CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5867**

66th Legislature

2020 Regular Session

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| Passed by the Senate February 18, 2020  Yeas 47 Nays 0  **President of the Senate**  Passed by the House March 4, 2020  Yeas 84 Nays 13  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5867** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 5867**

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Passed Legislature - 2020 Regular Session

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh, and Kuderer)

AN ACT Relating to the resentencing of persons convicted of drug offenses; adding a new section to chapter 9.94A RCW; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 9.94A RCW to read as follows:

(1) Except as provided in subsection (3) of this section, any offender sentenced for a violation of chapter 69.50 or 69.52 RCW that was committed prior to July 1, 2004, and who is serving a term of incarceration for that offense on the effective date of this section, is entitled to a resentencing hearing. The prosecuting attorney for the county in which any offender was sentenced and to whom this section applies must review the sentencing documents. If the offender is serving a term of incarceration for a violation of chapter 69.50 or 69.52 RCW that was committed prior to July 1, 2004, the prosecuting attorney shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

(2) The sentencing court shall grant the motion if it finds that the offender is serving a sentence for a violation of chapter 69.50 or 69.52 RCW that was committed prior to July 1, 2004, and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if the offender had not previously been sentenced, provided the new sentence is no greater than the initial sentence.

(3) An offender is not entitled to resentencing under this section if the offender has been convicted of a most serious offense or violent offense.

(4) This section expires July 1, 2021.

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