S-0349.1

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**SENATE BILL 5164**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Darneille, Das, Kuderer, Hasegawa, Liias, Saldaña, Salomon, and Wilson, C.

AN ACT Relating to resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) In any criminal case wherein an offender has been sentenced as a persistent offender before July 28, 2019, the offender must have a resentencing hearing if a current or past conviction for robbery in the second degree was used as a basis for the finding that the offender was a persistent offender. The prosecuting attorney for the county in which any offender was sentenced as a persistent offender shall review each sentencing document. If a current or past conviction for robbery in the second degree was used as a basis for a finding that an offender was a persistent offender, 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 a current or past conviction for robbery in the second degree was used as a basis for a finding that the offender was a persistent offender and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if robbery in the second degree was not a most serious offense at the time the original sentence was imposed.

(3) This section expires July 1, 2023.

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