
SUBSTITUTE SENATE BILL 5867

State of Washington

66th Legislature

2020 Regular Session

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

READ FIRST TIME 02/07/20.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
6 RCW to read as follows:

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

18 (2) The sentencing court shall grant the motion if it finds that
19 the offender is serving a sentence for a violation of chapter 69.50
20 or 69.52 RCW that was committed prior to July 1, 2004, and shall
21 immediately set an expedited date for resentencing. At resentencing,

1 the court shall sentence the offender as if the offender had not
2 previously been sentenced, provided the new sentence is no greater
3 than the initial sentence.

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

7 (4) This section expires July 1, 2021.

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