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**SENATE BILL 5361**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators McCune, Warnick, and Wilson, J.

Read first time 01/27/21. Referred to Committee on Law & Justice.

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, provided the new sentence is (~~no greater~~  
4 ~~than the initial sentence~~) based on current sentencing guidelines  
5 pursuant to RCW 9.94A.517 and does not result in a sentence that is  
6 longer than the high end of the standard range on the current drug  
7 sentencing grid.

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

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

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

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