
Criminal Justice & Corrections Committee

HB 2455

Brief Description: Specifying when voting rights may be restored for felons.

Sponsors: Representatives Darneille, Santos, Murray, Dickerson, Veloria, McIntire, Lovick, Miloscia, Chase, Fisher and Wood.

Brief Summary of Bill

- Requires the Department of Corrections, the Indeterminate Sentencing Review Board, and the Clemency and Pardons Board to issue certificates restoring a felon's voting rights after he or she has completed all conditions of his or her sentence, except legal financial obligations.
- Requires the Department of Corrections, the Indeterminate Sentencing Review Board, and the Clemency and Pardons Board to take certain steps to assure that the certificate reaches the offender.

Hearing Date: 1/30/02

Staff: Jim Morishima (786-7191).

Background:

Article VI, Section 6 of the state Constitution prohibits "all persons convicted of infamous crimes" from voting unless they have their civil rights restored. "Infamous crime" is defined in statute as "a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility;" i.e., felonies.

A convicted felon's right to vote is restored once his or her sentence has been discharged. This includes payment of any legal financial obligations. Restoration of voting rights is accomplished as follows:

For a person convicted of a crime committed on or after July 1, 1984, the Department of Corrections (DOC) notifies the sentencing court when the person completes his or her sentence. The court then issues a certificate of discharge, which restores the civil rights of the person, including the right to vote. For a person convicted of a crime committed before

July 1, 1984, the Indeterminate Sentencing Review Board (ISRB) issues the certificate of discharge. For a person convicted of an out-of-state crime, the person may petition the Clemency and Pardons Board for restoration of his or her voting rights. The board may recommend such restoration to the Governor.

Summary of Bill:

When an offender completes all requirements of his or her sentence, with the exception of any legal financial obligations, the DOC, the ISRB, or the Clemency and Pardons Board, whichever has jurisdiction over the offender, must issue a certificate to the offender restoring his or her right to vote. The certificate has the sole effect of restoring the offender's right to vote and does not effect any other obligation or order in place. The DOC, the ISRB, and the Clemency and Pardons Board must also issue certificates for persons who have completed their sentences, with the exception of any legal financial obligations, as of the effective date of the act.

The certificate must be provided to the offender in person or by mailing the certificate to the offender's last known address. In making reasonable efforts to ensure that the notice actually reaches the offender, the DOC, the ISRB, and the Clemency and Pardons Board must utilize likely sources of current address information such as the Department of Licensing. The agencies must take steps to ascertain that the person to whom the notice is sent is accurately identified.

The certificate must also be sent to the Secretary of State and the County Auditor for the county of the offender's last address. The DOC must maintain an easily accessible record of the issuance of the certificates.

Appropriation: None.

Fiscal Note: Requested on January 25, 2002.

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