

SB 5361: Concerning the resentencing of persons convicted of drug offenses

The Washington Association of Criminal Defense Lawyers (WACDL) and the Washington Defender Association (WDA) oppose SB 5361 because it unreasonably excludes a number of offenders from resentencing for drug offenses that previously had their offender scores increased by doublers and triplers for past drug offenses as part of the misguided “war on drugs”. In 2002, the Washington State Legislature made several changes to how drug offenses were sentenced, including the adoption of a separate sentencing grid with broader judicial discretion, reduced seriousness levels for certain drug offenses, and the elimination of double and triple scoring for certain drug offenses. The new drug offense sentencing grid took effect July 1, 2004. However, many offenders remained incarcerated for decades on long sentences brought about by these doubler and tripler sentences.

In 2020, the legislature passed SB 5867 to provide resentencing relief to those offenders and provided an avenue for them to be resentenced under the modern sentencing guidelines without these doublers and triplers.

Now, only one year later, SB 5361 seeks to roll back these opportunities and prevent resentencing for individuals who are currently serving sentences on drug crimes sentenced pre-2004, based on these increased offender scores -- doublers and triplers from other non-drug related offender history. Because this bill narrows resentencing opportunities that the legislature just expanded last year, we oppose SB 5361.

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