

# HOUSE BILL ANALYSIS

## SSB 6182

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**Brief Description:** Specifying the effect that changes in law will have on sentencing provisions.

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**Sponsors:** Senators McCaslin and Costa.

**Hearing:** February 23, 2000.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

#### **BACKGROUND:**

Under the Sentencing Reform Act, an offender's sentence is determined according to the seriousness level of the crime and the offender's criminal history or prior conviction. In 1990, the Legislature amended the rules for counting prior convictions by providing that prior felony sex convictions are always to be included in the offender score. In other words, these convictions do not "wash out" after a specified amount of time spent crime-free in the community as do other class B and C felony convictions.

In *State v. Cruz*, 139 Wash. 2d 186 (1999), the Washington Supreme Court held that the 1990 change applies prospectively only. Thus, previously washed out convictions were not revived by the 1990 amendment and cannot be counted in the offender score.

#### **SUMMARY OF BILL:**

Any sentence imposed under the Sentencing Reform Act must be determined using the law in effect at the time the offense for which the offender is being sentenced was committed.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of a session in which bill is passed.

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Prepared for the House Criminal Justice & Corrections Committee  
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