

SB 6164 - H COMM AMD
By Committee on Public Safety

ADOPTED 03/03/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 give prosecutors the discretion to petition the court to resentence
5 an individual if the person's sentence no longer advances the
6 interests of justice. The purpose of sentencing is to advance public
7 safety through punishment, rehabilitation, and restorative justice.
8 When a sentence includes incarceration, this purpose is best served
9 by terms that are proportionate to the seriousness of the offense and
10 provide uniformity with the sentences of offenders committing the
11 same offense under similar circumstances. By providing a means to
12 reevaluate a sentence after some time has passed, the legislature
13 intends to provide the prosecutor and the court with another tool to
14 ensure that these purposes are achieved.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.27
16 RCW to read as follows:

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

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

26 (3) The court may consider postconviction factors including, but
27 not limited to, the inmate's disciplinary record and record of
28 rehabilitation while incarcerated; evidence that reflects whether
29 age, time served, and diminished physical condition, if any, have
30 reduced the inmate's risk for future violence; and evidence that
31 reflects changed circumstances since the inmate's original sentencing

1 such that the inmate's continued incarceration no longer serves the
2 interests of justice. Credit shall be given for time served.

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

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

15 Correct the title.

EFFECT: Limits the authority of a prosecuting attorney to request
resentencing to felony offenses only (rather than any type of offense
as provided in the underlying bill). Provides the court with
discretion to grant or deny a petition for resentencing (rather than
requiring the court to resentence an offender upon receipt of a
petition). Requires the prosecuting attorney to make reasonable
efforts to notify victims and survivors of victims of a petition for
resentencing and the date of the resentencing hearing. Requires the
prosecuting attorney to provide victims and survivors of victims
access to available victim advocates and other related services.
Provides that the prosecuting attorney and the court must comply with
the rights of victims, survivors, and witnesses enumerated in current
law.

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