
SUBSTITUTE HOUSE BILL 1274

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Stearns, Hackney, Doglio, Ramel, Reed, Ormsby, Parshley, Pollet, Macri, Simmons, and Hill)

READ FIRST TIME 02/10/25.

1 AN ACT Relating to retroactively applying the requirement to
2 exclude certain juvenile convictions from an offender score
3 regardless of the date of the offense; adding a new section to
4 chapter 9.94A RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that, with the
7 support of eight Washington tribal governments and indigenous
8 organizations along with a broad array of other advocates, the
9 legislature passed Engrossed House Bill No. 1324 in 2023 to end the
10 practice of assigning "juvenile points" to lengthen state prison
11 sentences. The legislature finds that black, indigenous, and people
12 of color are disproportionately impacted by prior juvenile felony
13 adjudications. The legislature recognizes that the 57 tribes of the
14 affiliated tribes of northwest Indians have adopted a resolution
15 urging the legislature to retroactively end the practice of assigning
16 "juvenile points" to lengthen state prison sentences. Additionally,
17 in 2024, an intertribal coalition of 23 tribal governments and
18 indigenous organizations wrote the legislature to support ending this
19 practice retroactively.

20 (2) The legislature acknowledges that historical,
21 intergenerational trauma caused by the mass incarceration of

1 indigenous children and juveniles through Indian boarding schools,
2 where they endured physical and sexual violence, emotional abuse, and
3 the separation and division of indigenous families, continues to
4 deeply affect indigenous people today.

5 (3) The legislature further finds that the grave racial
6 disproportionality within the juvenile legal system has the
7 downstream effect of impacting sentencing ranges in adult court. The
8 legislature recognizes that because of the expansive body of
9 scientific research on brain development, which shows that
10 adolescents' perception, judgment, and decision making differs
11 significantly from that of adults, and based on the need to redress
12 the harms of the past, it is sound public policy to make the changes
13 enacted in Engrossed House Bill No. 1324 retroactive.

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

16 (1) Any person sentenced for an offense committed prior to July
17 23, 2023, whose offender score was increased due to any juvenile
18 adjudications that are not scorable under RCW 9.94A.525 as enacted at
19 the time a petition is filed under this section, shall be entitled to
20 a resentencing hearing upon the person's petition for relief from
21 sentence to the original sentencing court, provided that: (a) The
22 person is currently incarcerated in total confinement with a release
23 date on the sentence of July 1, 2026, or later; and (b) the person
24 meets the requirements in subsection (2) or (3) of this section.

25 (2) For purposes of subsection (1) of this section, a person
26 meets the requirements of this subsection (2) if:

27 (a) Until July 1, 2026, the person:

28 (i) Has served at least 80 percent of their sentence; or

29 (ii) Has served at least 20 years of their sentence;

30 (b) After July 1, 2026, the person:

31 (i) Has served at least 60 percent of their sentence; or

32 (ii) Has served 15 years or more of their sentence;

33 (c) After July 1, 2027, the person:

34 (i) Has served at least 40 percent of their sentence; or

35 (ii) Has served at least 10 years of their sentence;

36 (d) After July 1, 2028, the person has served any amount of time
37 on their sentence.

38 (3) A county superior court may hear a petition outside of the
39 order established in subsection (2) of this section if the petitioner

1 meets the standard in subsection (1) of this section and the
2 presiding judge of the superior court determines that the county has
3 the capacity to proceed with petitions.

4 (4) The sentencing court shall grant the petition if it finds
5 that the person meets the criteria under subsection (1) of this
6 section and immediately set an expedited date for the resentencing
7 hearing. There is a rebuttable presumption that the petitioner is
8 entitled to be resentenced by the court.

9 (a) The court may deny a petition for resentencing only if:

10 (i) The petitioner has a significant disciplinary record of
11 serious infractions while incarcerated, including the following
12 infractions identified in department of corrections policy DOC
13 460.050: 501, 502, 507, 511, 521, 550, 601, 602, 603, 604, 611, 613,
14 635, 637, 650, 830, 831, 882, 633, 704, 711. A petitioner's
15 significant disciplinary record may be overcome by a two-year period
16 free from serious violations that precedes the petition;

17 (ii) The petitioner has an insignificant record of rehabilitation
18 and programming while incarcerated;

19 (iii) The court determines by a preponderance of the evidence
20 that it is more likely than not that the person will commit new
21 felony criminal law violations if resentenced. In making this
22 determination the court shall consider evidence presented regarding
23 the likelihood of the victim or surviving victims being revictimized.

24 (b) If the court grants a petitioner's petition for resentencing,
25 at the resentencing hearing the court shall sentence the offender as
26 if any juvenile adjudications that are not scorable under RCW
27 9.94A.525 as enacted at the time the petition was filed were not part
28 of the offender score at the time the original sentence was imposed.
29 Notwithstanding the foregoing, the soonest allowable release date
30 from total confinement for an individual resentenced under this
31 section may be no sooner than six months after the date of the
32 individual's resentencing hearing.

33 (5) If the court denies a petition under subsection (4)(a) of
34 this section, the petitioner may, upon a showing of a change in
35 circumstances, file a new petition no earlier than three years after
36 the date the court denied the previous petition or declined to modify
37 the petitioner's sentence, unless the court authorizes the petitioner
38 to file a new petition at an earlier date. If the court denies the
39 petition, the court shall state the basis for its decision on the
40 record. The petitioner may appeal the denial of a petition or an

1 order entered pursuant to a resentencing hearing, provided, however,
2 that denying a petition filed pursuant to this section shall not
3 reopen the petitioner's conviction or sentence to any other
4 challenges that would otherwise be barred.

5 (6) When an individual who has been resentenced under this
6 section is within six months of their expected release date from
7 total confinement, the department of corrections will consider the
8 individual reentry plan that has already been created under RCW
9 72.09.270 and is already periodically reviewed and updated under RCW
10 72.09.270.

11 (7) Subject to the availability of amounts appropriated for this
12 specific purpose, any incarcerated individual who is eligible to file
13 a petition under this section and unable to afford counsel is
14 entitled to have counsel appointed, at no cost to the individual, to
15 represent the individual for the petition and proceedings under this
16 section, unless the individual expressly waives the right to counsel
17 after being fully advised of this right by the court. The right to
18 appointed counsel under this subsection does not establish a right to
19 appointed counsel for any appeal or second or subsequent petition
20 under this act.

21 (8) The legislature recognizes the rights that victims, survivors
22 of victims, and witnesses of crimes have when incarcerated people are
23 considered for resentencing based on a change in the law. Therefore,
24 it is the intent of the legislature to ensure that victims, survivors
25 of victims, and witnesses of crimes are afforded the opportunity to
26 make a statement that will be considered during a hearing granted
27 under this act. Prior to and during a resentencing hearing granted
28 under this act, victims, survivors of victims, and witnesses of the
29 crime for which the person is currently incarcerated have the
30 following rights:

31 (a) To be informed by the prosecuting attorney of the date, time,
32 and place of the resentencing hearing;

33 (b) To present a statement in person or by representation, via
34 audiotape, videotape, or other electronic means, or in writing during
35 the resentencing hearing; and

36 (c) All other rights afforded to victims and survivors of crime
37 under the state Constitution and the Revised Code of Washington.

38 (9) The court may consider the impact of the petitioner's release
39 on victims or survivors of the crime for which the petitioner is
40 presently incarcerated, with special consideration given to the

1 impact of release on any victims of sex offenses or domestic violence
2 offenses.

3 (10) The office of crime victims advocacy shall contract with the
4 prosecuting attorneys' offices to offer victim advocacy services for
5 victims impacted by this act. The victim services must include:

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

8 (b) Safety planning;

9 (c) Options to participate in a restorative justice program with
10 the petitioner; and

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

13 (11) The office of crime victims advocacy must establish a
14 flexible fund to support victims and survivors of victims impacted by
15 this act. The office may contract for administration of this fund.
16 Uses of the fund may include, but are not limited to:

17 (a) Relocation assistance related to a change in safety planning
18 associated with resentencing;

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

20 (c) Out-of-pocket expenses for psychotherapy associated with the
21 committed offense and the potential resentencing.

22 (12) The office of crime victims advocacy shall contract with an
23 entity with expertise in victim services to provide training for
24 victim advocates embedded within prosecuting attorneys' offices
25 regarding safety planning and other case management services that
26 victims impacted by this act may require.

27 (13) Any person sentenced on or after the effective date of this
28 section, for an offense committed prior to July 23, 2023, whose
29 offender score would be increased due to any juvenile adjudications
30 that are not scorable under RCW 9.94A.525 at the time of sentencing
31 shall have their offender score calculated based on RCW 9.94A.525 as
32 enacted at the time of sentencing.

33 (14) This section applies retroactively to persons incarcerated
34 on the effective date of this section, regardless of the date of the
35 offense or conviction.

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