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**SUBSTITUTE HOUSE BILL 2065**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Community Safety, Justice, & Reentry (originally sponsored by Representatives Stearns, Hackney, Ramel, Simmons, Reed, Ormsby, Street, Gregerson, Doglio, Lekanoff, Fosse, Santos, Reeves, and Pollet)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to recalculating sentencing ranges for currently  
2 incarcerated individuals whose offender score was increased by  
3 juvenile convictions no longer scorable under current law and  
4 allowing them to apply for resentencing without scoring those  
5 juvenile convictions; adding a new section to chapter 9.94A RCW;  
6 creating a new section; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that, with the  
9 support of eight Washington tribal governments and indigenous  
10 organizations along with a broad array of other advocates, the  
11 legislature passed Engrossed House Bill No. 1324 in 2023 to end the  
12 practice of assigning "juvenile points" to lengthen state prison  
13 sentences. The legislature finds that incarcerated indigenous people  
14 are the most disproportionately impacted by prior juvenile felony  
15 adjudications, followed closely by black people, Pacific Islanders,  
16 and Hispanic people.

17 The legislature further finds that the grave disproportionality  
18 within the juvenile legal system has the downstream effect of  
19 impacting sentencing ranges in adult court. The legislature  
20 recognizes that because of the expansive body of scientific research  
21 on brain development, which shows that adolescent's perception,

1 judgment, and decision making differs significantly from that of  
2 adults, and based on the need to redress the harms of the past, it is  
3 sound public policy to make the changes enacted in Engrossed House  
4 Bill No. 1324 retroactive.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A  
6 RCW to read as follows:

7 (1) Any person sentenced for an offense committed prior to July  
8 23, 2023, whose offender score was increased due to any juvenile  
9 adjudications that are not scorable under RCW 9.94A.525 as enacted at  
10 the time the petition is filed shall be entitled to a resentencing  
11 hearing upon the offender's motion for relief from sentence to the  
12 original sentencing court if:

13 (a) The person is currently incarcerated in total confinement  
14 with a release date on the sentence of January 1, 2025, or later; and

15 (b) Until January 1, 2027, the person:

16 (i) Has a release date on the sentence within three years, or the  
17 person would be eligible for release on the sentence within three  
18 years if they were resentenced to a standard range sentence based on  
19 an offender score which does not include juvenile adjudications that  
20 are not scorable under RCW 9.94A.525 as enacted at the time the  
21 petition is filed; or

22 (ii) Has served over 15 years of their sentence; or

23 (ii) Has served at least 50 percent of their sentence.

24 (2) The sentencing court shall grant the motion if it finds that  
25 the person is currently incarcerated in total confinement, has a  
26 release date of January 1, 2025, or later, and the previous offender  
27 score was increased due to any juvenile adjudications that are not  
28 scorable under RCW 9.94A.525 as enacted at the time the petition was  
29 filed. The court shall immediately set an expedited date for  
30 resentencing. At the resentencing hearing, there is a rebuttable  
31 presumption that the petitioner is entitled to be resentenced by the  
32 court.

33 (a) The court may deny a motion for resentencing only if:

34 (i) The petitioner has either a significant disciplinary record  
35 or an insignificant record of rehabilitation while incarcerated;

36 (ii) The petitioner has engaged in pervasive and persistent  
37 antisocial behavior while incarcerated;

1 (iii) The court determines by a preponderance of the evidence  
2 that it is more likely than not that the person will commit new  
3 criminal law violations if resentenced; or

4 (iv) The court determines that resentencing would cause an  
5 extraordinary negative impact on the victim or the victim's surviving  
6 family of the crime for which the petitioner is presently  
7 incarcerated.

8 (b) If the court grants a petitioner's motion for resentencing,  
9 the court shall sentence the offender as if any juvenile  
10 adjudications that are not scorable under RCW 9.94A.525 as enacted at  
11 the time the petition was filed were not part of the offender score  
12 at the time the original sentence was imposed. Notwithstanding the  
13 foregoing, the soonest allowable release date from total confinement  
14 for an individual resentenced under this section may be no sooner  
15 than six months after the date of the individual's resentencing  
16 hearing.

17 (3) When an individual who has been resentenced under this  
18 section is within six months of their expected release date from  
19 total confinement, the department of corrections must prepare and  
20 make available an individualized reentry plan under chapter 72.09 RCW  
21 and the resources necessary for the individual to complete it.

22 (4) If an individual resentenced under this section has at any  
23 time been convicted of a sex offense or a domestic violence offense  
24 committed against an intimate partner, the department of corrections  
25 must provide victim advocate support to the victims of the foregoing  
26 offenses, which must commence once a resentencing hearing is  
27 scheduled. The victim services must include:

28 (a) Legal advocacy to understand the resentencing process and how  
29 to exercise their rights;

30 (b) Safety planning;

31 (c) Options to participate in a restorative justice program with  
32 the perpetrator; and

33 (d) Case management to address needs that may arise as a result  
34 of resentencing.

35 (5) The department of corrections must establish a flexible fund  
36 to support victims of gender-based violence committed by petitioners  
37 under this act. Uses of the fund may include, but are not limited to:

38 (a) Relocation assistance related to a change in safety planning  
39 associated with resentencing;

40 (b) Traveling to and from court for resentencing hearings; and

1 (c) Out-of-pocket expenses for psychotherapy associated with the  
2 committed offense.

3 (6) Beginning January 1, 2027, this section applies to all  
4 individuals meeting the requirements of subsection (2) of this  
5 section.

6 (7) Any person sentenced on or after July 1, 2024, for an offense  
7 committed prior to July 23, 2023, shall have their offender score  
8 calculated based on RCW 9.94A.525 as enacted as of July 1, 2024.

9 (8) This section applies retroactively to persons incarcerated on  
10 the effective date of this section, regardless of the date of the  
11 offense or conviction.

12 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2024.

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