**5164 AMS HOLY S1779.1 - NOT FOR FLOOR USE**

**SB 5164** - S AMD TO S AMD (S-1748.2/21) **263**

By Senator Holy

**NOT ADOPTED 03/01/2021**

On page 1, beginning on line 3, after "wherein" strike all of the material through "If" on line 9

On page 1, line 12, after "attorney" strike "shall, or the offender may," and insert "for the county in which the offender was sentenced as a persistent offender may"

EFFECT: Removes a mandatory resentencing hearing for any person for whom Robbery 2 was used as a basis for a finding that the person was a persistent offender and instead gives the prosecuting attorney the discretion whether to seek resentencing.