

Executive Summary: Health Impact Review of 2SHB 2001

2SHB 2001, Providing judicial discretion to modify sentences in the interests of justice (2024 Legislative Session)

Evidence indicates that 2SHB 2001 may lead to some people who are incarcerated in DOC facilities becoming aware of their eligibility to file a petition for resentencing, which may lead to some people filing a petition, being granted a hearing, and having their original sentence modified, which would likely improve health outcomes for some people who are incarcerated. It is not well researched how sentence modification may impact recidivism and reincarceration. There is unclear evidence how 2SHB 2001 may impact equity for people housed in DOC facilities; however, 2SHB 2001 would likely increase inequities for people housed in juvenile rehabilitation facilities.

BILL INFORMATION

Sponsors: House Appropriations (originally sponsored by Representatives Simmons, Farivar, Reed, Ormsby, Peterson, Macri, Street, Stearns, Santos, and Pollet)

Summary of Bill:

- Establishes a process for certain people convicted of a felony offense to petition the sentencing court for a modification of the original sentence upon meeting specific eligibility criteria.
- Requires the Department of Corrections (DOC) to provide written notice of the section of law, in specified time frames, to any person sentenced to a term of more than 10 years of confinement and other relevant entities in the applicable judicial district.
- Requires the Office of Public Defense (OPD) to develop a triage plan to prioritize representation of people who petition for resentencing based on specified factors.
- Requires the Office of Crime Victims Advocacy (OCVA) to establish a flexible fund for certain affected victims, contract with prosecuting attorneys' offices to offer related victim advocacy services, and contract with an entity with expertise in victim services to provide related training for victim advocates.
- Requires DOC to make an individual reentry plan and the resources necessary to complete the plan available to people who petition for resentencing within 6 months of their expected release dates from total confinement.^a

HEALTH IMPACT REVIEW

Summary of Findings:

This Health Impact Review found the following evidence for 2SHB 2001:

- **Informed assumption** that 2SHB 2001 may result in some people who are incarcerated in DOC facilities becoming aware of their eligibility to file a petition for resentencing. This

^a [RCW 9.94A.030](#) defines “total confinement” to mean “confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day” or work or labor camps.

For more information:

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assumption is based on information from key informants and evidence from Prosecutor-Initiated Resentencing efforts in Washington State and California.

- **Informed assumption** that some people becoming aware of their eligibility may result in some people filing a petition for resentencing. This assumption is based on information from key informants and evidence from Prosecutor-Initiated Resentencing efforts in Washington State and California.
- **Informed assumption** that some people filing a petition may result in some people being granted a resentencing hearing by the court. This assumption is based on information from key informants and evidence from Prosecutor-Initiated Resentencing efforts in Washington State and California.
- **Informed assumption** that some people being granted a resentencing hearing by the court may result in some people's original sentences being modified. This assumption is based on provisions in the bill, information from key informants, and evidence from Prosecutor-Initiated Resentencing efforts in Washington State and California.
- **Very strong evidence** that some people's original sentences being modified would likely improve health outcomes.
- **Not well researched** how some people's original sentences being modified may impact recidivism and reincarceration.
- **Unclear evidence** how improving health outcomes for people whose original sentences are modified may impact equity for people housed in DOC facilities.
- **Strong evidence** that 2SHB 2001 may increase inequities for people housed in juvenile rehabilitation facilities.

Additional Considerations includes discussion of:

- How OCVA creating a flexible fund to serve victims^b and survivors of victims affected by resentencing and contracting with prosecuting attorneys' offices may impact services and resources for victims and survivors of victims; and
- Potential impacts for youth and emerging adults younger than age 25 years serving sentences in juvenile rehabilitation facilities before being transferred to DOC facilities.

FULL REVIEW

For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://sboh.wa.gov/sites/default/files/2024-09/HIR-2024-09-2SHB2001.pdf>

^b The terms "victim" and "survivor" are both used to describe people who have experienced violence. "Victim" is typically used more often in legal contexts, and "survivor" is used by some to convey a sense of empowerment. Key informants stated that different people prefer to use different terminology to describe their experiences of violence. The bill uses "victims and survivors of victims" which some key informants interpreted to mean victims and family and friends of crime victims. Throughout this HIR, we retain the language from the bill and the language used for each cited source to maintain accuracy.

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