
**Community Safety, Justice, & Reentry
Committee**

HB 2065

Brief Description: Recalculating sentencing ranges for currently incarcerated individuals whose offender score was increased by juvenile convictions.

Sponsors: Representatives Stearns, Hackney, Ramel, Simmons, Reed, Ormsby, Street, Gregerson, Doglio, Lekanoff, Fosse, Santos, Reeves and Pollet.

Brief Summary of Bill

- Requires a court to resentence a person who meets specified criteria and whose offender score was increased by certain juvenile adjudications that are no longer scored under state law.

Hearing Date: 1/22/24

Staff: Michelle Rusk (786-7153).

Background:

Sentencing.

The Sentencing Reform Act provides a determinate sentencing system in which sentencing courts generally impose sentences within a standard range. The standard range for a person is determined by reference to a grid, which provides a base sentence according to the person's offender score and the seriousness level of the present offense. The offender score is a point total based on a person's qualifying prior convictions. Certain prior convictions are excluded from offender score calculations if the person remains crime-free in the community for a specified period of time following release.

Juvenile Points.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

In 2023 the state passed legislation providing that a person's prior juvenile dispositions may not be included in the person's offender score calculations for any subsequent adult convictions, except for adjudications of guilt for Murder in the first degree, Murder in the second degree, and class A felony sex offenses. Out-of-state or federal convictions that would have been presumptively adjudicated in juvenile court under Washington law may not be included in the offender score unless they are comparable to Murder in the first or second degree, or a class A felony sex offense.

Summary of Bill:

Any person sentenced for an offense committed prior to July 23, 2023, whose offender score was increased by certain juvenile adjudications that are no longer scorable under state law, is entitled to a resentencing hearing upon the person's motions for relief if:

1. the person is currently incarcerated in total confinement with a release date of January 1, 2025, or later; and
2. until January 1, 2027, the person has:
 - a. a release date within three years, or they would be eligible for release within three years if resentenced based on an offender score that excludes juvenile adjudications that are not scorable under state law;
 - b. served over 15 years of their sentence; or
 - c. served at least 50 percent of their sentence.

The sentencing court must grant the motion if it finds the person: (1) is incarcerated in total confinement; (2) has a release date of January 1, 2025, or later; and (3) has a previous offender score that was increased by certain juvenile adjudications that are no longer scorable under state law. The court must immediately set an expedited date for a hearing and sentence the person as if any juvenile adjudications that are no longer scored under state law were not part of the offender score at the time the original sentence was imposed.

Beginning January 1, 2027, individuals incarcerated in total confinement, with a release date of January 1, 2025, or later, and a previous offender score that was increased by certain juvenile adjudications that are no longer scorable under state law, are entitled to a resentencing hearing upon the person's motion.

Appropriation: None.

Fiscal Note: Requested on January 16, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.