

ESB 5164 - H AMD 517

By Representative Klippert

NOT ADOPTED 04/07/2021

1 On page 1, line 14, after "attorney" strike "shall" and insert
2 "may"

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4 On page 1, line 16, after "court" strike "shall" and insert "may"

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6 On page 1, line 19, after "offender and" strike "shall" and insert
7 "may"

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9 On page 1, line 20, after "court" strike "shall" and insert "may"

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11 On page 2, beginning on line 2, after "imposed" strike all
12 material through "2019" on line 8 and insert ", notwithstanding the
13 provisions of RCW 9.94A.345"

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EFFECT: Provides a county prosecuting attorney with the discretion to seek resentencing of a person who is serving a life sentence under the three-strikes law based on a current or past conviction of Robbery in the second degree (rather than requiring a county prosecuting attorney to seek resentencing under these circumstances). Provides the court with the discretion to grant the motion for resentencing (rather than requiring the court to grant the motion), and provides the court with the discretion to immediately set an expedited date for resentencing (rather than requiring the court to do so).

Further provides the court with discretion to sentence the person as if Robbery in the second degree was not a strike offense at the time the original sentence was imposed (rather than requiring the court to sentence the person in this manner).

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