
HOUSE BILL 1924

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By Representatives Dolan, Pettigrew, Peterson, Stonier, Harris, Santos, Ryu, Pollet, Slatter, Springer, Appleton, Doglio, Jinkins, Leavitt, Ortiz-Self, Stanford, Walen, Valdez, Goodman, Ramos, Senn, Lekanoff, Thai, Riccelli, Ormsby, Tharinger, and Davis

Read first time 02/06/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to the voting rights of persons convicted of a
2 felony offense; and amending RCW 10.64.140, 29A.08.520, and
3 72.09.270.

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

5 **Sec. 1.** RCW 10.64.140 and 2009 c 325 s 5 are each amended to
6 read as follows:

7 (1) When a person is convicted of a felony, the court shall
8 require the defendant to sign a statement acknowledging that:

9 (a) The defendant's right to vote has been lost due to the felony
10 conviction;

11 (b) If the defendant is registered to vote, the voter
12 registration will be canceled;

13 (c) The right to vote is (~~provisionally~~) automatically restored
14 as long as the defendant is not under the authority of the department
15 of corrections;

16 (d) The defendant must reregister before voting; and

17 ~~((The provisional right to vote may be revoked if the~~
18 ~~defendant fails to comply with all the terms of his or her legal~~
19 ~~financial obligations or an agreement for the payment of legal~~
20 ~~financial obligations;~~

1 ~~(f) The right to vote may be permanently restored by one of the~~
2 ~~following for each felony conviction:~~

3 ~~(i) A certificate of discharge issued by the sentencing court, as~~
4 ~~provided in RCW 9.94A.637;~~

5 ~~(ii) A court order issued by the sentencing court restoring the~~
6 ~~right, as provided in RCW 9.92.066;~~

7 ~~(iii) A final order of discharge issued by the indeterminate~~
8 ~~sentence review board, as provided in RCW 9.96.050; or~~

9 ~~(iv) A certificate of restoration issued by the governor, as~~
10 ~~provided in RCW 9.96.020; and~~

11 ~~(g))~~ Voting before the right is restored is a class C felony
12 under RCW 29A.84.660.

13 (2) For the purposes of this section, a person is under the
14 authority of the department of corrections if the person is ((÷

15 ~~(a))~~ serving a sentence of confinement in the custody of the
16 department of corrections ((÷ or

17 ~~(b) Subject to community custody as defined in RCW 9.94A.030)).~~ A
18 person serving a term of community custody is not considered to be in
19 the custody of the department of corrections for purposes of this
20 section unless the person is returned to confinement for a violation
21 of community custody pursuant to RCW 9.94A.633(2).

22 **Sec. 2.** RCW 29A.08.520 and 2013 c 11 s 19 are each amended to
23 read as follows:

24 (1) For a felony conviction in a Washington state court, the
25 right to vote is ((provisionally)) automatically restored as long as
26 the person is not under the authority of the department of
27 corrections. For a felony conviction in a federal court or any state
28 court other than a Washington state court, the right to vote is
29 automatically restored as long as the person is no longer
30 incarcerated. A person who has had their voting rights restored must
31 reregister to vote before voting.

32 (2) ((a) Once the right to vote has been provisionally restored,
33 the sentencing court may revoke the provisional restoration of voting
34 rights if the sentencing court determines that a person has willfully
35 failed to comply with the terms of his or her order to pay legal
36 financial obligations.

37 (b) If the person has failed to make three payments in a
38 twelve-month period and the county clerk or restitution recipient

1 requests, the prosecutor shall seek revocation of the provisional
2 restoration of voting rights from the court.

3 ~~(c) To the extent practicable, the prosecutor and county clerk~~
4 ~~shall inform a restitution recipient of the recipient's right to ask~~
5 ~~for the revocation of the provisional restoration of voting rights.~~

6 ~~(3) If the court revokes the provisional restoration of voting~~
7 ~~rights, the revocation shall remain in effect until, upon motion by~~
8 ~~the person whose provisional voting rights have been revoked, the~~
9 ~~person shows that he or she has made a good faith effort to pay as~~
10 ~~defined in RCW 10.82.090.~~

11 ~~(4) The county clerk shall enter into a database maintained by~~
12 ~~the administrator for the courts the names of all persons whose~~
13 ~~provisional voting rights have been revoked, and update the database~~
14 ~~for any person whose voting rights have subsequently been restored~~
15 ~~pursuant to subsection (6) of this section.~~

16 ~~(5))~~ At least twice a year, the secretary of state shall compare
17 the list of registered voters to a list from the department of
18 corrections of ~~((felons))~~ persons convicted of felony offenses who
19 are not eligible to vote as provided in subsection~~((s))~~ (1) ~~((and~~
20 ~~(3))~~) of this section. If a registered voter is not eligible to vote
21 as provided in this section, the secretary of state or county auditor
22 shall confirm the match through a date of birth comparison and
23 suspend the voter registration from the official state voter
24 registration list. The secretary of state or county auditor shall
25 send to the person at his or her last known voter registration
26 address and at the department of corrections, if the person is under
27 the authority of the department, a notice of the proposed
28 cancellation and an explanation of the requirements for
29 ~~((provisionally and permanently))~~ restoring the right to vote and
30 reregistering. To the extent possible, the secretary of state shall
31 time the comparison required by this subsection to allow notice and
32 cancellation of voting rights for ineligible voters prior to a
33 primary or general election.

34 ~~((6) The right to vote may be permanently restored by one of the~~
35 ~~following for each felony conviction:~~

36 ~~(a) A certificate of discharge issued by the sentencing court, as~~
37 ~~provided in RCW 9.94A.637;~~

38 ~~(b) A court order restoring the right, as provided in RCW~~
39 ~~9.92.066;~~

1 ~~(c) A final order of discharge issued by the indeterminate~~
2 ~~sentence review board, as provided in RCW 9.96.050; or~~

3 ~~(d) A certificate of restoration issued by the governor, as~~
4 ~~provided in RCW 9.96.020.~~

5 ~~(7))~~ (3) In addition to the individual reentry plan, created
6 pursuant to RCW 72.09.270, the department of corrections must provide
7 a person with a voter registration application and information on how
8 to register to vote, upon their release from the authority of the
9 department of corrections.

10 (4) For the purposes of this section, a person is under the
11 authority of the department of corrections if the person is (~~(~~

12 ~~(a))~~ -serving a sentence of confinement in the custody of the
13 department of corrections (~~(~~

14 ~~(b) Subject to community custody as defined in RCW 9.94A.030)).~~ A
15 person serving a term of community custody is not considered to be in
16 the custody of the department of corrections for purposes of this
17 section unless the person is returned to confinement for a violation
18 of community custody pursuant to RCW 9.94A.633(2).

19 **Sec. 3.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to
20 read as follows:

21 (1) The department of corrections shall develop an individual
22 reentry plan as defined in RCW 72.09.015 for every offender who is
23 committed to the jurisdiction of the department except:

24 (a) Offenders who are sentenced to life without the possibility
25 of release or sentenced to death under chapter 10.95 RCW; and

26 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
27 1227.

28 (2) The individual reentry plan may be one document, or may be a
29 series of individual plans that combine to meet the requirements of
30 this section.

31 (3) In developing individual reentry plans, the department shall
32 assess all offenders using standardized and comprehensive tools to
33 identify the criminogenic risks, programmatic needs, and educational
34 and vocational skill levels for each offender. The assessment tool
35 should take into account demographic biases, such as culture, age,
36 and gender, as well as the needs of the offender, including any
37 learning disabilities, substance abuse or mental health issues, and
38 social or behavior deficits.

1 (4) (a) The initial assessment shall be conducted as early as
2 sentencing, but, whenever possible, no later than forty-five days of
3 being sentenced to the jurisdiction of the department of corrections.

4 (b) The offender's individual reentry plan shall be developed as
5 soon as possible after the initial assessment is conducted, but,
6 whenever possible, no later than sixty days after completion of the
7 assessment, and shall be periodically reviewed and updated as
8 appropriate.

9 (5) The individual reentry plan shall, at a minimum, include:

10 (a) A plan to maintain contact with the inmate's children and
11 family, if appropriate. The plan should determine whether parenting
12 classes, or other services, are appropriate to facilitate successful
13 reunification with the offender's children and family;

14 (b) An individualized portfolio for each offender that includes
15 the offender's education achievements, certifications, employment,
16 work experience, skills, and any training received prior to and
17 during incarceration; and

18 (c) A plan for the offender during the period of incarceration
19 through reentry into the community that addresses the needs of the
20 offender including education, employment, substance abuse treatment,
21 mental health treatment, family reunification, and other areas which
22 are needed to facilitate a successful reintegration into the
23 community.

24 (6) (a) Prior to discharge of any offender, the department shall:

25 (i) Evaluate the offender's needs and, to the extent possible,
26 connect the offender with existing services and resources that meet
27 those needs; and

28 (ii) Connect the offender with a community justice center and/or
29 community transition coordination network in the area in which the
30 offender will be residing once released from the correctional system
31 if one exists.

32 (b) If the department recommends partial confinement in an
33 offender's individual reentry plan, the department shall maximize the
34 period of partial confinement for the offender as allowed pursuant to
35 RCW 9.94A.728 to facilitate the offender's transition to the
36 community.

37 (7) The department shall establish mechanisms for sharing
38 information from individual reentry plans to those persons involved
39 with the offender's treatment, programming, and reentry, when deemed

1 appropriate. When feasible, this information shall be shared
2 electronically.

3 (8)(a) In determining the county of discharge for an offender
4 released to community custody, the department may not approve a
5 residence location that is not in the offender's county of origin
6 unless it is determined by the department that the offender's return
7 to his or her county of origin would be inappropriate considering any
8 court-ordered condition of the offender's sentence, victim safety
9 concerns, negative influences on the offender in the community, or
10 the location of family or other sponsoring persons or organizations
11 that will support the offender.

12 (b) If the offender is not returned to his or her county of
13 origin, the department shall provide the law and justice council of
14 the county in which the offender is placed with a written
15 explanation.

16 (c) For purposes of this section, the offender's county of origin
17 means the county of the offender's first felony conviction in
18 Washington.

19 (9) In addition to the individual reentry plan developed under
20 this section, the department shall provide the offender with voter
21 registration materials in accordance with RCW 29A.08.520.

22 (10) Nothing in this section creates a vested right in
23 programming, education, or other services.

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