

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5164

67th Legislature
2021 Regular Session

Passed by the Senate March 1, 2021
Yeas 28 Nays 21

President of the Senate

Passed by the House April 7, 2021
Yeas 52 Nays 46

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5164** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5164

Passed Legislature - 2021 Regular Session

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

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

Read first time 01/12/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to resentencing of individuals sentenced as a
2 persistent offender due to a robbery in the second degree conviction;
3 amending RCW 9.94A.345; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) In any criminal case wherein an
6 offender has been sentenced as a persistent offender, the offender
7 must have a resentencing hearing if a current or past conviction for
8 robbery in the second degree was used as a basis for the finding that
9 the offender was a persistent offender. The prosecuting attorney for
10 the county in which any offender was sentenced as a persistent
11 offender shall review each sentencing document. If a current or past
12 conviction for robbery in the second degree was used as a basis for a
13 finding that an offender was a persistent offender, the prosecuting
14 attorney shall, or the offender may, make a motion for relief from
15 sentence to the original sentencing court.

16 (2) The sentencing court shall grant the motion if it finds that
17 a current or past conviction for robbery in the second degree was
18 used as a basis for a finding that the offender was a persistent
19 offender and shall immediately set an expedited date for
20 resentencing. At resentencing, the court shall sentence the offender

1 as if robbery in the second degree was not a most serious offense at
2 the time the original sentence was imposed.

3 (3) Notwithstanding the provisions of RCW 9.94A.345, for purposes
4 of resentencing under this section or sentencing any person as a
5 persistent offender after the effective date of this section, robbery
6 in the second degree shall not be considered a most serious offense
7 regardless of whether the offense was committed before, on, or after
8 the effective date of chapter 187, Laws of 2019.

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

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

--- END ---