
SUBSTITUTE SENATE BILL 5361

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington **67th Legislature** **2021 Regular Session**

By Senate Law & Justice (originally sponsored by Senators McCune, Warnick, and Wilson, J.)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to the resentencing of persons convicted of drug
2 offenses; amending RCW 9.94A.519 and 9.94A.345; providing an
3 expiration date; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.519 and 2020 c 55 s 1 are each amended to read
6 as follows:

7 (1) Except as provided in subsection (3) of this section, any
8 offender sentenced for a violation of chapter 69.50 or 69.52 RCW that
9 was committed prior to July 1, 2004, and who is serving a (~~term of~~
10 ~~incarceration~~) current sentence under custody of the department of
11 corrections for that offense on June 11, 2020, is entitled to a
12 resentencing hearing. The prosecuting attorney for the county in
13 which any offender was sentenced and to whom this section applies
14 must review the sentencing documents. If the offender is serving a
15 term of incarceration for a violation of chapter 69.50 or 69.52 RCW
16 that was committed prior to July 1, 2004, the prosecuting attorney
17 shall, or the offender may, make a motion for relief from sentence to
18 the original sentencing court.

19 (2) The sentencing court shall grant the motion if it finds that
20 the offender is serving a sentence for a violation of chapter 69.50
21 or 69.52 RCW that was committed prior to July 1, 2004, and shall

1 immediately set an expedited date for resentencing. At resentencing,
2 the court shall sentence the offender as if the offender had not
3 previously been sentenced, provided the new sentence is no greater
4 than the initial sentence. Notwithstanding the provisions of RCW
5 9.94A.345, the court shall sentence the offender based on the
6 sentencing guidelines in effect on the effective date of this
7 section.

8 (3) An offender is not entitled to resentencing under this
9 section if the offender has been convicted of a (~~most serious~~
10 ~~offense or violent offense~~) violent offense or sex offense involving
11 a child.

12 (4) This section expires July 1, (~~2021~~) 2022.

13 **Sec. 2.** RCW 9.94A.345 and 2000 c 26 s 2 are each amended to read
14 as follows:

15 (~~Any~~) Except as otherwise provided in this chapter, any
16 sentence imposed under this chapter shall be determined in accordance
17 with the law in effect when the current offense was committed.

18 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of
20 the state government and its existing public institutions, and takes
21 effect immediately.

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