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**SECOND SUBSTITUTE HOUSE BILL 1274**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Stearns, Hackney, Doglio, Ramel, Reed, Ormsby, Parshley, Pollet, Macri, Simmons, and Hill)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to retroactively applying the requirement to  
2 exclude certain juvenile convictions from an offender score  
3 regardless of the date of the offense; adding a new section to  
4 chapter 9.94A RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that, with the  
7 support of eight Washington tribal governments and indigenous  
8 organizations along with a broad array of other advocates, the  
9 legislature passed Engrossed House Bill No. 1324 in 2023 to end the  
10 practice of assigning "juvenile points" to lengthen state prison  
11 sentences. The legislature finds that black, indigenous, and people  
12 of color are disproportionately impacted by prior juvenile felony  
13 adjudications. The legislature recognizes that the 57 tribes of the  
14 affiliated tribes of northwest Indians have adopted a resolution  
15 urging the legislature to retroactively end the practice of assigning  
16 "juvenile points" to lengthen state prison sentences. Additionally,  
17 in 2024, an intertribal coalition of 23 tribal governments and  
18 indigenous organizations wrote the legislature to support ending this  
19 practice retroactively.

20 (2) The legislature acknowledges that historical,  
21 intergenerational trauma caused by the mass incarceration of

1 indigenous children and juveniles through Indian boarding schools,  
2 where they endured physical and sexual violence, emotional abuse, and  
3 the separation and division of indigenous families, continues to  
4 deeply affect indigenous people today.

5 (3) The legislature further finds that the grave racial  
6 disproportionality within the juvenile legal system has the  
7 downstream effect of impacting sentencing ranges in adult court. The  
8 legislature recognizes that because of the expansive body of  
9 scientific research on brain development, which shows that  
10 adolescents' perception, judgment, and decision making differs  
11 significantly from that of adults, and based on the need to redress  
12 the harms of the past, it is sound public policy to make the changes  
13 enacted in Engrossed House Bill No. 1324 retroactive.

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

16 (1) Any person sentenced for an offense committed prior to July  
17 23, 2023, whose offender score was increased due to any juvenile  
18 adjudications that are not scorable under RCW 9.94A.525 as enacted at  
19 the time a petition is filed under this section, shall be entitled to  
20 a resentencing hearing upon the person's petition for relief from  
21 sentence to the original sentencing court, provided that: (a) The  
22 person is currently incarcerated in total confinement with a release  
23 date on the sentence of July 1, 2026, or later; and (b) the person  
24 meets the requirements in subsection (2) or (3) of this section.

25 (2) For purposes of subsection (1) of this section, a person  
26 meets the requirements of this subsection (2) if:

27 (a) Until July 1, 2026, the person:

28 (i) Has served at least 80 percent of their sentence; or

29 (ii) Has served at least 20 years of their sentence;

30 (b) After July 1, 2026, the person:

31 (i) Has served at least 60 percent of their sentence; or

32 (ii) Has served 15 years or more of their sentence;

33 (c) After July 1, 2027, the person:

34 (i) Has served at least 40 percent of their sentence; or

35 (ii) Has served at least 10 years of their sentence;

36 (d) After July 1, 2028, the person has served any amount of time  
37 on their sentence.

38 (3) A county superior court may hear a petition outside of the  
39 order established in subsection (2) of this section if the petitioner

1 meets the standard in subsection (1) of this section and the  
2 presiding judge of the superior court determines that the county has  
3 the capacity to proceed with petitions.

4 (4) The sentencing court shall grant the petition if it finds  
5 that the person meets the criteria under subsection (1) of this  
6 section and immediately set an expedited date for the resentencing  
7 hearing. There is a rebuttable presumption that the petitioner is  
8 entitled to be resentenced by the court.

9 (a) The court may deny a petition for resentencing only if:

10 (i) The petitioner has a significant disciplinary record of  
11 serious infractions while incarcerated, including the following  
12 infractions identified in department of corrections policy DOC  
13 460.050: 501, 502, 507, 511, 521, 550, 601, 602, 603, 604, 611, 613,  
14 635, 637, 650, 830, 831, 882, 633, 704, 711. A petitioner's  
15 significant disciplinary record may be overcome by a two-year period  
16 free from serious violations that precedes the petition;

17 (ii) The petitioner has an insignificant record of rehabilitation  
18 and programming while incarcerated;

19 (iii) The court determines by a preponderance of the evidence  
20 that it is more likely than not that the person will commit new  
21 felony criminal law violations if resentenced. In making this  
22 determination the court shall consider evidence presented regarding  
23 the likelihood of the victim or surviving victims being revictimized.

24 (b) If the court grants a petitioner's petition for resentencing,  
25 at the resentencing hearing the court shall sentence the offender as  
26 if any juvenile adjudications that are not scorable under RCW  
27 9.94A.525 as enacted at the time the petition was filed were not part  
28 of the offender score at the time the original sentence was imposed.  
29 Notwithstanding the foregoing, the soonest allowable release date  
30 from total confinement for an individual resentenced under this  
31 section may be no sooner than six months after the date of the  
32 individual's resentencing hearing.

33 (5) If the court denies a petition under subsection (4)(a) of  
34 this section, the petitioner may, upon a showing of a change in  
35 circumstances, file a new petition no earlier than three years after  
36 the date the court denied the previous petition or declined to modify  
37 the petitioner's sentence, unless the court authorizes the petitioner  
38 to file a new petition at an earlier date. If the court denies the  
39 petition, the court shall state the basis for its decision on the  
40 record. The petitioner may appeal the denial of a petition or an

1 order entered pursuant to a resentencing hearing, provided, however,  
2 that denying a petition filed pursuant to this section shall not  
3 reopen the petitioner's conviction or sentence to any other  
4 challenges that would otherwise be barred.

5 (6) When an individual who has been resentenced under this  
6 section is within six months of their expected release date from  
7 total confinement, the department of corrections will consider the  
8 individual reentry plan that has already been created under RCW  
9 72.09.270 and is already periodically reviewed and updated under RCW  
10 72.09.270.

11 (7) An incarcerated individual who is eligible to file a petition  
12 under this section and unable to afford counsel may have counsel  
13 appointed, at no cost to the individual, to represent the individual  
14 for the petition and proceedings under this section, unless the  
15 individual expressly waives the right to counsel after being fully  
16 advised of this right by the court. Nothing in this subsection  
17 creates an entitlement to counsel at the state's expense to petition  
18 the sentencing court.

19 (8) The legislature recognizes the rights that victims, survivors  
20 of victims, and witnesses of crimes have when incarcerated people are  
21 considered for resentencing based on a change in the law. Therefore,  
22 it is the intent of the legislature to ensure that victims, survivors  
23 of victims, and witnesses of crimes are afforded the opportunity to  
24 make a statement that will be considered during a hearing granted  
25 under this act. Prior to and during a resentencing hearing granted  
26 under this act, victims, survivors of victims, and witnesses of the  
27 crime for which the person is currently incarcerated have the  
28 following rights:

29 (a) To be informed by the prosecuting attorney of the date, time,  
30 and place of the resentencing hearing;

31 (b) To present a statement in person or by representation, via  
32 audiotape, videotape, or other electronic means, or in writing during  
33 the resentencing hearing; and

34 (c) All other rights afforded to victims and survivors of crime  
35 under the state Constitution and the Revised Code of Washington.

36 (9) The court may consider the impact of the petitioner's release  
37 on victims or survivors of the crime for which the petitioner is  
38 presently incarcerated, with special consideration given to the  
39 impact of release on any victims of sex offenses or domestic violence  
40 offenses.

1 (10) Subject to the availability of amounts appropriated for this  
2 specific purpose, the office of crime victims advocacy shall contract  
3 with the prosecuting attorneys' offices to offer victim advocacy  
4 services for victims impacted by this act. The victim services must  
5 include:

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

8 (b) Safety planning;

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

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

13 (11) Subject to the availability of amounts appropriated for this  
14 specific purpose, the office of crime victims advocacy must establish  
15 a flexible fund to support victims and survivors of victims impacted  
16 by this act. The office may contract for administration of this fund.  
17 Uses of the fund may include, but are not limited to:

18 (a) Relocation assistance related to a change in safety planning  
19 associated with resentencing;

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

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

23 (12) Subject to the availability of amounts appropriated for this  
24 specific purpose, the office of crime victims advocacy shall contract  
25 with an entity with expertise in victim services to provide training  
26 for victim advocates embedded within prosecuting attorneys' offices  
27 regarding safety planning and other case management services that  
28 victims impacted by this act may require.

29 (13) Any person sentenced on or after the effective date of this  
30 section, for an offense committed prior to July 23, 2023, whose  
31 offender score would be increased due to any juvenile adjudications  
32 that are not scorable under RCW 9.94A.525 at the time of sentencing  
33 shall have their offender score calculated based on RCW 9.94A.525 as  
34 enacted at the time of sentencing.

35 (14) This section applies retroactively to persons incarcerated  
36 on the effective date of this section, regardless of the date of the  
37 offense or conviction.

38 NEW SECTION. **Sec. 3.** If specific funding for the purposes of  
39 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2025, in the omnibus appropriations act, this  
2 act is null and void.

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