



*Frequently Asked Questions*

***What does Senate Bill 6164 do?***

Senate Bill 6164 gives the Prosecutor the discretion to petition a court to modify the sentence of an incarcerated individual, resulting in a reduced sentence or early release, when it serves in the interests of justice. The incarcerated individual must have committed a felony crime in violation of a Washington State law, convicted of that crime, and is currently serving a sentence at a Washington State Correctional facility.

***What are the criteria for review in King County?***

The King County Prosecuting Attorney's Office has identified certain offense categories that are deemed priority offenses and those that have been identified as non-priority offenses. These lists are not exhaustive nor are they final.

Beginning in 2009, the KCPAO has been engaged in a "Three Strikes" reform effort. Prior to the passage of Senate Bill 6164, the KCPAO expanded its "Three Strikes" reform effort to include filing motions to resentence an individual in the interest of justice.

The "Three Strikes" reform effort focuses on strike offenses that are identified as a robbery in the second degree. These cases are a top priority. Other priority cases include the following:

- Non-homicide cases with a sentence over 240 months (20 years) or more
- Non-homicide cases involving a petitioner who was under the age of 25 at the time the crime was committed with an emphasis on cases where the conviction resulted in a sentence of 240 months (20 years) or more
- Petitions involving a justified self-defense claim not considered at trial or during negotiations, including but not limited to, Battered Woman Syndrome and Child Battered Syndrome
- Petitions where immigration consequences would result in deportation

Likewise, the following offense categories are non-priority cases and will not be considered at this time:

- Aggravated murder cases
- Petitions where there are one or more deceased victims
- Petitions involving sex crimes including those involving juvenile victim(s)
- Petitioners with a long history of serious violent behavior
- Petitions involving domestic violence

- Petitioners whose release date is 2 years or less away
- Petitioners who have served less than 10 years of their sentence

***How can I apply for sentence review under SB 6164? Should I get an attorney?***

Petitions for sentence modification under Senate Bill 6164 will be reviewed and filed by the King County Prosecuting Attorney's Office's Sentence Review Unit. Requests for review can be sent in the form of a cover letter that includes the petitioner's full legal name, date of birth, cause number, and nature of the request. Requests may be sent via email to: [paosentencereviewinquiry@kingcounty.gov](mailto:paosentencereviewinquiry@kingcounty.gov) or mailed to us at:

King County Prosecuting Attorney's Office  
Attn: Sentence Review Unit  
516 3<sup>rd</sup> Avenue, W400  
Seattle, WA 98104

The initial process of reviewing and responding to requests may take up to several weeks, depending on our caseload and capacity to review new requests.

Petitioners do not need an attorney to request review under SB 6164. However, if your conviction is identified as a conviction of interest, we will ask the Seattle Clemency Project or another partner organization to reach out to you to determine if you are interested in exploring a sentence modification options and to help you find pro bono counsel.

***What goes into the sentence review process? How long does it take?***

Once the King County Prosecutor identifies your case as one of interest, and after we have assisted you in securing pro bono counsel, the Sentence Review Unit will begin to conduct a thorough investigation into the petitioner's case and post-conviction factors. The petitioner and their counsel will be responsible for gathering the materials relevant to our review, including but not limited to, DOC Infraction History, DOC Programs and Certificates, letters of support, and a comprehensive re-entry plan. After the materials have been gathered and reviewed, and both parties have agreed to a resolution, the process of drafting the motions to be filed with the court begins.

The process of gathering and reviewing materials, drafting motions, contacting victims, and appearing at the hearing may take several months, if not more. The current COVID-19 pandemic is impacting all systems, including the criminal justice system. As a result, our courts are experiencing significant backlogs and will likely will not have the capacity to hear SB 6164 motions until early 2021. At that time, we will begin filing petitions for the highest priority cases.

*I am serving a life sentence under Washington's Three Strikes law. I was struck out in another county, but my first and/or second strike offenses were King County convictions. Can King County help me seek resentencing?*

Petitioners will need to contact the county of their third strike conviction in order to request sentence review under SB 6164. Unless requested by that county's Prosecutor, King County will not act to modify the sentence these petitioners.