
SENATE BILL 6164

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By Senators Dhingra, Wilson, C., McCoy, Das, Darneille, Kuderer, and Randall

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1 AN ACT Relating to prosecutorial discretion to seek resentencing;
2 adding a new section to chapter 36.27 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 give prosecutors the discretion to petition the court to resentence
7 an individual if the person's sentence no longer advances the
8 interests of justice. The purpose of sentencing is to advance public
9 safety through punishment, rehabilitation, and restorative justice.
10 When a sentence includes incarceration, this purpose is best served
11 by terms that are proportionate to the seriousness of the offense and
12 provide uniformity with the sentences of offenders committing the
13 same offense under similar circumstances. By providing a means to
14 reevaluate a sentence after some time has passed, the legislature
15 intends to provide the prosecutor and the court with another tool to
16 ensure that these purposes are achieved.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.27
18 RCW to read as follows:

19 (1) The prosecutor of a county in which an offender was sentenced
20 for a felony offense may petition the sentencing court or the

1 sentencing court's successor to resentence the offender if the
2 original sentence no longer advances the interests of justice.

3 (2) The court may grant or deny a petition under this section. If
4 the court grants a petition, the court shall resentence the defendant
5 in the same manner as if the offender had not previously been
6 sentenced, provided the new sentence, if any, is no greater than the
7 initial sentence.

8 (3) The court may consider postconviction factors including, but
9 not limited to, the inmate's disciplinary record and record of
10 rehabilitation while incarcerated; evidence that reflects whether
11 age, time served, and diminished physical condition, if any, have
12 reduced the inmate's risk for future violence; and evidence that
13 reflects changed circumstances since the inmate's original sentencing
14 such that the inmate's continued incarceration no longer serves the
15 interests of justice. Credit shall be given for time served.

16 (4) The prosecuting attorney shall make reasonable efforts to
17 notify victims and survivors of victims of the petition for
18 resentencing and the date of the resentencing hearing. The
19 prosecuting attorney shall provide victims and survivors of victims
20 access to available victim advocates and other related services. The
21 court shall provide an opportunity for victims and survivors of
22 victims of any crimes for which the offender has been convicted to
23 present a statement personally or by representation. The prosecuting
24 attorney and the court shall comply with the requirements set forth
25 in chapter 7.69 RCW.

26 (5) A resentencing under this section shall not reopen the
27 defendant's conviction to challenges that would otherwise be barred.

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