CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5164**

Chapter 141, Laws of 2021

67th Legislature

2021 Regular Session

RESENTENCING—PERSISTENT OFFENDERS—ROBBERY IN THE SECOND DEGREE

EFFECTIVE DATE: July 25, 2021

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| Passed by the Senate March 1, 2021  Yeas 28 Nays 21  DENNY HECK  **President of the Senate**  Passed by the House April 7, 2021  Yeas 52 Nays 46  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 **ENGROSSED SENATE BILL 5164** as passed by the Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved April 26, 2021 2:28 PM | April 26, 2021 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SENATE BILL 5164**

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Passed Legislature - 2021 Regular Session

**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Darneille, Das, Kuderer, Hasegawa, Liias, Saldaña, Salomon, and Wilson, C.

AN ACT Relating to resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction; amending RCW 9.94A.345; and creating a new section.

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

NEW SECTION. **Sec.**  (1) In any criminal case wherein an offender has been sentenced as a persistent offender, the offender must have a resentencing hearing if a current or past conviction for robbery in the second degree was used as a basis for the finding that the offender was a persistent offender. The prosecuting attorney for the county in which any offender was sentenced as a persistent offender shall review each sentencing document. If a current or past conviction for robbery in the second degree was used as a basis for a finding that an offender was a persistent offender, the prosecuting attorney shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

(2) The sentencing court shall grant the motion if it finds that a current or past conviction for robbery in the second degree was used as a basis for a finding that the offender was a persistent offender and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if robbery in the second degree was not a most serious offense at the time the original sentence was imposed.

(3) Notwithstanding the provisions of RCW 9.94A.345, for purposes of resentencing under this section or sentencing any person as a persistent offender after the effective date of this section, robbery in the second degree shall not be considered a most serious offense regardless of whether the offense was committed before, on, or after the effective date of chapter 187, Laws of 2019.

**Sec.**  RCW 9.94A.345 and 2000 c 26 s 2 are each amended to read as follows:

((~~Any~~)) Except as otherwise provided in this chapter, any sentence imposed under this chapter shall be determined in accordance with the law in effect when the current offense was committed.

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Passed by the Senate March 1, 2021.

Passed by the House April 7, 2021.

Approved by the Governor April 26, 2021.

Filed in Office of Secretary of State April 26, 2021.