

SENATE BILL REPORT

SB 5167

As of February 2, 2009

Title: An act relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location.

Brief Description: Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location.

Sponsors: Senators Regala, Kline and Hargrove.

Brief History:

Committee Activity: Human Services & Corrections: 1/30/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: A criminal sentence may include a term of incarceration; a term of supervision in the community (community custody); an obligation to pay legal financial obligations; or a combination of incarceration, community custody, and legal financial obligations. When an offender has completed all the requirements of his or her sentence, including the payment of any and all legal financial obligations, the offender may obtain a certificate of discharge.

A certificate of discharge has the effect of restoring all civil rights lost by operation of law, except the right to bear arms, as the result of conviction. Among the civil rights restored include the right to vote, serve on a jury, and hold public office. The certificate of discharge also terminates the sentencing court's jurisdiction to enforce requirements of the sentence.

Unless otherwise ordered by the court, a certificate of discharge does not terminate the offender's obligation to comply with an order that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence.

Summary of Bill: Issuance of a certificate of discharge does not affect, and is not prevented by, an order that excludes or prohibits the offender from having contact with a specified

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person or business, or coming within a set distance of any specified location, whether that order is contained in the judgment and sentence or in a separate order.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: When a person convicted of an offense has served his or her time and paid his or her debt to society, that person should be able to regain the civil rights the person lost, including the right to vote. This bill would allow people to regain their civil rights and allow the court to continue to protect the individual when a no-contact order has been entered. A person convicted of a crime and ordered to perform community service, pay restitution, and seek therapy would not recover the right to vote if there is an outstanding no contact order even if the person has always abided by it. The lack of a certificate of discharge affects people's ability to obtain housing and employment. When people convicted of crimes have paid their debt to society, they should be issued a certificate of discharge so they can get on with their lives.

OTHER: When a certificate of discharge is issued, it terminates the court's ability to enforce any part of the sentence, including a no contact order. The agreed upon amendment would allow the no contact order to continue even if it is contained in the judgment and sentence.

Persons Testifying: PRO: Michael Hanbey, Washington Association of Criminal Defense Attorneys; Molly Matter, citizen.

OTHER: Tom McBride, Washington Association of Prosecuting Attorneys.