S-1340.1

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**SENATE BILL 5867**

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**State of Washington 66th Legislature 2019 Regular Session**

**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) Any offender sentenced for a drug offense committed prior to July 1, 2004, and serving a term of incarceration for that drug 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 drug offense 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 drug offense 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 sections 7 through 11 and 14 through 23, chapter 290, Laws of 2002 were effective at the time the original sentence was imposed.

(3) In no case may the resentencing under this order result in the offender serving a greater term of total confinement.

(4) This section expires July 1, 2021.

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