
SUBSTITUTE SENATE BILL 5361

State of Washington

67th Legislature

2021 Regular Session

By Senate Law & Justice (originally sponsored by Senators McCune, Warnick, and Wilson, J.)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to the resentencing of persons convicted of drug
2 offenses; amending RCW 9.94A.519; providing an expiration date; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.519 and 2020 c 55 s 1 are each amended to read
6 as follows:

7 (1) Except as provided in subsection (3) of this section, any
8 offender sentenced for a violation of chapter 69.50 or 69.52 RCW that
9 was committed prior to July 1, 2004, and who is serving a (~~term of~~
10 ~~incarceration~~) current sentence under custody of the department of
11 corrections for that offense on June 11, 2020, is entitled to a
12 resentencing hearing. The prosecuting attorney for the county in
13 which any offender was sentenced and to whom this section applies
14 must review the sentencing documents. If the offender is serving a
15 term of incarceration for a violation of chapter 69.50 or 69.52 RCW
16 that was committed prior to July 1, 2004, the prosecuting attorney
17 shall, or the offender may, make a motion for relief from sentence to
18 the original sentencing court.

19 (2) The sentencing court shall grant the motion if it finds that
20 the offender is serving a sentence for a violation of chapter 69.50
21 or 69.52 RCW that was committed prior to July 1, 2004, and shall

1 immediately set an expedited date for resentencing. At resentencing,
2 the court shall sentence the offender as if the offender had not
3 previously been sentenced and based on the sentencing guidelines in
4 effect on the effective date of this section, provided the new
5 sentence is no greater than the initial sentence.

6 (3) An offender is not entitled to resentencing under this
7 section if the offender has been convicted of a (~~most serious~~
8 ~~offense or violent offense~~) violent offense or sex offense involving
9 a child.

10 (4) This section expires July 1, (~~2021~~) 2022.

11 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect immediately.

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