

HOUSE BILL REPORT

SSB 6240

As Passed House:

March 5, 2002

Title: An act relating to notice to felons regarding restoration of voting rights.

Brief Description: Clarifying the procedure for providing offenders with a certificate of discharge.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Shin, Kline, Regala, Prentice and Costa).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/27/02 [DP].

Floor Activity:

Passed House: 3/5/02, 73-22.

Brief Summary of Substitute Bill

- Requires the courts and the Indeterminate Sentence Review Board (ISRB) to give certificates of discharge in person or by mail.
- Requires the courts and the ISRB to mail certificates of discharge to the county auditors.
- Requires the Department of Corrections (DOC) to create and maintain a database containing certificate of discharge information.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 6 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Kagi, Kirby and Morell.

Minority Report: Do not pass. Signed by 1 member: Representative Ahern.

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 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 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 Substitute Bill:

The DOC must notify the sentencing court when an offender under its custody and supervision completes the requirements of his or her sentence. The court must issue the certificate of discharge to the offender in person or by mailing the certificate to the offender's last known address. The court must send the certificate to the auditor for the county in which the court resides and to the DOC.

The ISRB must issue a certificate of discharge to the offender in person or by mailing the certificate to the offender's last known address. The ISRB must send the certificate to the auditor for the county in which the offender was sentenced and to the DOC.

The DOC must create and maintain a database containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is about responsible citizenship. Individuals who have completed their sentences often do not know how to get their voting rights restored. This

bill would not allow an offender to have his or her civil rights restored until after they have completed their sentences, including legal financial obligations. The database requirement in the bill will provide a useful tool for people to find out about their status. It is difficult to teach children the importance of voting if their parents are hesitant to vote.

Testimony Against: None.

Testified: Senator Franklin, prime sponsor; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; David Elliott, Office of the Secretary of State; and Janis Martin, Safe Homes.