
SENATE BILL 5715

State of Washington

69th Legislature

2025 Regular Session

By Senators Kauffman, Frame, Hasegawa, Nobles, Trudeau, Valdez, and C. Wilson

Read first time 02/10/25. Referred to Committee on Law & Justice.

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 a new section.

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 if:

22 (a) The person is currently incarcerated in total confinement
23 with a release date on the sentence of July 1, 2026, or later;

24 (b) Until July 1, 2027, the person:

25 (i) Has served at least 50 percent of their sentence; or

26 (ii) Has served at least 15 years of their sentence;

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

28 (i) Has served at least 25 percent of their sentence; or

29 (ii) Has served 10 years or more of their sentence;

30 (d) After July 1, 2028, the person:

31 (i) Has served at least 10 percent of their sentence; or

32 (ii) Has served at least five years of their sentence;

33 (e) After July 1, 2029, the person has served any amount of time
34 on their sentence.

35 (2) The sentencing court shall grant the petition if it finds
36 that the person meets the criteria under subsection (1) of this
37 section and, subject to (c) of this subsection, the court shall
38 immediately set an expedited date for the resentencing hearing. There

1 is a rebuttable presumption that the petitioner is entitled to be
2 resentenced by the court.

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

4 (i) The petitioner has a significant disciplinary record of
5 serious infractions while incarcerated, including the following
6 infractions identified in department of corrections policy DOC
7 460.050: 501, 502, 507, 511, 521, 550, 601, 602, 603, 604, 611, 613,
8 635, 637, 650, 830, 831, 882, 633, 704, 711. A petitioner's
9 significant disciplinary record may be overcome by a two-year period
10 free from serious violations that precedes the petition;

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

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

18 (b) If the court grants a petitioner's petition for resentencing,
19 at the resentencing hearing the court shall sentence the offender as
20 if any juvenile adjudications that are not scorable under RCW
21 9.94A.525 as enacted at the time the petition was filed were not part
22 of the offender score at the time the original sentence was imposed.
23 Notwithstanding the foregoing, the soonest allowable release date
24 from total confinement for an individual resentenced under this
25 section may be no sooner than six months after the date of the
26 individual's resentencing hearing.

27 (c) A court may not schedule a resentencing hearing under this
28 section before January 1, 2026.

29 (3) If the court denies a petition under subsection (2)(a) of
30 this section, the petitioner may, upon a showing of a change in
31 circumstances, file a new petition no earlier than three years after
32 the date the court denied the previous petition or declined to modify
33 the petitioner's sentence, unless the court authorizes the petitioner
34 to file a new petition at an earlier date. If the court denies the
35 petition, the court shall state the basis for its decision on the
36 record. The petitioner may appeal the denial of a petition or an
37 order entered pursuant to a resentencing hearing, provided, however,
38 that denying a petition filed pursuant to this section shall not
39 reopen the petitioner's conviction or sentence to any other
40 challenges that would otherwise be barred.

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

7 (5) Subject to the availability of amounts appropriated for this
8 specific purpose, any incarcerated individual who is eligible to file
9 a petition under this section and unable to afford counsel is
10 entitled to have counsel appointed, at no cost to the individual, to
11 represent the individual for the petition and proceedings under this
12 section, unless the individual expressly waives the right to counsel
13 after being fully advised of this right by the court. The right to
14 appointed counsel under this subsection does not establish a right to
15 appointed counsel for any appeal or second or subsequent petition
16 under this act.

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

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

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

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

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

1 (8) The office of crime victims advocacy shall contract with the
2 prosecuting attorneys' offices to offer victim advocacy services for
3 victims impacted by this act. The victim services must include:

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

6 (b) Safety planning;

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

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

11 (9) The office of crime victims advocacy must establish a
12 flexible fund to support victims and survivors of victims impacted by
13 this act. The office may contract for administration of this fund.
14 Uses of the fund may include, but are not limited to:

15 (a) Relocation assistance related to a change in safety planning
16 associated with resentencing;

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

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

20 (10) The office of crime victims advocacy shall contract with an
21 entity with expertise in victim services to provide training for
22 victim advocates embedded within prosecuting attorneys' offices
23 regarding safety planning and other case management services that
24 victims impacted by this act may require.

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

31 (12) This section applies retroactively to persons incarcerated
32 on the effective date of this section, regardless of the date of the
33 offense or conviction.

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