

6423

Sponsor(s): Senators Costa and McCaslin

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

SB 6423 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

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.