

**SSB 5361** - H COMM AMD  
By Committee on Public Safety

**ADOPTED 04/08/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 9.94A.519 and 2020 c 55 s 1 are each amended to  
4 read as follows:

5 (1) Except as provided in subsection (3) of this section, any  
6 offender sentenced for a violation of chapter 69.50 or 69.52 RCW that  
7 was committed prior to July 1, 2004, and who is serving a (~~term of~~  
8 ~~incarceration~~) current sentence under custody of the department of  
9 corrections for that offense on June 11, 2020, is entitled to a  
10 resentencing hearing. The prosecuting attorney for the county in  
11 which any offender was sentenced and to whom this section applies  
12 must review the sentencing documents. If the offender is serving a  
13 term of incarceration for a violation of chapter 69.50 or 69.52 RCW  
14 that was committed prior to July 1, 2004, the prosecuting attorney  
15 shall, or the offender may, make a motion for relief from sentence to  
16 the original sentencing court.

17 (2) The sentencing court shall grant the motion if it finds that  
18 the offender is serving a sentence for a violation of chapter 69.50  
19 or 69.52 RCW that was committed prior to July 1, 2004, and shall  
20 immediately set an expedited date for resentencing. At resentencing,  
21 the court shall sentence the offender as if the offender had not  
22 previously been sentenced, provided the new sentence is no greater  
23 than the initial sentence. Notwithstanding the provisions of RCW  
24 9.94A.345, the court shall sentence the offender based on the  
25 sentencing guidelines in effect on the effective date of this  
26 section.

27 (3) An offender is not entitled to resentencing under this  
28 section if the offender has been convicted of a (~~most serious~~  
29 ~~offense or violent offense~~) violent offense or sex offense involving  
30 a child.

31 (4) This section expires July 1, (~~2021~~) 2022.

1       **Sec. 2.** RCW 9.94A.345 and 2000 c 26 s 2 are each amended to read  
2 as follows:

3       ((Any)) Except as otherwise provided in this chapter, any  
4 sentence imposed under this chapter shall be determined in accordance  
5 with the law in effect when the current offense was committed.

6       NEW SECTION.   **Sec. 3.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of  
8 the state government and its existing public institutions, and takes  
9 effect immediately."

10       Correct the title.

EFFECT: Amends a provision in the Sentencing Reform Act and adds a cross-reference in order to clarify that the court must use current sentencing guidelines when resentencing a person in accordance with the requirements in the underlying bill.

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