

WITHDRAWN 04/11/2023

1 On page 7, after line 36, insert the following:

2 "NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A
3 RCW to read as follows:

4 (1) Beginning January 1, 2025, any offender sentenced for an
5 offense committed prior to the effective date of section 2 of this
6 act, and whose offender score for that offense was increased due to
7 any juvenile adjudications which would not have been included in the
8 offender score under RCW 9.94A.525 as currently enacted, is entitled
9 to a resentencing hearing upon the offender's motion for relief from
10 sentence to the original sentencing court if the person is currently
11 incarcerated in total confinement and:

12 (a) Has a release date of January 1, 2025, or later and has less
13 than three years remaining to serve on the sentence;

14 (b) Would be eligible for release within three years of January
15 1, 2025, based on an offender score that does not include any
16 juvenile adjudications that would not have been included in the
17 offender score under RCW 9.94A.525 as it is currently enacted; or

18 (c) Has served over 15 years or at least 50 percent of the
19 sentence.

20 (2) Beginning January 1, 2026, any offender sentenced for an
21 offense committed prior to the effective date of section 2 of this
22 act, and whose offender score for that offense was increased due to
23 any juvenile adjudications which would not have been included in the
24 offender score under RCW 9.94A.525 as it is currently enacted, is
25 entitled to a resentencing hearing upon the offender's motion for
26 relief from sentence to the original sentencing court if the person
27 is currently incarcerated in total confinement.

28 (3) The sentencing court shall grant the motion made under
29 subsection (1) or (2) of this section if it finds that the offender
30 is currently incarcerated in total confinement and the previous
31 offender score was increased due to any juvenile adjudications which
32 would not have been included in the offender score under RCW
33 9.94A.525 as it is currently enacted, and shall immediately set an

1 expedited date for resentencing. At resentencing, the court shall
2 sentence the offender as if any juvenile adjudications that would not
3 have been included in the offender score under RCW 9.94A.525 as it is
4 currently enacted were not part of the offender score at the time the
5 original sentence was imposed."

6 On page 8, line 2, after "9.94A.525;" insert "adding a new
7 section to chapter 9.94A RCW;"

EFFECT: Adds a retroactivity provision allowing an individual who is incarcerated in total confinement as of January 1, 2025, to apply for resentencing beginning January 1, 2025, if juvenile adjudications which would not have been counted under the law as currently enacted were used to increase the individual's offender score. The sentencing court is required to set an expedited resentencing date and resentence the individual as if such juvenile adjudications were not part of the offender score.

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