
SENATE BILL 5167

State of Washington

61st Legislature

2009 Regular Session

By Senators Regala, Kline, and Hargrove

Read first time 01/15/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to allowing a certificate of discharge to be issued
2 when an existing order excludes or prohibits an offender from having
3 contact with a specified person or business, or coming within a set
4 distance of any specified location; amending RCW 9.94A.637; and
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that restoration of
8 the right to vote and serve on a jury, for individuals who have
9 satisfied every other obligation of their sentence, best serves to
10 reintegrate them into society, even if a no-contact order exists.
11 Therefore, the legislature further finds clarification of the existing
12 statute is desirable to provide clarity to the courts that a
13 certificate of discharge shall be issued, while the no-contact order
14 remains in effect, once other obligations are completed.

15 **Sec. 2.** RCW 9.94A.637 and 2007 c 171 s 1 are each amended to read
16 as follows:

17 (1)(a) When an offender has completed all requirements of the
18 sentence, including any and all legal financial obligations, and while

1 under the custody and supervision of the department, the secretary or
2 the secretary's designee shall notify the sentencing court, which shall
3 discharge the offender and provide the offender with a certificate of
4 discharge by issuing the certificate to the offender in person or by
5 mailing the certificate to the offender's last known address.

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

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

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

35 (2) Issuance of a certificate of discharge under this section shall
36 not affect, nor be prevented by, an order that excludes or prohibits
37 the offender from having contact with a specified person or business,

1 or coming within a set distance of any specified location, whether the
2 order is contained in the judgment and sentence, or in a separate
3 order.

4 (3) Every signed certificate and order of discharge shall be filed
5 with the county clerk of the sentencing county. In addition, the court
6 shall send to the department a copy of every signed certificate and
7 order of discharge for offender sentences under the authority of the
8 department. The county clerk shall enter into a database maintained by
9 the administrator for the courts the names of all felons who have been
10 issued certificates of discharge, the date of discharge, and the date
11 of conviction and offense.

12 ~~((+3))~~ (4) An offender who is not convicted of a violent offense
13 or a sex offense and is sentenced to a term involving community
14 supervision may be considered for a discharge of sentence by the
15 sentencing court prior to the completion of community supervision,
16 provided that the offender has completed at least one-half of the term
17 of community supervision and has met all other sentence requirements.

18 ~~((+4))~~ (5) Except as provided in subsection ~~((+5))~~ (6) of this
19 section, the discharge shall have the effect of restoring all civil
20 rights lost by operation of law upon conviction, and the certificate of
21 discharge shall so state. Nothing in this section prohibits the use of
22 an offender's prior record for purposes of determining sentences for
23 later offenses as provided in this chapter. Nothing in this section
24 affects or prevents use of the offender's prior conviction in a later
25 criminal prosecution either as an element of an offense or for
26 impeachment purposes. A certificate of discharge is not based on a
27 finding of rehabilitation.

28 ~~((+5))~~ (6) Unless otherwise ordered by the sentencing court, a
29 certificate of discharge shall not terminate the offender's obligation
30 to comply with an order ~~((issued under chapter 10.99 RCW))~~ that
31 excludes or prohibits the offender from having contact with a specified
32 person or coming within a set distance of any specified location that
33 was contained in the judgment and sentence. An offender who violates
34 such an order after a certificate of discharge has been issued shall be
35 subject to prosecution ~~((according to the chapter under which the order~~
36 ~~was originally issued))~~.

37 ~~((+6))~~ (7) Upon release from custody, the offender may apply to

1 the department for counseling and help in adjusting to the community.
2 This voluntary help may be provided for up to one year following the
3 release from custody.

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