

SENATE BILL REPORT

SB 6703

As Reported By Senate Committee On:
Human Services & Corrections, February 05, 2008

Title: An act relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location.

Brief Description: Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location.

Sponsors: Senators Regala, Weinstein, Oemig, McDermott and Tom.

Brief History:

Committee Activity: Human Services & Corrections: 2/1/08, 2/5/08 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

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

Staff: Shani Bauer (786-7468)

Background: A criminal sentence may include a term of incarceration; a term of supervision in the community (community custody); an obligation to pay legal financial obligations; or a combination of incarceration, community custody, and legal financial obligations. When an offender has completed all the requirements of his or her sentence, including the payment of any and all legal financial obligations, the offender may obtain a certificate of discharge.

Unless otherwise ordered by the court, a certificate of discharge does not terminate the offender's obligation to comply with an order that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence.

Summary of Bill: Issuance of a certificate of discharge does not affect and is not prevented by an order that excludes or prohibits the offender from having contact with a specified person or business, or coming within a set distance of any specified location, that was contained in the judgment and sentence.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The key document to getting a person's rights restored once they have been convicted is the certificate of discharge. This document gives the person the right to vote and participate in juries. In order to obtain a discharge, all obligations of the sentence must be completed including financial obligations. A court decision in 1999 created this problem in finding that a no contact order was part of the sentence, and had to be completely sat out before the person was eligible for a certificate of discharge. No contact orders are routinely ordered for all felonies. The time period for a class A felony extends for the person's life.

There was an apparent attempt to fix this in statute in 2000, but it has been read by some courts only to allow discharges when the no contact order is from a domestic violence action. A person with an arguably less serious offense must wait longer to get his or her rights restored than the person with a domestic violence no contact order. This is an important part of the process for offenders who have met their obligations. The right to vote represents the time when they are part of the community once again. Even though a person has made a mistake, once all reparations have been made and all provisions adhered to, the person should be entitled to rejoin society. Voting is one of the most sacred and fundamental right in our democracy.

Persons Testifying: PRO: Mark Muenster, WA Association of Criminal Defense Lawyers, Jennifer Smith, ACLU-WA, Molly Matter, citizen.