

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5164 ESB	Title: Persistent Offenders / Robbery	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2022	FY 2023	2011-23	2023-25	2025-27
Total:					

Estimated Expenditures from:

STATE	FY 2022	FY 2023	2011-23	2023-25	2025-27
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would provide that in any criminal case where an offender has been sentenced as a persistent offender before July 28, 2019, the offender must have a resentencing hearing if a current or past conviction for robbery in the second degree was used as a basis for finding that the offender was a persistent offender.

This bill differs from SB 5164:

Would clarify that the offense of robbery in the 2nd degree committed before, on, or after the adoption of SB 5288 (laws of 2019) may not be considered a most serious offense when sentencing or resentencing a person as a persistent offender.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1(1) – Would provide that in any criminal case where an offender has been sentenced as a persistent offender before July 28, 2019, the offender must have a resentencing hearing if a current or past conviction for robbery in the second degree was used as a basis for finding that the offender was a persistent offender. Prosecuting attorneys for each county in which any offender was sentenced as a persistent offender would be required to review each sentencing document. If a current or past conviction for robbery in the second degree was used as a basis for a finding that an offender was a persistent offender, the prosecuting attorney would be required, or the offender may, make a motion for relief from sentence to the original sentencing court.

Section 1(2) – Would provide that a sentencing court shall grant the motion if it finds that a current or past conviction for robbery in the second degree was used as a basis for a finding that the offender was a persistent offender and shall immediately set an expedited date for resentencing. Would provide that at resentencing, the court shall sentence the offender as if robbery in the second degree was not a most serious offense at the time the original sentence was imposed.

Section 1(3) – Would provide that for purposes of resentencing under Section 1 of this bill, or sentencing any person as a persistent offender after the effective date of this section, robbery in the second degree shall not be considered a most serious offense regardless of whether the offense was committed before, on, or after the effective date of Chapter 187, laws of 2019.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate, but expected to be minimal. There is no data available to estimate the number of motions for resentencing that would result from this bill.