
SECOND SUBSTITUTE HOUSE BILL 2065

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Stearns, Hackney, Ramel, Simmons, Reed, Ormsby, Street, Gregerson, Doglio, Lekanoff, Fosse, Santos, Reeves, and Pollet)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to recalculating sentencing ranges for currently
2 incarcerated individuals whose offender score was increased by
3 juvenile convictions no longer scorable under current law and
4 allowing them to apply for resentencing without scoring those
5 juvenile convictions; adding a new section to chapter 9.94A RCW;
6 creating new sections; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that, with the
9 support of eight Washington tribal governments and indigenous
10 organizations along with a broad array of other advocates, the
11 legislature passed Engrossed House Bill No. 1324 in 2023 to end the
12 practice of assigning "juvenile points" to lengthen state prison
13 sentences. The legislature finds that incarcerated indigenous people
14 are the most disproportionately impacted by prior juvenile felony
15 adjudications, followed closely by black people, Pacific Islanders,
16 and Hispanic people.

17 The legislature further finds that the grave disproportionality
18 within the juvenile legal system has the downstream effect of
19 impacting sentencing ranges in adult court. The legislature
20 recognizes that because of the expansive body of scientific research
21 on brain development, which shows that adolescent's perception,

1 judgment, and decision making differs significantly from that of
2 adults, and based on the need to redress the harms of the past, it is
3 sound public policy to make the changes enacted in Engrossed House
4 Bill No. 1324 retroactive.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A
6 RCW to read as follows:

7 (1) Any person sentenced for an offense committed prior to July
8 23, 2023, whose offender score was increased due to any juvenile
9 adjudications that are not scorable under RCW 9.94A.525 as enacted at
10 the time the petition is filed shall be entitled to a resentencing
11 hearing upon the offender's motion for relief from sentence to the
12 original sentencing court if:

13 (a) The person is currently incarcerated in total confinement
14 with a release date on the sentence of July 1, 2025, or later; and

15 (b) Until January 1, 2027, the person:

16 (i) Has a release date on the sentence within three years, or the
17 person would be eligible for release on the sentence within three
18 years if they were resentenced to a standard range sentence based on
19 an offender score which does not include juvenile adjudications that
20 are not scorable under RCW 9.94A.525 as enacted at the time the
21 petition is filed; or

22 (ii) Has served over 15 years of their sentence; or

23 (ii) Has served at least 50 percent of their sentence.

24 (2) The sentencing court shall grant the motion if it finds that
25 the person is currently incarcerated in total confinement, has a
26 release date of July 1, 2025, or later, and the previous offender
27 score was increased due to any juvenile adjudications that are not
28 scorable under RCW 9.94A.525 as enacted at the time the petition was
29 filed. Subject to (c) of this subsection, the court shall immediately
30 set an expedited date for resentencing. At the resentencing hearing,
31 there is a rebuttable presumption that the petitioner is entitled to
32 be resentenced by the court.

33 (a) The court may deny a motion for resentencing only if:

34 (i) The petitioner has a significant disciplinary record while
35 incarcerated;

36 (ii) The petitioner has an insignificant record of rehabilitation
37 while incarcerated;

38 (iii) The petitioner has engaged in pervasive and persistent
39 antisocial behavior while incarcerated;

1 (iv) The court determines by a preponderance of the evidence that
2 it is more likely than not that the person will commit new criminal
3 law violations if resentenced; or

4 (v) The court determines that resentencing would cause an
5 extraordinary negative impact on the victim or the victim's surviving
6 family of the crime for which the petitioner is presently
7 incarcerated.

8 (b) If the court grants a petitioner's motion for resentencing,
9 the court shall sentence the offender as if any juvenile
10 adjudications that are not scorable under RCW 9.94A.525 as enacted at
11 the time the petition was filed were not part of the offender score
12 at the time the original sentence was imposed. Notwithstanding the
13 foregoing, the soonest allowable release date from total confinement
14 for an individual resentenced under this section may be no sooner
15 than six months after the date of the individual's resentencing
16 hearing.

17 (c) A court may not schedule a resentencing hearing under this
18 section before January 1, 2025.

19 (3) When an individual who has been resentenced under this
20 section is within six months of their expected release date from
21 total confinement, the department of corrections must prepare and
22 make available an individualized reentry plan under chapter 72.09 RCW
23 and the resources necessary for the individual to complete it.

24 (4) The office of crime victims advocacy shall contract with the
25 prosecuting attorneys offices to offer victim advocacy services for
26 victims impacted by this act. The victim services must include:

27 (a) Legal advocacy to understand the resentencing process and how
28 to exercise their rights;

29 (b) Safety planning;

30 (c) Options to participate in a restorative justice program with
31 the petitioner; and

32 (d) Case management to address needs that may arise as a result
33 of resentencing.

34 (5) The office of crime victims advocacy must establish a
35 flexible fund to support victims and survivors of victims impacted by
36 this act. The office may contract for administration of this fund.
37 Uses of the fund may include, but are not limited to:

38 (a) Relocation assistance related to a change in safety planning
39 associated with resentencing;

40 (b) Traveling to and from court for resentencing hearings; and

1 (c) Out-of-pocket expenses for psychotherapy associated with the
2 committed offense and the potential resentencing.

3 (6) The office of crime victims advocacy shall contract with an
4 entity with expertise in victim services to provide training for
5 victim advocates embedded within prosecuting attorneys' offices
6 regarding safety planning and other case management services that
7 victims impacted by this act may require.

8 (7) Beginning January 1, 2027, this section applies to all
9 individuals meeting the requirements of subsection (2) of this
10 section.

11 (8) Any person sentenced on or after July 1, 2024, for an offense
12 committed prior to July 23, 2023, shall have their offender score
13 calculated based on RCW 9.94A.525 as enacted as of July 1, 2024.

14 (9) This section applies retroactively to persons incarcerated on
15 the effective date of this section, regardless of the date of the
16 offense or conviction.

17 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2024.

18 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
19 this act, referencing this act by bill or chapter number, is not
20 provided by June 30, 2024, in the omnibus appropriations act, this
21 act is null and void.

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