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CLERK OF THE SUPREME COURT
STATE OF WASHINGTON
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Court of Appeals no. 71801-1-1

NO. 92174-1

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

CASEY PORTER,

Respondent.

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2015 AUG 28 PM 2:14

PETITION FOR REVIEW

MARK K. ROE
Prosecuting Attorney

SETH A. FINE
Deputy Prosecuting Attorney
Attorney for Petitioner

Snohomish County Prosecutor's Office
3000 Rockefeller Avenue, M/S #504
Everett, Washington 98201
Telephone: (425) 388-3333

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I. IDENTITY OF PETITIONER

The State of Washington asks for review of the decision designated in part II.

II. COURT OF APPEALS DECISION

The Court of Appeals decided the case in an opinion filed July 6, 2015. The opinion will be published, but the citation is not yet available. The court denied reconsideration in an order filed August 4. Copies of the opinion and the order denying reconsideration are attached.

III. ISSUE PRESENTED FOR REVIEW

Can a convicted person obtain a certificate of discharge when the person is subject to an unexpired no-contact order, without complying with the statutory procedure governing that situation?

IV. STATEMENT OF THE CASE

On December 11, 2006, the defendant (respondent), Casey Porter, was found guilty of violating a domestic violence court order. 1 CP 14. On January 23, 2007, he was sentenced. The court imposed 6 months' confinement, 12 months' community custody, and various legal financial obligations. The court also ordered the

defendant to have no contact with a specified person for 5 years. 1 CP 17-19.

By December 18, 2008, the defendant had served the term of confinement, completed his term of community custody, and paid his financial obligations. 1 CP 3, 7-11. The no-contact order remained in effect until it expired on January 23, 2012. The defendant did not take any steps to obtain a separate no-contact order as authorized by RCW 9.94A.637(2).

On February 28, 2014, the defendant petitioned for a certificate of discharge. 1 CP 28. The State agreed that he was entitled to a certificate. The only disputed issue was the effective date of the discharge. The defendant argued that he should be discharged effective December, 2008, when he completed payment of his financial obligations. RP 2. The State argued that the effective date should be January 23, 2012, when the no-contact order expired. 1 CP 3-4. The trial court agreed with the State. 1 CP 1.

The Court of Appeals reversed. It held that defendants are entitled to certificates of discharge even though they have outstanding no-contact orders. In reaching this result, the court relied on a statutory provision that had not been discussed in the

parties' briefs. Slip op. at 6. The State's motion for reconsideration was denied.

V. ARGUMENT

THE COURT OF APPEALS DECISION CREATES AN ENFORCEMENT GAP BY DISREGARDING THE STATUTORY PROCEDURES THAT WERE DESIGNED TO CLOSE THIS GAP.

The Legislature has enacted a specific procedure for obtaining a certificate of discharge when a no-contact order is in effect. That procedure requires the defendant to petition for issuance of a separate no-contact order. The Court of Appeals decision makes this procedure meaningless. Worse, the decision allows defendants to obtain early termination of some no-contact orders, simply by completing other requirements of their sentences. This decision presents issues of substantial public interest. Review should be granted under RAP 13.4(b)(4).

Certificates of discharge are governed by RCW 9.94A.637. The full text of that statute is set out in the Appendix. Subsection (1)(a) states the general rule: a certificate of discharge should be issued "[w]hen an offender has completed all requirements of the sentence." Here, one of the requirements of the sentence was: "The defendant shall not have contact with [a specified person] ... for 5 years." 1 CP 18. It was impossible for the defendant to

complete this requirement in less than 5 years. Under subsection (1)(a), the defendant was not entitled to a certificate of discharge until that period expired. See State v. Miniken, 100 Wn. App. 925, 999 P.2d 1289 (2000).

Subsection (2) provides an exception to this general rule. That subsection makes an offender eligible for a certificate of discharge “even if the offender has an existing no-contact order.” RCW 9.94A.637(2)(a). “[T]he offender may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court.” RCW 9.94A.637(2)(b). If the offender has completed all other requirements, “[t]he court shall issue a certificate of discharge and a separate no-contact order.” RCW 9.94A.637(2)(b)(i)(A). In the present case, the defendant could have obtained a certificate of discharge by following this procedure at any time after he completed the other requirements of his sentence. He made no attempt to do so.

The Court of Appeals nonetheless held that the defendant was entitled to a certificate of discharge as of the date that he completed the other requirements, without complying with these statutory procedures. The court relied on subsection (6):

Unless otherwise ordered by the sentencing court, a certificate of discharge shall 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. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

The court reasoned as follows:

The plain language of this provision acknowledges an offender's ability to obtain a certificate of discharge notwithstanding a no-contact order. Necessarily, the legislature did not regard a no-contact order as a sentence requirement that must be satisfied to obtain a certificate of discharge. Therefore, the existence of a no-contact order in a judgment and sentence could not delay the effective date of discharge.

Slip op. at 5.

There are several problems with this reasoning. To begin with, subsection (6) only discusses what happens if a certificate of discharge is issued. It does not address whether a certificate *should* be issued. The requirements for issuing a certificate are set out in subsection (1) and (2). As already pointed out, those subsections do not allow issuance of a certificate while a sentencing requirement remains unsatisfied, unless a particular procedure is followed.

The Court of Appeals' analysis renders subsection (2) meaningless. In every case where that subsection applies, the defendant can obtain a certificate of discharge without complying with the specified procedure. This violates principles of statutory construction. "Statutes must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous." State v. Roggenkamp, 153 Wn.2d 614, 624, 106 P.3d 196 (2005).

The Court of Appeals reasoned that if a no-contact order were a requirement of sentence, a certificate of discharge could not have been granted at all. Slip op. at 6. This reasoning ignores the circumstances surrounding the passage of RCW 9.94A.637(6). That provision was enacted by Laws of 2000, ch. 119. 3(4). Shortly *after* this bill was passed (but before it became effective), the Court of Appeals held that a certificate of discharge may not be issued while a no-contact order remains in effect. Miniken, 100 Wn. App. at 929. Before that case was decided, some trial courts may have issued certificates of discharge under such circumstances. Whether or not such issuance was proper, the Legislature needed to address what happened if it occurred.

The most serious problem with the Court of Appeals decision is, however, that it seems to prevent *any* enforcement of no-contact orders under some circumstances. After a certificate of discharge is entered, subsection (6) allows no-contact orders to be enforced by “prosecution according to the chapter under which the order was originally issued.” This is an effective enforcement mechanism for no-contact orders whose violation is criminal under other laws. For example, no-contact orders in domestic violence cases are issued under RCW ch. 10.99. A person who violates such an order can be prosecuted under RCW 10.99.050, even if a certificate of discharge has been entered.

The problem is that not all no-contact orders are authorized by any statute other than the SRA itself. Under RCW 9.94A.703(3)(b), conditions of community custody can require the offender to “[r]efrain from direct or indirect contact with the victim of the crime or a specified class of individuals.” Many such individuals are not domestic violence victims or otherwise protected by any other statute. In such a case, the offender could not be “prosecuted according to the chapter under which the order was originally issued” – because there is no such chapter, and no crime for which the offender could be prosecuted. Under the Court of Appeals

decision, these no-contact orders can be terminated as soon as the defendant satisfies the other conditions of the sentence. It makes no sense that protection for specified individuals must end when a defendant satisfies unrelated sentence conditions.

The Legislature provided a mechanism for dealing with this problem. Under RCW 9.94A.637(2)(b), the defendant must obtain a separate no-contact order in order to get a certificate of discharge. That order can then be enforced by prosecution under RCW ch. 26.50. RCW 9.94A.637(2)(b)(iii). There is thus no gap in the statutory scheme. The gap now exists only because the Court of Appeals disregarded the statutory scheme.

The Legislature specifically provided a way for defendants to obtain certificates of discharge when they have outstanding no-contact orders. The defendant in this case did not follow that procedure. The Court of Appeals nonetheless held that he was entitled to a certificate before the no-contact order expired. This court should review the decision that produces this result.

VI. CONCLUSION

This court should grant review, reverse the Court of Appeals, and reinstate the trial court's decision.

Respectfully submitted on August 25, 2015.

MARK K. ROE
Snohomish County Prosecuting Attorney

By: 
SETH A. FINE, WSBA # 10937
Deputy Prosecuting Attorney
Attorney for Petitioner

RCW 9.94A.637

Discharge upon completion of sentence--Certificate of discharge--Issuance, effect of no-contact order--Obligations, counseling after discharge

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the

court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2)(a) For purposes of this subsection (2), a no-contact order is not a requirement of the offender's sentence. An offender who has completed all requirements of the sentence, including any and all legal financial obligations, is eligible for a certificate of discharge even if the offender has an existing no-contact order that excludes or prohibits the offender from having contact with a specified person or business or coming within a set distance of any specified location.

(b) In the case of an eligible offender who has a no-contact order as part of the judgment and sentence, the offender may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the appropriate filing fee associated with the petition for the separate no-contact order. This filing fee does not apply to an offender seeking a certificate of discharge when the offender has a no-contact order separate from the judgment and sentence.

(i)(A) The court shall issue a certificate of discharge and a separate no-contact order under this subsection (2) if the court determines that the offender has completed all requirements of the sentence, including all legal financial obligations. The court shall reissue the no-contact order separately under a new civil cause number for the remaining term and under the same conditions as contained in the judgment and sentence.

(B) The clerk of the court shall send a copy of the new no-contact order to the individuals protected by the no-contact order, along with an explanation of the reason for the change, if there is an address available in the court file. If no address is available, the clerk of the court shall forward a copy of the order to the prosecutor, who shall send a copy of the no-contact order with an explanation of the reason for the change to the last known address of the protected individuals.

(ii) Whenever an order under this subsection (2) is issued, the clerk of the court shall forward a copy of the order to the appropriate law enforcement agency specified in the order on or before the next judicial day. The clerk shall also include a cover sheet that indicates the case number of the judgment and sentence that has been discharged. Upon receipt of the copy of the order and

cover sheet, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in this system until it expires. The new order, and case number of the discharged judgment and sentence, shall be linked in the criminal intelligence information system for purposes of enforcing the no-contact order.

(iii) A separately issued no-contact order may be enforced under chapter 26.50 RCW.

(iv) A separate no-contact order issued under this subsection (2) is not a modification of the offender's sentence.

(3) Every signed certificate and order of discharge shall be filed with the county clerk of the sentencing county. In addition, the court shall send to the department a copy of every signed certificate and order of discharge for offender sentences under the authority of the department. The county clerk shall enter into a database maintained by the administrator for the courts the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(4) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(5) The discharge shall have the effect of restoring all civil rights not already restored by RCW 29A.08.520, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(6) Unless otherwise ordered by the sentencing court, a certificate of discharge shall 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. An offender who violates such an order

after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(7) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 CASEY FREDRICK PORTER,)
)
 Appellant.)

No. 71801-1-I
DIVISION ONE
PUBLISHED OPINION
FILED: July 6, 2015

COURT OF APPEALS OF THE STATE OF WASHINGTON
2015 JUL -6 PM 9:50

APPELWICK, J. — An offender’s date of discharge is the date the trial court receives notice that all sentence requirements have been satisfied. By December 18, 2008, the trial court had notice that Porter completed all of his sentence terms; however, he remained subject to a no-contact order, which expired on January 23, 2012. Porter petitioned the court for discharge after the expiration of his no-contact order. Accordingly, the trial court determined that his date of discharge was the date the no-contact order expired. For purposes of discharge, a no-contact order is not a sentence requirement. We reverse and remand for amendment of the certificate of discharge to reflect an effective date of December 18, 2008.

FACTS

On December 11, 2006, Casey Porter pleaded guilty to one count of violation of a domestic violence court order. Porter was sentenced to six months confinement, 12 months of community custody, \$500 in legal financial obligations (LFOs), and no contact with his ex-wife for five years. The no-contact order was entered on January 23, 2007. Porter’s confinement began on February 1, 2007.

On July 1, 2007, Snohomish County Corrections notified the trial court that Porter had completed his term of confinement. On March 24, 2008, the Department of Corrections notified the trial court that Porter had completed his term of community custody. On December 18, 2008, the county clerk notified the trial court that Porter had paid his LFOs in full. On January 23, 2012, the no-contact order expired.

On April 13, 2013, Porter moved to vacate his conviction. The State responded that Porter was not yet discharged and thus had not met the requirements for vacating a conviction under RCW 9.94A.640. No further action was taken on Porter's motion to vacate.

On February 28, 2014, Porter petitioned the court for a certificate of discharge. The State agreed that discharge was proper, because Porter had satisfied all terms of his sentence. However, the parties disputed the effective date of discharge. Porter argued that, under RCW 9.94A.637(2), a no-contact order is not a sentence requirement for purposes of discharge. Therefore, he asserted, the effective date was December 18, 2008, when the trial court had notice that he satisfied all actual terms of his sentence. The State argued that RCW 9.94A.637(2) requires an offender to seek a certificate of discharge while the no-contact order is still active. Because Porter did not do so, the State maintained that the effective date was January 23, 2012, when the no-contact order expired.

The trial court ruled in favor of the State and entered a certificate of discharge with the effective date of January 23, 2012. Porter appeals.

DISCUSSION

A certificate of discharge restores an offender's civil rights lost as a result of conviction. State v. Miniken, 100 Wn. App. 925, 927, 999 P.2d 1289 (2000). RCW 9.94A.637 sets forth the process by which an offender is discharged. When the trial court receives notice that an offender has completed all conditions of his sentence, the court must issue a certificate of discharge. RCW 9.94A.637(1). The effective date of discharge is the date the trial court receives notice that all sentence requirements have been satisfied. State v. Johnson, 148 Wn. App. 33, 39, 197 P.3d 1221 (2008).

In 2009, RCW 9.94A.637 was amended to include current subsection (2), which provides, in relevant part:

(2)(a) For purposes of this subsection (2), a no-contact order is not a requirement of the offender's sentence. An offender who has completed all requirements of the sentence, including any and all legal financial obligations, is eligible for a certificate of discharge even if the offender has an existing no-contact order that excludes or prohibits the offender from having contact with a specified person or business or coming within a set distance of any specified location.

(b) In the case of an eligible offender who has a no-contact order as part of the judgment and sentence, the offender may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the appropriate filing fee associated with the petition for the separate no-contact order. This filing fee does not apply to an offender seeking a certificate of discharge when the offender has a no-contact order separate from the judgment and sentence.

(i)(A) The court shall issue a certificate of discharge and a separate no-contact order under this subsection (2) if the court determines that the offender has completed all requirements of the sentence, including all legal financial obligations. The court shall reissue the no-contact order separately under a new civil cause number for the remaining term and under the same conditions as contained in the judgment and sentence.

LAWS OF 2009, ch. 288, § 2.

Here, Porter petitioned for a certificate of discharge after his no-contact order expired. We are asked to determine the effective date of discharge under these circumstances.

Statutory construction is a question of law that we review de novo. Stuckey v. Dep't of Labor & Indus., 129 Wn.2d 289, 295, 916 P.2d 399 (1996). If a statute is unambiguous, the court does not engage in statutory construction; rather, the statute's meaning must be derived solely from its plain language. Rozner v. City of Bellevue, 116 Wn.2d 342, 347, 804 P.2d 24 (1991). If a statute is ambiguous, courts may "resort to statutory construction, legislative history, and relevant case law for assistance in discerning legislative intent." Christensen v. Ellsworth, 162 Wn.2d 365, 373, 173 P.3d 228 (2007). "A statute is ambiguous if it can reasonably be interpreted in two or more ways, but it is not ambiguous simply because different interpretations are conceivable." Berger v. Sonneland, 144 Wn.2d 91, 105, 26 P.3d 257 (2001).

The parties present two readings of RCW 9.94A.637, each focusing on subsection (2). Porter takes the position that, under RCW 9.94A.637(2)(a), a no-contact order is not a sentence requirement. Therefore, he asserts, his effective date of discharge was December 18, 2008, when the trial court had notice that all actual sentence requirements were completed. Under the State's interpretation of the statute, a no-contact order remains a sentence requirement until it expires or is replaced with a civil order under the petition process set forth in RCW 9.94A.637(2)(b). The State contends that, because Porter did not bring a (2)(b) petition prior to the expiration of his no-contact order, his date of discharge was January 23, 2012, when the no-contact order expired.

In focusing so heavily on subsection (2) of the statute, the parties neglect subsection (6). Subsection (6)—which predates subsection (2) by nine years—states,

Unless otherwise ordered by the sentencing court, a certificate of discharge shall 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. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

RCW 9.94A.637(6) (emphasis added); see also LAWS OF 2000, ch. 119, § 3. The plain language of this provision acknowledges an offender's ability to obtain a certificate of discharge notwithstanding a no-contact order. Necessarily, the legislature did not regard a no-contact order as a sentence requirement that must be satisfied to obtain a certificate of discharge. Therefore, the existence of a no-contact order in a judgment and sentence could not delay the effective date of discharge.

Subsection (6) was part of Engrossed Second Substitute Senate Bill 6400 (S.B. 6400), which was passed in March 2000 and became effective June 8, 2000.¹ ENGROSSED SECOND SUBSTITUTE S.B. 6400, 56th Leg., Reg. Sess. (Wash. 2000); LAWS OF 2000, ch. 119, § 3. On May 30, 2000—before S.B. 6400 became effective—the Court of Appeals held that a no-contact order was a sentence requirement, and thus the trial court properly denied a request for discharge prior to the order's expiration. Miniken, 100 Wn. App. at 927. The earlier version of the discharge statute considered in Miniken was silent as to whether a no-contact order was a sentence requirement. See former RCW

¹ At the time, the provision became former RCW 9.94A.220(4) (2000). LAWS OF 2000, ch. 119, § 3. It has since been recodified as RCW 9.94.637(6). See LAWS OF 2001, ch. 10, § 6; LAWS OF 2009, ch. 288, § 2.

9.94A.220 (1994), recodified as RCW 9.94A.637 (LAWS OF 2001, ch. 10, § 6); see also LAWS OF 2000, ch. 119, § 3. The Miniken court noted that another provision of the Sentencing Reform Act of 1981, chapter 9.94A RCW, authorizes a sentencing court to enforce a no-contact order beyond an offender's term of community supervision or placement. 100 Wn. App. at 928. Accordingly, the court reasoned, the legislature "necessarily intended that the sentencing court retain jurisdiction over the offender after he or she has met the supervision and placement requirements." Id. at 928. The court therefore concluded that "the no-contact order is properly characterized as a 'requirement of the sentence' and the sentencing court retains jurisdiction until the offender's completion of his or her sentence requirements." Id. at 929.

Miniken's holding was premised on the concern that a certificate of discharge would render a no-contact order unenforceable. See id. at 928-29. S.B. 6400 provided that a certificate of discharge does not terminate an offender's obligation to comply with his or her no-contact order. LAWS OF 2000, ch. 119, § 3. This necessarily rejected the premise in Miniken that the no-contact order was a "requirement of the sentence" for purposes of discharge. See 100 Wn. App. at 929. For if the order were a requirement of the sentence, the certificate of discharge could not have been granted at all. Plainly, the statute superseded Miniken.

Due to timing, however, neither S.B. 6400 nor Miniken addressed the other. Concern remained years later that Miniken, though based on prior law, was inconsistent with S. B. 6400 and represented a potential threat to the legislative policy stated in S.B. 6400. See H.B. REP. on Engrossed Substitute H.B. 1002, 61st Leg., Reg. Sess. (Wash. 2009). In 2009, the legislature enacted Engrossed Substitute House Bill 1002 to clarify

the intent of S.B. 6400. See LAWS OF 2009, ch. 288, § 1; H.B. REP. on Engrossed Substitute H.B. 1002, 61st Leg., Reg. Sess. (Wash. 2009). The intent section of the bill declared,

The legislature finds that restoration of the right to vote and serve on a jury, for individuals who have satisfied every other obligation of their sentence, best serves to reintegrate them into society, even if a no-contact order exists. Therefore, the legislature further finds clarification of the existing statute is desirable to provide clarity to the courts that a certificate of discharge shall be issued, while the no-contact order remains in effect, once other obligations are completed.

LAWS OF 2009, ch. 288, § 1 (emphasis added).

The legislature added a process by which a person may petition for a certificate of discharge and a no-contact order could be separated from the judgment and sentence.² RCW 9.94A.637(2)(b). The relevant portion of the amendment made explicit that for “purposes of this subsection (2), a no-contact order is not a requirement of the offender’s sentence.” RCW 9.94A.637(2)(a). Subsection (6) was retained.³ See LAWS OF 2009,

² The State’s argument suggests that RCW 9.94A.637(2)(b) is a mandatory process for obtaining a certificate of discharge while a no-contact order is still active. We need not decide whether subsection (2)(b) is optional or mandatory. However, we note that subsection (2)(b) uses the word “may” rather than “shall” in setting forth the petition process for discharge and separation of the no-contact order. RCW 9.94.637(2)(b). Use of the word “may” creates the authority to petition; use of the word “shall” would have created the duty to petition. RCW 9.94A.637(1) instructs the court to issue a certificate of discharge when it receives notice that the requirements of sentence are met. If the petition process was intended to be mandatory, one would expect an amendment to subsection (1), cross-referencing subsection (2)(b), to require a petition prior to discharge if the sentence contained a no-contact order. On the other hand, the petition process might have been intended merely to facilitate discharge for those who had not been properly discharged between 2000 and 2009 because of a no-contact order. See also LAWS OF 2009, ch. 288, § 1 (finding that “clarification of the existing statute is desirable to provide clarity to the courts that a certificate of discharge shall be issued, while the no-contact order remains in effect”).

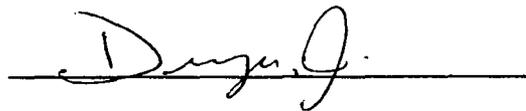
³ The legislature made one change to subsection (6). See LAWS OF 2009, ch. 288, § 2. S.B. 6400 was domestic violence legislation, and subsection (6) previously pertained only to no-contact orders issued under chapter 10.99 RCW. See ENGROSSED SECOND

ch. 288, § 2. As a result, a no-contact order was not a sentence requirement for purposes of discharge after the enactment of subsection (6) in 2000, and it did not become one after the enactment of subsection (2) in 2009. The effective date of discharge is independent of any provisions for a no-contact order in the judgment and sentence.

Porter's effective date of discharge was December 18, 2008, the date the trial court received notice that all actual sentence requirements were satisfied. We reverse and remand for correction of the date of discharge.

A handwritten signature in cursive script, appearing to read "Lippelwick, J.", written over a horizontal line.

WE CONCUR:

A handwritten signature in cursive script, appearing to read "Spears, C.J.", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Dunne, J.", written over a horizontal line.

SUBSTITUTE S.B. 6400, 56th Leg., Reg. Sess. (Wash. 2000); LAWS OF 2000, ch. 119, § 3. In 2009, the legislature removed the reference to chapter 10.99 RCW, thereby making subsection (6) applicable to all no-contact orders. LAWS OF 2009, ch. 288, § 2.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)
)
 Respondent,) No. 71801-1-I
)
 v.) ORDER DENYING MOTION
) FOR RECONSIDERATION
)
 CASEY FREDRICK PORTER,)
)
 Appellant.)
)
 _____)

The respondent, State of Washington, has filed its motion for reconsideration. A majority of the panel has determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

DATED this 4th day of August, 2015.


Judge

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COURT OF APPEALS
STATE OF WASHINGTON