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**SENATE BILL 6202**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Darneille, Nguyen, Salomon, Das, and Wilson, C.

Prefiled 01/09/20. Read first time 01/13/20. Referred to Committee on Law & Justice.

1 AN ACT Relating to resentencing persistent offenders; creating a  
2 new section; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** (1) In any criminal case wherein an  
5 offender has been sentenced as a persistent offender before July 28,  
6 2019, the offender must have a resentencing hearing if a current or  
7 past conviction for robbery in the second degree was used as a basis  
8 for the finding that the offender was a persistent offender. The  
9 prosecuting attorney for the county in which any offender was  
10 sentenced as a persistent offender shall review each sentencing  
11 document. If a current or past conviction for robbery in the second  
12 degree was used as a basis for a finding that an offender was a  
13 persistent offender, the prosecuting attorney shall, or the offender  
14 may, make a motion for relief from sentence to the original  
15 sentencing court.

16 (2) The sentencing court shall grant the motion if it finds that  
17 a current or past conviction for robbery in the second degree was  
18 used as a basis for a finding that the offender was a persistent  
19 offender and shall immediately set an expedited date for  
20 resentencing. At resentencing, the court shall sentence the offender

1 as if robbery in the second degree was not a most serious offense at  
2 the time the original sentence was imposed.

3 (3) This section expires July 1, 2022.

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