
SENATE BILL 5407

State of Washington

60th Legislature

2007 Regular Session

By Senators Regala, Carrell, Hargrove and Brandland; by request of Secretary of State

Read first time 01/18/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to certificates of discharge; amending RCW
2 9.94A.637 and 9.96.050; and repealing RCW 29A.08.660.

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

4 **Sec. 1.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read
5 as follows:

6 (1)(a) When an offender has completed all requirements of the
7 sentence, including any and all legal financial obligations, and while
8 under the custody and supervision of the department, the secretary or
9 the secretary's designee shall notify the sentencing court, which shall
10 discharge the offender and provide the offender with a certificate of
11 discharge by issuing the certificate to the offender in person or by
12 mailing the certificate to the offender's last known address.

13 (b)(i) When an offender has reached the end of his or her
14 supervision with the department and has completed all the requirements
15 of the sentence except his or her legal financial obligations, the
16 secretary's designee shall provide the county clerk with a notice that
17 the offender has completed all nonfinancial requirements of the
18 sentence.

1 (ii) When the department has provided the county clerk with notice
2 that an offender has completed all the requirements of the sentence and
3 the offender subsequently satisfies all legal financial obligations
4 under the sentence, the county clerk shall notify the sentencing court,
5 including the notice from the department, which shall discharge the
6 offender and provide the offender with a certificate of discharge by
7 issuing the certificate to the offender in person or by mailing the
8 certificate to the offender's last known address.

9 (c) When an offender who is subject to requirements of the sentence
10 in addition to the payment of legal financial obligations either is not
11 subject to supervision by the department or does not complete the
12 requirements while under supervision of the department, it is the
13 offender's responsibility to provide the court with verification of the
14 completion of the sentence conditions other than the payment of legal
15 financial obligations. When the offender satisfies all legal financial
16 obligations under the sentence, the county clerk shall notify the
17 sentencing court that the legal financial obligations have been
18 satisfied. When the court has received both notification from the
19 clerk and adequate verification from the offender that the sentence
20 requirements have been completed, the court shall discharge the
21 offender and provide the offender with a certificate of discharge by
22 issuing the certificate to the offender in person or by mailing the
23 certificate to the offender's last known address.

24 (2) Every signed certificate and order of discharge shall be filed
25 with the county clerk of the sentencing county. In addition, the court
26 shall send to the department a copy of every signed certificate and
27 order of discharge (~~to the auditor for the county in which the court~~
28 ~~resides and to~~) for offender sentences under the authority of the
29 department. The (~~department shall create and maintain a data base~~
30 ~~containing~~) county clerk shall enter into a database maintained by the
31 administrator for the courts the names of all felons who have been
32 issued certificates of discharge, the date of discharge, and the date
33 of conviction and offense.

34 (3) An offender who is not convicted of a violent offense or a sex
35 offense and is sentenced to a term involving community supervision may
36 be considered for a discharge of sentence by the sentencing court prior
37 to the completion of community supervision, provided that the offender

1 has completed at least one-half of the term of community supervision
2 and has met all other sentence requirements.

3 (4) Except as provided in subsection (5) of this section, the
4 discharge shall have the effect of restoring all civil rights lost by
5 operation of law upon conviction, and the certificate of discharge
6 shall so state. Nothing in this section prohibits the use of an
7 offender's prior record for purposes of determining sentences for later
8 offenses as provided in this chapter. Nothing in this section affects
9 or prevents use of the offender's prior conviction in a later criminal
10 prosecution either as an element of an offense or for impeachment
11 purposes. A certificate of discharge is not based on a finding of
12 rehabilitation.

13 (5) Unless otherwise ordered by the sentencing court, a certificate
14 of discharge shall not terminate the offender's obligation to comply
15 with an order issued under chapter 10.99 RCW that excludes or prohibits
16 the offender from having contact with a specified person or coming
17 within a set distance of any specified location that was contained in
18 the judgment and sentence. An offender who violates such an order
19 after a certificate of discharge has been issued shall be subject to
20 prosecution according to the chapter under which the order was
21 originally issued.

22 (6) Upon release from custody, the offender may apply to the
23 department for counseling and help in adjusting to the community. This
24 voluntary help may be provided for up to one year following the release
25 from custody.

26 **Sec. 2.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read as
27 follows:

28 When a prisoner on parole has performed all obligations of his or
29 her release, including any and all legal financial obligations, for
30 such time as shall satisfy the indeterminate sentence review board that
31 his or her final release is not incompatible with the best interests of
32 society and the welfare of the paroled individual, the board may make
33 a final order of discharge and issue a certificate of discharge to the
34 prisoner. The certificate of discharge shall be issued to the offender
35 in person or by mail to the prisoner's last known address.

36 The board shall send to the department of corrections a copy of
37 every signed certificate of discharge (~~to the auditor for the county~~

1 ~~in which the offender was sentenced and to)) for offender sentences~~
2 ~~under the authority of the department of corrections. ((The department~~
3 ~~shall create and maintain a data base containing the names of all~~
4 ~~felons who have been issued certificates of discharge, the date of~~
5 ~~discharge, and the date of conviction and offense.))~~

6 The board retains the jurisdiction to issue a certificate of
7 discharge after the expiration of the prisoner's or parolee's maximum
8 statutory sentence. If not earlier granted, the board shall make a
9 final order of discharge three years from the date of parole unless the
10 parolee is on suspended or revoked status at the expiration of the
11 three years. Such discharge, regardless of when issued, shall have the
12 effect of restoring all civil rights lost by operation of law upon
13 conviction, and the certification of discharge shall so state. This
14 restoration of civil rights shall not restore the right to receive,
15 possess, own, or transport firearms.

16 The discharge provided for in this section shall be considered as
17 a part of the sentence of the convicted person and shall not in any
18 manner be construed as affecting the powers of the governor to pardon
19 any such person.

20 NEW SECTION. Sec. 3. RCW 29A.08.660 (Felony offender--Completion
21 of sentence) and 2005 c 246 s 12 are each repealed.

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