
SENATE BILL 5867

State of Washington

66th Legislature

2019 Regular Session

By Senators Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh, and Kuderer

Read first time 02/07/19. Referred to Committee on Law & Justice.

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) Any offender sentenced for a drug offense committed prior to
8 July 1, 2004, and serving a term of incarceration for that drug
9 offense on the effective date of this section, 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 drug offense committed prior to July 1,
14 2004, the prosecuting attorney shall, or the offender may, make a
15 motion for relief from sentence to the original sentencing court.

16 (2) The sentencing court shall grant the motion if it finds that
17 the offender is serving a sentence for a drug offense committed prior
18 to July 1, 2004, and shall immediately set an expedited date for
19 resentencing. At resentencing, the court shall sentence the offender
20 as if sections 7 through 11 and 14 through 23, chapter 290, Laws of
21 2002 were effective at the time the original sentence was imposed.

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

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

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