

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

NOT ADOPTED 03/01/2021

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

3 On page 1, line 12, after "attorney" strike "shall, or the
4 offender may," and insert "for the county in which the offender was
5 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.

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