

Fair Score Act HB 1274/SB 5715



In 2023, the Legislature stopped the practice of punishing people twice because of their prior involvement as children in the juvenile justice system. However, it only applied this correction in the law to new cases. Now, according to Administrative Office of the Courts data, there are 856 currently incarcerated people serving lengthy sentences they would not receive if they were sentenced for the same crime today – simply because they were sentenced before July 2023.

This follow-up bill corrects this generational inequality that disproportionately impacts people of color, while also recognizing public safety, the support needs of victims, and taking care to not overwhelm the capacity of the court system.

Retroactivity is Key to Fairness

When the Legislature passed EHB 1324, it recognized that the use of juvenile points in sentencing results in unjust sentences and is not necessary for the preservation of public safety. It is fundamentally unfair to require people to serve vastly different sentences for the same offense simply based on a date. If the Legislature decides that a law is bad policy going forward, it must also apply with equal force to those already impacted.

Advances Racial Justice

Black, Indigenous, and people of color are the majority of people impacted by juvenile sentencing points in Washington state. The 57 Tribes of the Affiliated Tribes of Northwest Indians has twice passed resolutions that call on the Legislature to pass this policy. The House Members of Color Caucus identified this bill as a priority for the 2024 session. Juvenile points are a quiet driver of disproportionality in sentencing. Now we are faced with a generational inequality, where people of color who came of age during the tough-on-crime era are punished twice. Failing to apply changes in the law regarding the use of juvenile points retroactively leaves racially disproportionate sentences in place.

Resentencings that Protect Public Safety

Resentencings are merit-based, not automatic. Not everyone who is eligible for a resentencing will receive one. Under a rebuttable presumption, before granting a resentencing, a judge will consider the following factors:

- A person's prison record
- Evidence of rehabilitation

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- Likelihood of committing another crime

If the judge determines a person is not rehabilitated, then the judge will deny the petition.

Importantly, nothing about the underlying convictions changes if a person is granted a resentencing. All that changes is the location within the sentencing range already established by the legislature.

Preserves Court Capacity

Consideration for resentencings is staggered over 4 years and across 39 counties to not overwhelm the courts. For example, King County, the most populated county, will process, on average, about 35 resentencings per year for 4 years, spread across the 56 judges currently employed by the county.

County	Average Number of Resentencings Per Year Over Four Years	Number of County Superior Court Judges	Average Resentencing per Judge
King	35	56	Less than 1
Pierce	44	23	Less than 2
Snohomish	11	17	Less than 1
Spokane	15	13	Less than 2

Frees Up Resources for Victim Support & Other Services

On average, it costs \$81k+ per year to incarcerate a person. Continuing to incarcerate a person when a judge has determined it is safe to reduce their sentence under current guidelines wastes scarce state resources during a budget crisis. Instead, this bill funds victim support including, but not limited to therapy, relocation assistance, and travel fees.

Washington needs this bill so communities can begin to heal from the impacts of a sentencing system that has thrown away generations of its members. HB 1274 addresses existing racial disproportionality caused by the use of juvenile points and modernizes our sentencing system in a developmentally appropriate way – all while leaving public safety intact.