

**BILL SUMMARY**  
1<sup>st</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 25</b>
<b>Version:</b>	<b>ENGR</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. Kannady</b>
<b>Date:</b>	<b>4/16/2021</b>
<b>Impact:</b>	<b>AOC: \$0</b>

**Research Analysis**

SB 25 allows a defendant to waive resentencing before the trial court within 90 days of the appellate court order remanding for resentencing, but may not waive resentencing after the commencement of the resentencing hearing or trial. The defendant may not waive resentencing on an appeal or petition for a writ of extraordinary relief sought by the prosecution or if the original sentence was unlawful. If the defendant waives resentencing, the original sentence is to be reinstated by the court and is not appealable by the defendant. The defendant is allowed to testify at his or her resentencing proceeding.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The measure clarifies resentencing procedures in noncapital criminal cases.

Upon review and with consultation from the Administrative Office of the Courts, no direct impact to state revenues or expenditures is anticipated from passage of the measure.

Prepared By: Clayton Mayfield

**Other Considerations**

None.