

2390

Sponsor(s): Representatives Carrell, McMahan, Cox, Bush, Mielke, Boldt and Pearson

Brief Description: Limiting collateral attack in criminal cases.

**HB 2390 - DIGEST**

Declares that a person who has been convicted of a crime has no constitutional right to challenge a facially valid judgment that was not appealed or that was upheld on direct appeal. The right to challenge such a judgment arises only from statute.

Finds that collateral challenges to convictions impose trauma on victims of crime, interfere with rehabilitation, and place a continuing burden on courts and public officials. It is therefore the intent to allow these challenges only when the conviction constitutes a clear miscarriage of justice.

Finds that multiple petitions challenging the same conviction are both especially burdensome and unlikely to raise valid issues. It is the intent that these petitions will be allowed only under rare and carefully defined circumstances.

Declares an intent that the only basis for challenging a facially valid judgment entered in a criminal proceeding are those contained in this act. To the extent that *State v. Sampson*, 82 Wn.2d 663, 513 P.2d 60 (1973), provides that RCW 4.72.010 is applicable to judgments entered in criminal cases and that RAP 16.4, CrR 7.8, and CrRLJ 7.8, provide different grounds for relief they are disapproved.