

# Judicial Discretion Resentencing

Washington State Senate  
Law & Justice Committee Work Session

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Washington State  
**Office of  
Public  
Defense**

May 30, 2024

# OPD Representation for Resentencing

- RCW 2.70.020(3) –

Subject to funds, "The director shall... appoint counsel ... if the legislature creates an ability to petition the sentencing court ... "



# Judicial Discretion Resentencing is The Right Thing To Do



## Prosecutor-Led Resentencing is Limited, Unequal

- Prosecutors in only **12 counties** have utilized **SB 6164**.
- Out of 1,292 requests since 2020, **prosecutors have filed only 43 petitions** to resentence individuals.
- Prosecutors in **26 counties** filed **0 petitions**.
- **Few people had a lawyer to represent them**; those with counsel were more likely to receive relief.

*Source: Public Records Requests*



# Judicial Discretion Resentencing is The Right Thing To Do

**“The legal community must recognize that we all bear responsibility for on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will.”**

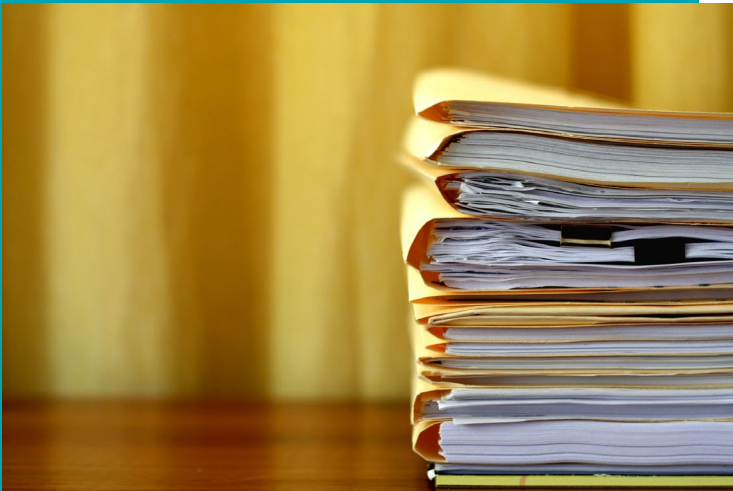
*Washington Supreme Court Letter to Legal Community, 2020*



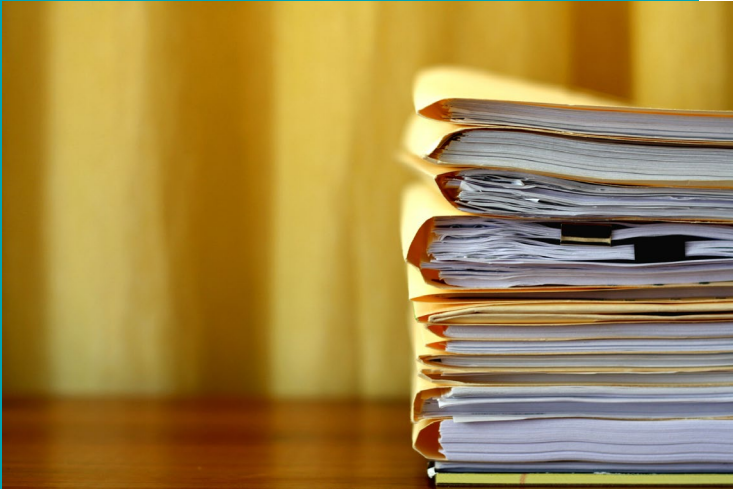
# Workflow Management Recommendation

Over a seven year period, phase-in eligibility to petition, and prioritize individuals based on factors such as:

- Current medical conditions
- Youthfulness at time of offense
- Current age
- Time spent in custody



# Workflow Management Recommendation



## Example: Year **One**

Committed Offense When Under 18, and Served at Least Seven Years:

County	Number of Cases
Benton	5
Clark	8
King	19
Pierce	23
Snohomish	10
Spokane	8
Yakima	18

Plus people with urgent medical needs.  
(Number currently unknown.)



# Workflow Management Recommendation

## Example: Year **Two**

Committed Offense When 18-24, and Served at Least Twenty Years:

County	Number of Cases
Benton	5
Clark	15
King	105
Pierce	77
Snohomish	36
Spokane	30
Yakima	24



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