

# Executive Summary: Health Impact Review of HB 1125

## HB 1125, Providing judicial discretion to modify sentences in the interest of justice (2025 Legislative Session)

Evidence indicates that HB 1125 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 HB 1125 may impact equity.

### BILL INFORMATION

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**Sponsors:** Simmons, Obras, Scott, Stearns, Ryu, Taylor, Peterson, Reeves, Tharinger, Fey, Morgan, Alvarado, Macri, Ormsby, Stonier, Doglio, Berg, Fosse, Reed, Berry, Duerr, Kloba, Goodman, Farivar, Street, Donaghy, Pollet, Bernbaum, Nance, Ortiz-Self, Slatter, Ramel, Mena, Gregerson, Wylie, Hill

#### 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.
- Directs the Office of Public Defense (OPD), within available resources, to provide representation for people who are eligible to file a petition, based on the eligibility criteria and timelines established in Section 3(1) of HB 1125.
- Requires the Office of Crime Victims Advocacy (OCVA) to 1) establish a flexible fund for victims and survivors of victims affected by resentencing and 2) contract with prosecuting attorneys' offices to offer related victim advocacy services; and allows OCVA to 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 date from total confinement.<sup>a</sup>

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<sup>a</sup> [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. Based on this definition, youth and emerging adults in juvenile rehabilitation facilities for 24 hours a day meet the definition of “total confinement” (personal communication, Department of Children, Youth, and Families [DCYF], January 2025).

#### For more information:

Phone: (360) 628-7342

Email: [hir@sboh.wa.gov](mailto:hir@sboh.wa.gov)

Website: <https://sboh.wa.gov/health-impact-reviews>



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### HEALTH IMPACT REVIEW

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#### Summary of Findings:

This Health Impact Review found the following evidence for HB 1125:

- **Informed assumption** that HB 1125 may result in some people who are incarcerated in DOC facilities becoming aware of their eligibility to file a petition for resentencing. This assumption is based on information from community members with lived experience of incarceration in DOC facilities<sup>b</sup> and 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 community members with lived experience of incarceration in DOC facilities and 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 community members with lived experience of incarceration in DOC facilities and 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 community members with lived experience of incarceration in DOC facilities and 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.

**Additional Considerations** includes discussion of:

- How OCVA creating a flexible fund to serve victims<sup>c</sup> 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

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<sup>b</sup> This Health Impact Review uses the phrase "community members with lived experience of incarceration in DOC facilities" to collectively refer to people we spoke with who are currently incarcerated as well as people who were formerly incarcerated and are now back in community.

<sup>c</sup> 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

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# **Executive Summary: Health Impact Review of HB 1125**

## **HB 1125, Providing judicial discretion to modify sentences in the interest of justice**

### **(2025 Legislative Session)**

- Potential impacts for youth and emerging adults younger than age 25 years serving sentences in juvenile rehabilitation facilities before being transferred to DOC facilities.

#### **\*UPDATE TO PREVIOUS HEALTH IMPACT REVIEW**

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This review is an update to the Health Impact Review completed for 2SHB 2001, Providing judicial discretion to modify sentences in the interests of justice (2024 Legislative Session). As part of this update, Health Impact Review staff:

- Spoke with 14 community members directly impacted by the carceral system, including those currently incarcerated in a DOC facility serving a long or very long sentence as well as those who have experienced incarceration and returned to community after serving a long or very long sentence.
- Spoke with 9 additional key informants, including 5 state agency staff with expertise working with people who are incarcerated; 3 people representing public defenders and prosecuting attorneys; and 1 person with expertise in the Washington State Superior Court system.
- Requested and analyzed data and updated data that are available through public datasets.
- Incorporated 15 updated resources and research, as available. Including evidence related to:
  - Incarceration and health outcomes.
  - Hope as a protective factor for physical and mental health (page 52).

#### **FULL REVIEW**

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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/2025-01/HIR-2025-01-HB1125.pdf>

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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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