CERTIFICATION OF ENROLLMENT

**SENATE BILL 6164**

Chapter 203, Laws of 2020

66th Legislature

2020 Regular Session

FELONY RESENTENCING--PROSECUTORIAL DISCRETION

EFFECTIVE DATE: June 11, 2020

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| Passed by the Senate March 10, 2020  Yeas 48 Nays 0  CYRUS HABIB  **President of the Senate**  Passed by the House March 3, 2020  Yeas 96 Nays 0  LAURIE JINKINS  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6164** as passed by the Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved March 27, 2020 2:45 PM | March 27, 2020 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 6164**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Dhingra, Wilson, C., McCoy, Das, Darneille, Kuderer, and Randall

AN ACT Relating to prosecutorial discretion to seek resentencing; adding a new section to chapter 36.27 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  It is the intent of the legislature to give prosecutors the discretion to petition the court to resentence an individual if the person's sentence no longer advances the interests of justice. The purpose of sentencing is to advance public safety through punishment, rehabilitation, and restorative justice. When a sentence includes incarceration, this purpose is best served by terms that are proportionate to the seriousness of the offense and provide uniformity with the sentences of offenders committing the same offense under similar circumstances. By providing a means to reevaluate a sentence after some time has passed, the legislature intends to provide the prosecutor and the court with another tool to ensure that these purposes are achieved.

NEW SECTION. **Sec.**  A new section is added to chapter 36.27 RCW to read as follows:

(1) The prosecutor of a county in which an offender was sentenced for a felony offense may petition the sentencing court or the sentencing court's successor to resentence the offender if the original sentence no longer advances the interests of justice.

(2) The court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the defendant in the same manner as if the offender had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence.

(3) The court may consider postconviction factors including, but not limited to, the inmate's disciplinary record and record of rehabilitation while incarcerated; evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence; and evidence that reflects changed circumstances since the inmate's original sentencing such that the inmate's continued incarceration no longer serves the interests of justice. Credit shall be given for time served.

(4) The prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition for resentencing and the date of the resentencing hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.

(5) A resentencing under this section shall not reopen the defendant's conviction to challenges that would otherwise be barred.

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Passed by the Senate March 10, 2020.

Passed by the House March 3, 2020.

Approved by the Governor March 27, 2020.

Filed in Office of Secretary of State March 27, 2020.