WA STATE RESENTENCING AND DOC'S TRANSITIONAL SUPPORT

Prior to 2019/2020

- **Prior to 2019/2020, the only systematic resentencing pathway the Department had experienced was the "Miller Fix"**
  - In 2014, the Washington State Legislature passed SB 5064, "Miller Fix", granting review for those sentenced before 18.
  - In 2018, the Legislature amended RCW 10.95, adding language to comply with Miller and directing resentencing for all individuals previously sentence to mandatory life without parole (LWOP) for aggravated murder committed before their 18th birthday.

Mar. 2019

- **SB 5288 Three Strikes Reform**
  - The Washington Legislature passed SB 5288, removing robbery in the second degree from "three strikes" by removing it from the definition of "most serious offense" in RCW 9.94A.030.

Mar. 2020

- **SB 6164 Prosecutor Initiated Resentencing**
  - The Legislature passed SB6164, allowing for prosecutors to petition the court to resentence an individual , "if the original sentence no longer serves the interests of justice." RCW 36.27.130.

Sep. 2020

- ***In re Domingo-Cornelio & In re Ali***
  - The Washington Supreme Court held in State v. Houston-Sconiers (2017) that trial courts must consider the impact of youth and adolescent brain development, and that they must exercise discretion when sentencing a youth in adult court (anyone under age 18).
  - The Washington Supreme Court held In re Domingo-Cornelio, In re Ali (2020) that juveniles sentenced in adult court prior to March 2, 2017 can petition for a resentencing hearing where the trial court considers youthfulness set by Houston-Sconiers.

Feb. 2021

- **State v. Blake**
  - On February 25, 2021, the Washington Supreme Court decided in State v. Blake, holding that RCW 69.50.4013, the statute prohibiting simple possession of a controlled substance (PCS), unconstitutional.
  - Individuals convicted of PCS are entitled to have their convictions vacated and individuals with PCS conviction(s) that counted in their offender score for other crimes may be entitled to a resentencing hearing with a corrected offender score and standard range.

Mar. 2021

- ***In re Monschke***
  - The Washington Supreme Court held *In re Monschke* (consolidated with In re Bartholemew) (2021), that a person who commits Aggravated Murder in the first degree at age 18 to 20 is entitled to a consideration of the Miller mitigating factors at sentencing, and allows the court to impose a sentence other than LWOP.
  - Individuals convicted of aggravated murder when they were 18-20 years old can petition for resentencing.
- **SB 5164 Three Strikes Reform**
  - The Washington legislature passed SB 5164, making 5288 retroactive and amending RCW 9.94A.647
  - Resentencing is required for any individual who was sentenced to LWOP under the three strikes law if a current or past conviction for robbery in the second degree was used as a basis for the finding that the individual was a persistent offender.

July 2021

- DOC strike teams initiated statewide and Resentencing positions created

July 2022

- DOC Resentencing transitional support expanded to all types of resentencing.

Feb. 2023

- Expansion of resources and population served.
- Resentencing team began working with people releasing within 3 months of resentencing/court action and individuals granted commutation/clemency.

Mar. 2023

- **SB 5046**
  - The Legislature passed SB 5046, providing limited representation for individuals on a first timely Personal Restraint Petition.
- **HB 1324**
  - The Legislature passed HB1324, which removes juvenile adjudication points on an adult offender score. Could later be implemented retroactively.

May 2024

- **State v. Carter**
  - The Washington Supreme Court decided in *State v. Carter* (consolidated with Reite) affirming that judges can issue a determinate sentence for Aggravated Murder 1 for individuals 18-20.