

# Chapter 381-80 WAC

## PROCEDURES FOR CONDITIONAL DISCHARGE—FINAL DISCHARGE—CLEMENCY

**Reviser's note:** The following chapter has **not** been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published as WSR 91-14-029 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by the code reviser's office.

### WAC

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**WAC 381-80-010 Purpose.** The purpose of this chapter is to specify policies and procedures for granting conditional and final discharges from parole supervision and for matters of clemency (pardons, reprieves, commutations). The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

[WSR 93-23-077, § 381-80-010, filed 11/17/93, effective 8/23/93. WSR 91-14-029, § 381-80-010, filed 6/26/91, effective 7/27/91.]

**WAC 381-80-020 Authority.** RCW 9.95.150, 9.96.-050, 10.01.120, and 9.95.009(2).

[WSR 91-14-029, § 381-80-020, filed 6/26/91, effective 7/27/91.]

**WAC 381-80-030 Scope.** The provisions of this chapter shall apply to adult offenders convicted of crimes in the state of Washington and sentenced under the indeterminate sentencing laws and those officials charged with the supervision of such offenders.

[WSR 91-14-029, § 381-80-030, filed 6/26/91, effective 7/27/91.]

**WAC 381-80-040 Conditional discharge from parole supervision.** Conditional discharge from supervision is defined as that state of parole where a parolee is no longer required to report to an officer of the department of corrections but is required to observe all laws and make an annual written report to the board. Civil rights lost at the time of conviction are not restored.

When a paroled offender has adequately performed the obligations of his or her release for such time as shall satisfy the indeterminate sentence review board, and his or her conditional discharge from supervision is compatible with the best interests of society and the welfare of the paroled individual, and upon receipt of a report from the community cor-

rections officer, the board may grant a conditional discharge from supervision.

Offenders may be granted a conditional discharge from supervision after a period of active supervision or at the time of parole. Parolees may be required to sign and acknowledge the conditional discharge conditions before the CDFS becomes valid.

In any case where there is a parole suspension no conditional discharge decision will be made until resolution of those allegations.

A full board vote is required to grant a CDFS for any individual convicted of an offense that resulted in a loss of life.

[WSR 92-22-008, § 381-80-040, filed 10/21/92, effective 10/19/92. WSR 91-14-029, § 381-80-040, filed 6/26/91, effective 7/27/91.]

**WAC 381-80-050 Final discharge from parole supervision.** When a paroled offender has adequately performed the obligations of his or her release for a period of three years from the date of parole to the community, the board shall grant a final discharge restoring civil rights, pursuant to chapter 140, Laws of 1993. If the board determines that a final discharge is compatible with the best interests of society and the welfare of the paroled individual, the board may grant a final discharge prior to three years from the date of parole.

Final discharge restoring civil rights is governed by statute (RCW 9.96.050). If granted earlier than three years from the date of parole, full board ratification is required on all cases where the individual was convicted of a crime which resulted in a loss of life.

The right to possess or control firearms is not restored.

In cases where the maximum term has expired, the board may grant a final discharge restoring civil rights if it believes such action is in the best interests of society.

[WSR 98-09-045, § 381-80-050, filed 4/15/98, effective 4/13/98. WSR 93-23-077, § 381-80-050, filed 11/17/93, effective 10/18/93. WSR 92-22-008, § 381-80-050, filed 10/21/92, effective 10/19/92. WSR 91-14-029, § 381-80-050, filed 6/26/91, effective 7/27/91.]

**WAC 381-80-060 Clemency.** The governor, at his or her discretion, may refer requests for pardons, commutations, etc., to the board for a report and recommendation. The report and recommendation shall be reviewed by and voted on by all available board members prior to its submission to the governor (see RCW 9.95.260).

[WSR 91-14-029, § 381-80-060, filed 6/26/91, effective 7/27/91.]