

# SENATE BILL REPORT

## SB 6120

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As of October 24, 2001

**Title:** An act relating to persistent offenders.

**Brief Description:** Removing robbery 2 and assault 2 from the list of most serious offenses.

**Sponsors:** Senators Kline and Hochstatter.

**Brief History:**

**Committee Activity:** Judiciary: 11/30/01.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** Of the offenders sentenced under Initiative 593, the "Three Strikes" law, 32 percent were convicted of robbery in the second degree or assault in the second degree as a third strike. These two crimes also constitute over a third of the first and second strikes for these offenders. Robbery in the second degree and assault in the second degree are both B felonies ranked at level IV on the sentencing grid (three to nine months for a first offense).

**Summary of Bill:** Assault in the second degree and robbery in the second degree are removed from the definition of "most serious offenses". These two offenses do not count in support of a persistent offender finding. In addition, if either of these two offenses were used as a basis for a persistent offender finding during sentencing prior to the effective date of the act, the offender is entitled to resentencing in the original sentencing court. The prosecuting attorney in the county of sentencing reviews all persistent offender files in that county and brings a motion for relief from sentence. Offenders may also bring the motion themselves.

The sentencing court must grant the motion and set an expedited date for resentencing if it finds that either offense was used as a basis for the persistent offender finding. The offender is resentenced as if the two offenses were not most serious offenses at the original sentencing. The resentencing provision expires after two years.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect on July 1, 2002.