

6423-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Costa and McCaslin)

Brief Description: Clarifying how criminal history should be used in sentencing decisions.

SB 6423-S - DIGEST

(DIGEST AS ENACTED)

Considers the majority opinions in *State v. Cruz*, 139 Wn. 2d 186 (1999), and *State v. Smith*, Cause No. 70683-2 (September 6, 2001), to be wrongly decided, since neither properly interpreted legislative intent.

Declares that, when the legislature enacted the sentencing reform act, chapter 9.94A RCW, and each time the legislature has amended the act, the legislature intended that an offender's criminal history and offender score be determined using the statutory provisions that were in effect on the day the current offense was committed.

Declares that the legislature has never intended to create in an offender a vested right with respect to whether a prior conviction is excluded when calculating an offender score or with respect to how a prior conviction is counted in the offender score for a current offense.

Declares that RCW 9.94A.030(13) (b) and (c) and 9.94A.525(18) apply only to current offenses committed on or after the effective date of this act. No offender who committed his or her current offense prior to the effective date of this act may be subject to resentencing as a result of this act.