



OFFICE OF THE PROSECUTING ATTORNEY

COLUMBIA COUNTY, WASHINGTON
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POLICY 2021-011: Resentencing under RCW 36.27.130

I. PURPOSE:

In 2020, the Washington State Legislature passed SB 6164, subsequently codified at RCW 36.27.130, giving elected prosecutors the discretion to petition the Superior Court for resentencing of an offender if their original sentence no longer advances the interests of justice.

II. POLICY:

It is the policy of the Columbia County Prosecuting Attorney's Office to provide a full and fair consideration of any case brought to our attention in which an offender's sentence may no longer be fair and just given all circumstances, including any input from victims or survivors of the crime leading to the sentence.

III. PROCEDURE:

- A. A convicted person or the victim or survivor of a crime may bring a case to the attention of our office for resentencing. The following crimes will not be considered for resentencing, absent extreme circumstances or new evidence:
 1. Life sentences for aggravated first-degree murder;
 2. Life sentences for persistent offenders **except** cases where Assault in the Second Degree or Robbery in the Second Degree were included in the count of strikes;
 3. Mandatory minimum sentences, where the mandatory minimum has not yet been served;
 4. Two-Strike sex offense cases.
- B. A convicted person or a victim or survivor of a crime may bring the case to the elected prosecutor's attention by submitting a letter to this office containing the following information:
 1. The name and birthdate of the defendant;
 2. Identification of the crime charged;
 3. The facts and evidence upon which the individual requesting reconsideration bases the assertion that the sentence no longer advances the interests of justice.
 4. Documentation of the reasons for seeking resentencing is not immediately necessary, but will speed up the process of consideration and the investigation by the Prosecuting Attorney's Office.

- C. Circumstances to be considered by the Prosecuting Attorney include, but are not limited to the following:
1. The convicted individual's disciplinary record and record of rehabilitation while incarcerated;
 2. Evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the convicted individual's risk for future violence;
 3. Evidence that reflects changed circumstances since the convicted individual's original sentencing;
 4. Whether or not the convicted individual takes full responsibility and shows remorse and commitment to change for the acts which led to the conviction;
 5. Any changes in law which would have, had they been in effect at the time of sentencing, reduced the sentence given;
 6. Victim or survivor input;
 7. Any attempts at restorative or remedial actions by the convicted individual;
 8. Infraction history while incarcerated;
 9. Any treatment, employment, or educational opportunities taken advantage of during incarceration;
 10. Support from family or community members to aid in reintegration.
- D. Upon decision to petition for relief, the convicted person and others supporting resentencing will be required to aid the Prosecuting Attorney in efforts to prepare and present the petition, including gathering documentary evidence, testifying at resentencing or other hearings, and other logistical support where those individuals are able to help.

Enacted 12/1/21