

# HOUSE BILL REPORT

## HB 1431

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### As Passed Legislature

**Title:** An act relating to certificates of discharge.

**Brief Description:** Changing certificate of discharge requirements.

**Sponsors:** By Representatives Goodman, Lantz, O'Brien, Rodne, Moeller and Hasegawa; by request of Secretary of State.

**Brief History:**

**Committee Activity:**

Judiciary: 1/30/07, 1/31/07 [DP].

**Floor Activity:**

Passed House: 2/23/07, 93-0.

Passed Senate: 4/10/07, 49-0.

Passed Legislature.

### Brief Summary of Bill

- Eliminates requirements for the Department of Corrections and the Secretary of State to maintain records of certificates of discharge for persons who have finished their criminal sentences.
- Requires the Administrative Office of the Courts to maintain such records.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

**Staff:** Bill Perry (786-7123).

**Background:**

When a felony offender has completed any term of confinement and has complied with all requirements of his or her sentence, he or she is issued a certificate of discharge. In the case

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of an offender sentenced under the Sentencing Reform Act, the court that sentenced the offender issues the certificate. In the case of an offender under the jurisdiction of the Indeterminate Sentence Review Board, the board issues the certificate.

Copies of certificates of discharge are to be sent to county auditors. The law directs the Department of Corrections to create and maintain a database of certificates of discharge. A law passed in 2005 relating to voter registration also requires the Secretary of State to maintain a record of all discharges. The Secretary of State is to use these records to maintain a statewide voter registration list.

Judicial issuance of a certificate of discharge is processed through the county clerk. The Administrative Office of the Courts maintains records of criminal sentences, including discharges, that are supplied by the county clerks. The same law that requires the Secretary of State to maintain a record of discharges also requires that the statewide voter registration list database be coordinated with lists from other agencies, including the Administrative Office of the Courts.

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**Summary of Bill:**

The requirements for a certificate of discharge database in the Department of Corrections and in the Secretary of State's office are eliminated. The requirement that copies of certificates of discharge be sent to county auditors is eliminated. Each certificate is to be filed with the county clerk in the county of the sentencing court.

The county clerks are required to enter the names of discharged felons into a database maintained by the Administrative Office of the Courts.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill makes good administrative sense. It makes no change to the substantive law relating to certificates of discharge. The Secretary or State's Office is not the appropriate place to maintain these records. The Department of Corrections does not have access to records of offenders not under its control. The Administrative Office of the Courts already collects this data, and the bill will have no fiscal impact.

(Opposed) None.

**Persons Testifying:** Representative Goodman, prime sponsor; Katie Blinn, Office of the Secretary of State; and Doreen Geiger, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** None.