

**SB 6004-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in any case where an exceptional sentence above the standard range was imposed prior to April 15, 2005, and where a new trial or new sentencing hearing is required, the superior court shall have the authority to impanel a jury to consider any alleged aggravating circumstances listed in RCW 9.94A.535(3) that were relied upon by the superior court in imposing the previous sentence, at either the new trial or, if no new trial is necessary, at the new sentencing hearing.