
SENATE BILL 6164

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 may petition the sentencing court or the sentencing court's successor

1 to resentence the offender if the original sentence no longer
2 advances the interests of justice.

3 (2) Upon receipt of a petition for resentencing, the court shall
4 resentence the defendant in the same manner as if the offender had
5 not previously been sentenced, provided the new sentence, if any, is
6 no greater than the initial sentence.

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

15 (4) The court shall provide an opportunity for victims and
16 survivors of victims of any crimes for which the offender has been
17 convicted to present a statement personally or by representation.

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

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