
SENATE BILL 5164

State of Washington

67th Legislature

2021 Regular Session

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

Read first time 01/12/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to resentencing of individuals sentenced as a
2 persistent offender due to a robbery in the second degree conviction;
3 creating a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) In any criminal case wherein an
6 offender has been sentenced as a persistent offender before July 28,
7 2019, the offender must have a resentencing hearing if a current or
8 past conviction for robbery in the second degree was used as a basis
9 for the finding that the offender was a persistent offender. The
10 prosecuting attorney for the county in which any offender was
11 sentenced as a persistent offender shall review each sentencing
12 document. If a current or past conviction for robbery in the second
13 degree was used as a basis for a finding that an offender was a
14 persistent offender, the prosecuting attorney shall, or the offender
15 may, make a motion for relief from sentence to the original
16 sentencing court.

17 (2) The sentencing court shall grant the motion if it finds that
18 a current or past conviction for robbery in the second degree was
19 used as a basis for a finding that the offender was a persistent
20 offender and shall immediately set an expedited date for
21 resentencing. At resentencing, the court shall sentence the offender

1 as if robbery in the second degree was not a most serious offense at
2 the time the original sentence was imposed.

3 (3) This section expires July 1, 2023.

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