S-3796.1

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**SENATE BILL 5971**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Kauffman, Frame, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Nobles, Stanford, Valdez, Wellman, and C. Wilson

AN ACT Relating to recalculating sentencing ranges for currently incarcerated individuals whose offender score was increased by juvenile convictions no longer scorable under current law and allowing them to apply for resentencing without scoring those juvenile convictions; adding a new section to chapter 9.94A RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that, with the support of eight Washington tribal governments and indigenous organizations along with a broad array of other advocates, the legislature passed Engrossed House Bill No. 1324 in 2023 to end the practice of assigning "juvenile points" to lengthen state prison sentences. The legislature finds that incarcerated indigenous people are the most disproportionately impacted by prior juvenile felony adjudications, followed closely by black people, Pacific Islanders, and Hispanic people.

The legislature further finds that the grave disproportionality within the juvenile legal system has the downstream effect of impacting sentencing ranges in adult court. The legislature recognizes that because of the expansive body of scientific research on brain development, which shows that adolescent's perception, judgment, and decision making differs significantly from that of adults, and based on the need to redress the harms of the past, it is sound public policy to make the changes enacted in Engrossed House Bill No. 1324 retroactive.

NEW SECTION. **Sec.**  A new section is added to chapter 9.94A RCW to read as follows:

(1) Any person sentenced for an offense committed prior to July 23, 2023, whose offender score was increased due to any juvenile adjudications that are not scorable under RCW 9.94A.525 as enacted at the time the petition is filed shall be entitled to a resentencing hearing upon the offender's motion for relief from sentence to the original sentencing court if:

(a) The person is currently incarcerated in total confinement with a release date on the sentence of January 1, 2025, or later; and

(b) Until January 1, 2027, the person:

(i) Has a release date on the sentence within three years, or the person would be eligible for release on the sentence within three years if they were resentenced to a standard range sentence based on an offender score which does not include juvenile adjudications that are not scorable under RCW 9.94A.525 as enacted at the time the petition is filed; or

(ii) Has served over 15 years of their sentence; or

(ii) Has served at least 50 percent of their sentence.

(2) The sentencing court shall grant the motion if it finds that the person is currently incarcerated in total confinement, has a release date of January 1, 2025, or later, and the previous offender score was increased due to any juvenile adjudications that are not scorable under RCW 9.94A.525 as enacted at the time the petition was filed. The court shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if any juvenile adjudications that are not scorable under RCW 9.94A.525 as enacted at the time the petition was filed were not part of the offender score at the time the original sentence was imposed.

(3) Beginning January 1, 2027, this section applies to all individuals meeting the requirements of subsection (2) of this section.

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