**1324.E AMS FRAM S2818.1 - NOT FOR FLOOR USE**

**EHB 1324** - S AMD TO LAW COMM AMD (S-2720.1/23) **320**

By Senator Frame

**WITHDRAWN 04/11/2023**

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

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

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

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

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

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

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

(3) The sentencing court shall grant the motion made under subsection (1) or (2) of this section if it finds that the offender is currently incarcerated in total confinement and the previous offender score was increased due to any juvenile adjudications which would not have been included in the offender score under RCW 9.94A.525 as it is currently enacted, and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if any juvenile adjudications that would not have been included in the offender score under RCW 9.94A.525 as it is currently enacted were not part of the offender score at the time the original sentence was imposed."

On page 8, line 2, after "9.94A.525;" insert "adding a new 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.