

HOUSE BILL REPORT

HB 1288

As Reported By House Committee On:

Corrections

Title: An act relating to inmate name changes.

Brief Description: Prohibiting felons in prison from applying for a name change.

Sponsors: Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Sheldon, Mielke, Padden, Conway, Delvin, Schoesler, Foreman, Stevens, Thibaudeau, Dickerson, Blanton, Sherstad, Hargrove, Scott, Kessler, Radcliff, L. Thomas, Thompson, Campbell, Benton, Mitchell, Mastin, Carrell, Basich, Koster and D. Schmidt.

Brief History:

Committee Activity:

Corrections: 1/31/95, 2/22/95 [DP].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Staff: Antonio Sanchez (786-7383).

Background: Current state law and prison regulations allow an inmate confined in prison to change his or her name as it originally appeared on commitment documents. Inmates have used merit protection under the First Amendment to successfully sue to have the right to change their names for religious purposes, or if they are married while confined. Case law, however, reveals that the Department of Corrections can require that the inmate use his or her committed name together with the changed name during the inmate's entire period of incarceration.

Public safety concerns have been raised by victims' rights organizations about prisoners who have legally changed their names while they are in prison. Some criminal cases have shown that inmates have used their new name to stalk and harass their victims outside the prison via mail.

Individuals converted to some Muslim faiths are required to change their name to correspond to names acceptable to this religion. These Muslim faiths consider Anglo names to be remnants of slavery, while Islamic names provide a badge of spirituality.

Summary of Bill: Prison inmates are prohibited from changing their names if the department determines that changing their name would interfere with the safe and orderly function of the prison. Inmates are permitted to change their names for marriage or religious purposes. However, an inmate who has legally changed his or her name is required to use both the committed and the changed name while in prison.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This will eliminate the ability for inmates to change their names and will increase the department's inmate management capabilities.

Testimony Against: None.

Testified: Tom Rolfs, Department of Corrections (no position); Martin Wyckoff, Attorney General's Office (no position); and Earl Stanley, Washington Public Employees Association (pro).