
SENATE BILL 5971

State of Washington

68th Legislature

2024 Regular Session

By Senators Kauffman, Frame, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Nobles, Stanford, Valdez, Wellman, and C. Wilson

Prefiled 01/04/24. Read first time 01/08/24. Referred to Committee on Law & Justice.

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; and
6 creating a new section.

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 January 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 January 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. The court shall immediately set an expedited date for
30 resentencing. At resentencing, the court shall sentence the offender
31 as if any juvenile adjudications that are not scorable under RCW
32 9.94A.525 as enacted at the time the petition was filed were not part
33 of the offender score at the time the original sentence was imposed.

34 (3) Beginning January 1, 2027, this section applies to all
35 individuals meeting the requirements of subsection (2) of this
36 section.

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