

HB 2462 - DIGEST

Provides if the defendant charged with a sex offense fails to affirmatively set forth his or her understanding of his or her criminal history, he or she shall be deemed to have admitted that the prosecuting attorney's statement of his or her criminal history is correct.

Declares a criminal history summary relating to a defendant charged with a sex offense from the prosecuting authority or from a state, federal, or foreign governmental agency shall be prima facie evidence of the existence and validity of the convictions listed therein. The defendant shall be allowed to rebut such proof with competent evidence.

Provides that prior convictions that were not included in criminal history or in the offender score shall be included upon resentencing for a sex offense to ensure imposition of an accurate sentence.

Provides that on remand for resentencing following appeal, or collateral attack, on a conviction for a sex offense, the parties shall have the opportunity to present and the court to consider all relevant evidence regarding criminal history, including criminal history not previously presented.

Provides that in order to raise any issue regarding sentencing for a sex offense on appeal, the issue must first have been raised at the trial court level.