Franklin, Regala, Hewitt, Brown, McCaslin, Fairley, Zarelli, Weinstein, Stevens, Kline, Hargrove and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 1/27/05, 2/21/05 [DPS, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5339 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; McAuliffe and Thibaudeau.

Minority Report: Do not pass.

Signed by Senators Brandland and Carrell.

Staff: Fara Daun (786-7459)

Background: Less than ten percent of persons convicted of felonies and sentenced to prison will remain in prison without release; all other offenders will be returned to the community on completion of their term of incarceration. Many of the offenders who have returned to the community will have legal financial obligations to pay in addition to their terms of confinement and supervision in the community. It often takes many years to pay off the legal financial obligations. Under current law the court may reduce the interest on restitution following payment of the principal and waive or reduce the interest on other types of legal financial obligations if the offender has made a good faith effort to pay. The statute sets out a variety of criteria by which an offender can demonstrate to the court that he or she has made a good faith effort to pay.

Current law requires the court to issue a certificate of discharge to an offender after he or she has completed all terms of the sentence, including incarceration, supervision in the community, and payment of all legal financial obligations. Upon receiving a certificate of discharge, all civil rights except the right to bear arms, are restored to the offender.

Summary of Substitute Bill: A court may issue a certificate of discharge to an offender who has completed all terms of his or her sentence before the offender completes paying the legal financial obligations pursuant to the sentence if the offender petitions the court and demonstrates that he or she has made a good faith effort to pay the obligations according to the

offender's ability to pay. The offender remains liable for the payment of the legal financial obligations as a civil judgement and the obligations are enforceable by any party to whom an obligation is owed.

A court that issues a certificate of discharge prior to completion of payment of the legal financial obligations retains jurisdiction over the offender for purposes of the offender's compliance with the payment of the obligation and the county clerk retains authority to collect the obligations.

Substitute Bill Compared to Original Bill: Substitute ties the discharge of the sentence to the existing good faith payment standard and contains a sunset provision for 2012.

Appropriation: None.

Fiscal Note: Requested on January 20, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is no intention with this bill to remove any offender's obligation to pay his or her legal financial obligations. There are, however, offenders who are working and regularly paying as agreed, but whose obligations exceed their ability to clear the debt. Discharge would help these offenders become more fully a part of their community. Successful reentry needs stable housing and employment and a discharge helps obtain these things. This bill is part of many actions to chip away at barriers to successful reentry. All the collection remedies now available would continue to be available. This is a step toward a less cumbersome restoration of rights.

Testimony Against: None.

Concerns: There are concerns that this should be watched to make sure it does not impact the payment of restitution. In addition, the definition of regular payment needs clarifying.

Who Testified: PRO: Senator Rosa Franklin, sponsor; Daniel Clark, Transition & Reentry Reform Coalition; Paul Benz, Lutheran Public Policy; Roger Kluck, Friends Committee on Washington Public Policy; Bill Daley, Washington Citizen Action; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Jennifer Shaw, ACLU of Washington.