

HOUSE BILL REPORT

HB 1041

As Reported by House Committee On:
Public Safety

Title: An act relating to promoting successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records.

Brief Description: Promoting successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records.

Sponsors: Representatives Hansen, Irwin, Ryu, Jinkins, Wylie, Santos and Caldier.

Brief History:

Committee Activity:

Public Safety: 1/24/19, 2/7/19 [DPS].

Brief Summary of First Substitute Bill

- Modifies the process for obtaining a certificate of discharge for felony convictions
- Expands eligibility criteria for vacating criminal convictions.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Kelly Leonard (786-7147)

Background:

When a person has completed the sentencing conditions for a felony conviction, including any and all legal financial obligations (LFOs), the sentencing court is required to provide him or her with a certificate of discharge (COD). The COD has the effect of restoring all civil rights, with the exception of the right to vote, which is automatically provisionally restored upon release from incarceration. A prior record may still be used in determining sentences for later offenses, and a COD does not discharge a no-contact or protection order.

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

The process for obtaining a COD is provided in statute. When a person has completed sentencing conditions, the Department of Corrections (DOC) is required to submit notice to the county clerk, who in turn informs the sentencing court. If the person was not in the custody of or under the supervision of the DOC, he or she may directly contact the sentencing court with verification that he or she has completed conditions. Once the person satisfies all LFOs, the sentencing court is required to provide him or her with a COD.

Summary of Bill (First Substitute):

Notices from the DOC to the county clerk must include specific information regarding completed sentence requirements, so it is clear to the sentencing court that the person is entitled to a COD upon completing payment of his or her LFOs. The county clerk must promptly notify the court when the person completes payment of his or her LFOs.

A person may apply directly to the sentencing court if the DOC does not provide notice to the court. The applicant must submit documentation to the court verifying completion of all sentencing conditions. The sentencing court must issue a COD upon verification of completion of sentencing conditions. A COD is effective on the date the person completed sentencing conditions.

Substitute Bill Compared to Original Bill

Test

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill does not reduce sentences or reduce punishment. Instead, it is a reward for highly motivated people who have completed their sentences and turned their lives around. First, the bill streamlines the process for getting a COD. Second, it modifies the eligibility criteria for applications to vacate records.

Under current law, a person can vacate an unlimited number of felonies, but only one misdemeanor. This disparity makes no sense, and the bill addresses it by allowing the vacation of more than one misdemeanor. In addition, it allows three commonly charged felonies to be vacated, specifically Assault in the second degree, Assault in the third degree not involving a law enforcement officer, and Robbery in the second degree. These are common offenses and cover a range of conduct. Notably, there are other severe offenses that can be vacated under current law, like Extortion, Intimidating a Judge, and Hit and Run. The offenses covered under this bill should not be treated differently.

Persons Testifying: (In support) Representative Drew Hansen, Prime Sponsor; Russell

Brown, WAPA/Executive Director; Dan Satterberg, King County Prosecutor's Office, WA State Reentry Council ; Tamaso Johnson, WA State Coalition Against Domestic Violence; Carolina Landa, Civil Survival; Andre Taylor, Not This Time and De-Escalate Washington; Devitta Briscoe, Community Justice Project; Collin Dow; Crystal Nelson; Portia Linear; Tarra Simmons, Public Defender Association, Civil Survival, WA State Reentry Council; Dominic Jones.

(Other) Ruth Gordon, Washington Association of County Clerks; Alex MacBain, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.