



608624

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2021	.	
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The Committee on Judiciary (Brandes) recommended the following:

Senate Amendment

Delete lines 42 - 65
and insert:

resentence the offender in the same manner as if the
offender had not previously been sentenced, except that it may
not impose a new sentence greater than the initial sentence.

(4) The court may consider postconviction factors
including, but not limited to, the offender's inmate
disciplinary record and record of rehabilitation while
incarcerated; evidence that reflects whether age, time served,



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12 and diminished physical condition, if any, have reduced the
13 offender's risk of recidivism; and evidence that reflects
14 changed circumstances since the offender's original sentencing
15 such that the offender's continued incarceration no longer
16 serves the interests of justice. Credit must be given for time
17 served.

18 (5) The state attorney shall make reasonable efforts to
19 notify victims and survivors of victims of the petition for
20 resentencing and the date of the resentencing hearing. The state
21 attorney shall provide victims and survivors of victims access
22 to available victim advocates and other related services. The
23 court shall provide an opportunity for victims and survivors of
24 victims of any crimes for which the offender has been convicted
25 to present a statement personally or by representation.

26 (6) A resentencing under this section does not reopen the
27 offender's conviction to challenges that would otherwise be
28 barred.

29 Section 2. This act shall take effect July 1, 2021, and
30 shall apply to all offenders regardless of the date of the
31 offense.