

---

HOUSE BILL 1358

---

State of Washington

59th Legislature

2005 Regular Session

By Representatives Flannigan, Jarrett, Grant, Walsh, Kirby, Appleton, Kagi, Pettigrew, Darneille, Lovick, Lantz, Fromhold, Haigh, Hasegawa, Kenney, McIntire and Chase

Read first time 01/21/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to recidivism reduction through discharge of  
2 convicted felons; amending RCW 9.94A.637; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

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

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

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

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

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

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

22 (ii) When the department has provided the county clerk with notice  
23 that an offender has completed all the requirements of the sentence and  
24 the offender subsequently satisfies all legal financial obligations  
25 under the sentence, the county clerk shall notify the sentencing court,  
26 including the notice from the department, which shall discharge the  
27 offender and provide the offender with a certificate of discharge by  
28 issuing the certificate to the offender in person or by mailing the  
29 certificate to the offender's last known address.

30 (c) When an offender who is subject to requirements of the sentence  
31 in addition to the payment of legal financial obligations either is not  
32 subject to supervision by the department or does not complete the  
33 requirements while under supervision of the department, it is the  
34 offender's responsibility to provide the court with verification of the  
35 completion of the sentence conditions other than the payment of legal  
36 financial obligations. When the offender satisfies all legal financial  
37 obligations under the sentence, the county clerk shall notify the

1 sentencing court that the legal financial obligations have been  
2 satisfied. When the court has received both notification from the  
3 clerk and adequate verification from the offender that the sentence  
4 requirements have been completed, the court shall discharge the  
5 offender and provide the offender with a certificate of discharge by  
6 issuing the certificate to the offender in person or by mailing the  
7 certificate to the offender's last known address.

8 (2) The court shall send a copy of every signed certificate of  
9 discharge to the auditor for the county in which the court resides and  
10 to the department. The department shall create and maintain a data  
11 base containing the names of all felons who have been issued  
12 certificates of discharge, the date of discharge, and the date of  
13 conviction and offense.

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

20 (4) An offender may be considered for a discharge of sentence by  
21 the sentencing court prior to completing payment of legal financial  
22 obligations, provided that the offender has met all other sentence  
23 requirements and has made and is making reasonable efforts to satisfy  
24 such legal financial obligations in accordance with the offender's  
25 ability to pay. Such discharge shall not affect the offender's  
26 liability for legal financial obligations, which shall continue to be  
27 enforceable under RCW 9.94A.760(4) as a civil judgment by any party or  
28 entity to whom the obligation is owed. In addition, the court shall  
29 retain jurisdiction over the offender for purposes of the offender's  
30 compliance with payment of the legal financial obligations, and the  
31 county clerk shall continue to be authorized to collect unpaid legal  
32 financial obligations, in the manner provided in RCW 9.94A.760(4).

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

1 or prevents use of the offender's prior conviction in a later criminal  
2 prosecution either as an element of an offense or for impeachment  
3 purposes. A certificate of discharge is not based on a finding of  
4 rehabilitation.

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

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

--- END ---