

HB 2070.E - DIGEST

(DIGEST AS ENACTED)

Finds that in *State v. Pillatos*, 150 P.3d 1130 (2007), the Washington supreme court held that the changes made to the sentencing reform act concerning exceptional sentences in chapter 68, Laws of 2005 do not apply to cases where the trials had already begun or guilty pleas had already been entered prior to the effective date of the act on April 15, 2005. The legislature intends that the superior courts shall have the authority to impanel juries to find aggravating circumstances in all cases that come before the courts for trial or sentencing, regardless of the date of the original trial or sentencing.

Provides that, in any case where a new trial or new sentencing hearing is required, the superior court shall have the authority to impanel a jury to consider any aggravating circumstances, as alleged by the state and listed in RCW 9.94A.535(3) (a) through (y), at either the new trial or, if no new trial is necessary, at the new sentencing hearing.