

# FINAL BILL REPORT

## SSB 5361

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Synopsis as Enacted

**Brief Description:** Concerning the resentencing of persons convicted of drug offenses.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators McCune, Warnick and Wilson, J.).

**Senate Committee on Law & Justice**  
**House Committee on Public Safety**

**Background:** In 1981, the Legislature passed the Sentencing Reform Act (SRA), which established determinate sentencing for felony offenders. The SRA eliminated indeterminate sentences and parole in Washington, with some exceptions. Instead, the SRA determines a specific sentence within the statutory maximum. Judges select an offender's sentence within a standard sentence range provided in statute, which is calculated based on the statutorily designated seriousness level for the offense and the offender's criminal history score based on the offender's past convictions.

In 2002, the Legislature made several changes to how drug offenses were sentenced, including the adoption of a separate sentencing grid with broader judicial discretion, reduced seriousness levels for certain drug offenses, and the elimination of double and triple scoring for certain drug offenses. The new drug offense sentencing grid took effect July 1, 2004.

Legislation passed in 2020, directed that any offender sentenced for a drug offense prior to July 1, 2004, and still serving a term of incarceration, be resentenced as if the offender had not previously been sentenced. An offender was not entitled to resentencing if the offender was convicted of a most serious offense or violent offense. A most serious offense includes all class A felonies as well as several other listed felonies. A violent offense also includes any class A felony as well as several second degree crimes such as manslaughter, kidnapping, arson, and assault. A serious violent offense is a subcategory of violent and includes the first degree crimes of murder, manslaughter, assault, kidnapping, rape, and assault of a child, as well as murder in the second degree and homicide by abuse.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The Uniform Controlled Substances Act is contained in chapter 69.50 RCW and the Imitation Controlled Substances Act is contained in chapter 69.52 RCW.

**Summary:** To qualify for resentencing for a drug offense committed prior to July 1, 2004, the person does not need to be currently incarcerated, but must be serving a current sentence under the custody of the Department of Corrections. The person must not have been convicted of a violent offense or sex offense involving a child.

Notwithstanding provisions requiring a sentence be determined in accordance with the law in effect when the offense was committed, the court shall sentence the offender based on the sentencing guidelines in effect on the effective date of the bill.

The expiration date for the resentencing provision is extended to July 1, 2022.

**Votes on Final Passage:**

Senate	48	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** May 12, 2021