



WASHINGTON
COURTS

Report for WSACC Conference
on Convicted Felon/Right to Vote
DOL Firearms Reporting
Guardianship right to vote issue
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Step by Step instructions for using the new Convicted Felon Notification Report for Adult DOL Firearms reporting:

1. Go to AOC's Inside Court's Website
2. Click on Court Resources in the left menu
3. Click on Reports link underneath Court Resources
4. Click on Convicted Felon and Restoration of Voter's Rights Report
5. Select begin and end date (can only do a report for a 30 day period at a time)
6. Select Defendant Name for sort order (this alphabetizes the last names in the report)
7. Click on Generate Report (Sample report attached)
8. Once report appears in an Adobe. PDF format, view the information on the report looking for any voter's rights restored or recall notifications. **If none, proceed with step nine.** If there are some voter's rights notifications on the report, save it as the report to send to the county auditor only, then click on the back arrow and prepare another report making sure to select only the first four felony report types and regenerate the report. Then proceed with step nine.
9. Click on file and save the report naming it, for example "April Firearms Report".
10. Click on the back button.
11. Go into your e-mail program and create a new e-mail. E-mail to firearms@DOL.wa.gov with e.g. "Mason County April Firearm Report" in the subject line.
12. Completing steps 1 – 11 will meet your DOL Firearms reporting requirements for case type 1 – Adult felonies only. **Note:** Juvenile felony convictions are not included in the report. Juvenile deferred disposition cases need to be reported to DOL Firearms also.

How do I easily find the cases where there is a misdemeanor conviction that I must send a notice to DOL Firearms?

Use the new statewide Brio query in the AOC Saved Queries Folder named " **05-*SW-SC-03 Right to Bear Arms**" to find any misdemeanor convictions on case types 1 & 8 meeting the following statutory requirement:

*Any of the following crimes when committed by **one family or household member against another**, committed on or after July 1, 1993:*

- a. *Assault in the Fourth Degree; 9A.36.041(1), 9A.36.041, 9A.36.041(2)*
- b. *Coercion; 9A.36.070*
- c. *Stalking; 9A.46.110(1), 9A.46.110(5)(A), 9A.46.110(5)(B)*
- d. *Reckless Endangerment in the Second Degree; 9A.36.050, 9A.36.050(2)*
- e. *Criminal Trespass in the First Degree; 9A.52.070*
- f. *Violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; 26.52.070, 26.50.110(1), 26.50.110(5)*

Once the Brio query is run, export the results to an Excel document and save it in a folder on the computer. Once the report is saved, review the cases listed to see if they meet the statutory requirement listed above. Put a title on the Excel report which includes your county. If there are any cases to report to DOL, follow step 11 above. If anyone needs help on how to find the Brio query or export the results to a document, call AOC Customer Services line 4. (Sample report attached)

Update on Secretary of State Voter's Registration Felon Screening Process

Report from Katie Blinn
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After the King County Superior Court issued its ruling for the Madison v. State case on March 27, 2006, changing the voting rights reinstatement criteria for felons, the State filed an appeal directly to the State Supreme Court. The State also filed a motion to stay the ruling pending the appeal.

In a telephonic hearing May 4th the motion for stay was denied. Much of the discussion revolved around the fact that there is no felon screening process when a person registers to vote. Instead, the only enforcement is the quarterly screening, which is obviously new this year. Based on this, the commissioner was not convinced that a stay would make much of a difference so the motion was denied.

Consequently, the King County ruling is in effect while this case is on appeal. The ruling reinstates the right to vote to "all felons who have satisfied the terms of their sentences except for paying legal financial obligations, and who, due to their financial status, are unable to pay their legal financial obligations immediately."

The Supreme Court did expedite the appeal, which is expected to be heard June 27. Attorney General Rob McKenna is planning to argue the case. The current situation provides little guidance in describing the rights reinstatement process to the public in any clear manner, and provides no mechanism for a felon to show that he fits this description.

For the current felon screening, the OSOS compared the list of voters against a list of felons who are in the Department of Corrections. This includes both felons who are in a DOC facility (prison) or under DOC supervision (probation). These felons are not eligible to vote under either the original law or the King County ruling so it is a safe population to screen against.

Approximately 900 felons were identified and notification letters were sent out the 4th week of May. That will start the 30-day due process period.

The second felon screening using the same DOC data began in late May. There were an additional 140 possible felon matches in the statewide database that were not identified during the first screening process. These letters are scheduled to be mailed on July 5.

AOC Convicted Felon Project Update:

- As of January 15, 2006, AOC has been sending an automated report of all convicted felon notifications, recalls, reversals and voter's rights restorations entered by the courts in the last 24 hours from the JIS system to the Secretary of State's Registered Voters Database system. AOC will continue this nightly reporting unless the law is changed.
- The new convicted felon report will still be available even if the law does change as it is used for DOL Firearms reporting purposes.
- Teri will continue to be in contact with the Secretary of State's Office and send reports and any meeting notifications to the WSACC E-Board.
- **Clerks' Association Decision Needed:** The old SCOMIS generated Notice of Felony Conviction reports are still running. There are known flaws with this report such as generating one when it was a misdemeanor conviction or not printing a report when it should. The new convicted felon report should be used because there have been no discrepancies or errors discovered in the last 6 months that it has been in place.
 - **AOC would like WSACC to approve the decision to discontinue this report.**

Other Related Issues:

- If the convicted felon and their rights to vote laws do change, something to remember:

RCW 2.36.070 Qualification of juror

“A person shall be competent to serve as a juror in the state of Washington unless that person:

- (1) Is less than eighteen years of age;
- (2) Is not a citizen of the United States;
- (3) Is not a resident of the county in which he or she has been summoned to serve
- (4) Is not able to communicate in the English language; or
- (5) Has been convicted of a felony and has not had **his or her civil rights restored.**”

Guardianship Orders and Loss of Voting Rights:

The Secretary of State has adopted the following WAC:

NEW SECTION

WAC 434-324-108 Incapacitated persons lacking voting rights – notice from court. Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search his or her county election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person’s name and other identifying information match, he or she must cancel the incapacitated person’s voter registration and send notification to the secretary through the county election management system. The auditor must also send a copy of the court order to the secretary. After canceling an incapacitated person’s registration, the auditor must send a cancellation notice to the incapacitated person using the last known address.

New **SCOMIS DOCKET** codes approved at the 6/7/06 JIS Codes Committee meeting should be implemented by August 2006:

1. ORAPGDV – Order Appointing Guardian and Revoking voting rights
2. NLVR – Notice of Loss of Voting Rights
3. ORRVR – Order Restoring Voting Rights