

5911-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Kline, Fairley and Thibaudeau)

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

SB 5911-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Deletes robbery 2 from the list of most serious offenses.

Provides that, in any criminal case wherein an offender has been sentenced as a persistent offender prior to the effective date of this act, the offender shall have a resentencing hearing if a current or past conviction for robbery in the second degree was used as a basis for the finding that the offender was a persistent offender. The prosecuting attorney for the county in which any offender was sentenced as a persistent offender shall review each sentencing document.

Provides that, if a current or past conviction for robbery in the second degree was used as a basis for a finding that an offender was a persistent offender, the prosecuting attorney shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

Requires the sentencing court to grant the motion if it finds that a current or past conviction for robbery in the second degree was used as a basis for a finding that the offender was a persistent offender and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if robbery in the second degree was not a most serious offense at the time the original sentence was imposed.

Expires July 1, 2006.