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HOUSE BILL 1229

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Hackney and Goodman

Prefiled 01/09/25.

1 AN ACT Relating to resentencing of individuals sentenced as a  
2 persistent offender, or sentenced to an exceptional sentence pursuant  
3 to a plea agreement intended to avoid a persistent offender sentence,  
4 due to a robbery in the second degree charge or conviction; and  
5 amending RCW 9.94A.647.

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

7 **Sec. 1.** RCW 9.94A.647 and 2021 c 141 s 1 are each amended to  
8 read as follows:

9 (1) In any criminal case wherein an offender has been sentenced  
10 as a persistent offender, or wherein an exceptional sentence was  
11 imposed pursuant to a plea agreement which avoided a possible  
12 persistent offender sentence, the offender must have a resentencing  
13 hearing if a current or past charge or conviction for robbery in the  
14 second degree was used as a basis for the finding that the offender  
15 was or would have been a persistent offender.

16 (a) The (~~prosecuting attorney for the county in which any~~  
17 ~~offender was sentenced as a persistent offender~~) office of public  
18 defense shall review each offender's sentencing document. If a  
19 current or past charge or conviction for robbery in the second degree  
20 was used as a basis for a finding that an offender was or would have  
21 been a persistent offender, the (~~prosecuting attorney~~) office of

1 public defense shall, or the offender may, make a motion for relief  
2 from the exceptional sentence to the original sentencing court.

3 (b) To be eligible for resentencing under this section, the  
4 offender must meet one of the following conditions:

5 (i) The offender was sentenced as a persistent offender when a  
6 current or past conviction for robbery in the second degree was used  
7 as the basis for the finding that the offender was a persistent  
8 offender; or

9 (ii) The offender is serving an exceptional sentence pursuant to  
10 a plea agreement which avoided a possible persistent offender  
11 sentence, and at the time the offender was sentenced, the offender  
12 had two prior convictions pursuant to RCW 9.94A.030. The offender's  
13 arrest, charge, or at least one prior conviction must include robbery  
14 in the second degree.

15 (2) The sentencing court shall grant the motion if it finds that  
16 (~~a current or past conviction for robbery in the second degree was~~  
17 ~~used as a basis for a finding that the offender was a persistent~~  
18 ~~offender~~) the offender is eligible for resentencing and shall  
19 immediately set (~~an expedited~~) a date for resentencing. A guilty  
20 plea by an offender seeking resentencing pursuant to this section may  
21 not be withdrawn. At resentencing, the court shall sentence the  
22 offender as if robbery in the second degree was not a most serious  
23 offense (~~at the time the original sentence was imposed~~).

24 (3) Notwithstanding the provisions of RCW 9.94A.345, for purposes  
25 of resentencing under this section or sentencing any person as a  
26 persistent offender after July 25, 2021, robbery in the second degree  
27 shall not be considered a most serious offense regardless of whether  
28 the offense was committed before, on, or after (~~the effective date~~  
29 ~~of chapter 187, Laws of 2019 [July 28, 2019]~~) July 28, 2019.

30 (4) Upon request, the administrative office of the courts and the  
31 department of corrections shall provide plea agreement data to the  
32 office of public defense, which shall analyze the data for purposes  
33 of identifying persons eligible for resentencing under this section.  
34 The office of public defense shall notify persons it identifies as  
35 eligible for resentencing, and the office shall share this  
36 information with county public defenders and county prosecutors.

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