

# SENATE BILL REPORT

## SB 6203

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As of February 2, 2026

**Title:** An act relating to out-of-state convictions.

**Brief Description:** Concerning out-of-state convictions.

**Sponsors:** Senators Boehnke, Dozier, Torres, Goehner, Schoesler, Wagoner, Christian and Dhingra.

**Brief History:**

**Committee Activity:** Law & Justice: 2/02/26.

### Brief Summary of Bill

- Clarifies that out-of-state convictions include convictions in a foreign country for purposes of calculating an offender's score on the felony sentencing grid.

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## SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**Background:** Sentencing. The Sentencing Reform Act (SRA) provides a determinate sentencing system in which sentencing courts generally impose sentences within a standard range. The standard range for a person is determined by reference to a grid, which provides a base sentence according to the person's offender score and the seriousness level of the present offense. The offender score is a point total based on a person's qualifying prior convictions. Certain prior convictions are excluded from offender score calculations if the person remains crime free in the community for a specified period of time following release.

State v. Lewis. On July 17, 2025, the Washington Supreme Court issued its opinion in *State v. Lewis* on whether out-of-state convictions include convictions entered by courts of

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

foreign nations for purposes of offender scoring.

The court noted that while foreign convictions may be considered part of a defendant's criminal history, nothing in the SRA, related statutes, or Washington statutes in general clearly establishes whether the Legislature meant to include foreign convictions for the purpose of offender scoring. The court concluded that the SRA is ambiguous on this question. Due to this ambiguity, the court applied the rule of lenity that strictly construes ambiguous criminal laws in favor of the defendant. The court held that out-of-state convictions do not include convictions in foreign countries.

**Summary of Bill:** Out-of-state convictions include convictions in a foreign country if the convictions were obtained with sufficient safeguards for fundamental fairness and due process for the accused.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2026.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a bipartisan bill that addresses a gap in our sentencing laws. One of the foundational principles of the SRA is to ensure that punishment for criminal offense is proportionate to the seriousness of the offense and the offender's criminal history. This is a positive clarification to help a judge understand that they can use a foreign, out-of-state conviction during sentencing. There is a long line of cases that put parameters on the constitutionality and background of a foreign conviction. Individuals can challenge whether there were issues with facially valid foreign convictions. This would give judges more flexibility at sentencing. Without this change, no judge would be able to include foreign convictions in offender scoring, even if a judge could consider such history in terms of the sentence range.

CON: The bill lacks clear mechanisms to ensure that constitutional principles such as due process, jury trial, right to counsel, right to cross-examine, and other rights are observed in foreign convictions. All foreign systems, including other common law systems, lack some or all of the due process safeguards found in our system. Some countries allow convictions without jury trial and some infer guilt from silence without counsel. This bill does not have any limitations on the type of foreign convictions that may be considered. There is no practical way to obtain criminal conviction data in foreign countries. Prosecutors and defenders both will be required to analyze foreign criminal legal procedures which is time-consuming and impossible to do without experts. This bill allows a lot of biased thinking when it comes to the legal systems of particular countries. There is also a risk of legitimizing politically-motivated prosecutions. Judges can already look at criminal history

to determine whether there is a need for a mitigating or exceptional sentence.

**Persons Testifying:** PRO: Senator Matt Boehnke, Prime Sponsor; Russell Brown, WA Association of Prosecuting Attorneys.

CON: Larry Jefferson, Director, Washington State Office of Public Defense; Keri-Anne Jetzer, WA State Sentencing Guidelines Commission; Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** No one.