
SENATE BILL 6203

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By Senators Boehnke, Dozier, Torres, Goehner, Schoesler, Wagoner, Christian, and Dhingra

Read first time 01/16/26. Referred to Committee on Law & Justice.

1 AN ACT Relating to out-of-state convictions; amending RCW
2 9.94A.525; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The purpose of this legislation is to
5 respond to the Washington supreme court's decision in *State v. Lewis*,
6 No. 102910-1 (July 17, 2025). The legislature intends to clarify an
7 ambiguity identified in the sentencing reform act by expressly
8 stating that foreign convictions are to be considered when
9 calculating an offender's score.

10 **Sec. 2.** RCW 9.94A.525 and 2024 c 306 s 6 are each amended to
11 read as follows:

12 The offender score is measured on the horizontal axis of the
13 sentencing grid. The offender score rules are as follows:

14 The offender score is the sum of points accrued under this
15 section rounded down to the nearest whole number.

16 (1)(a) A prior conviction is a conviction which exists before the
17 date of sentencing for the offense for which the offender score is
18 being computed. Convictions entered or sentenced on the same date as
19 the conviction for which the offender score is being computed shall

1 be deemed "other current offenses" within the meaning of RCW
2 9.94A.589.

3 (b) For the purposes of this section, adjudications of guilt
4 pursuant to Title 13 RCW which are not murder in the first or second
5 degree or class A felony sex offenses may not be included in the
6 offender score.

7 (2)(a) Class A and sex prior felony convictions shall always be
8 included in the offender score.

9 (b) Class B prior felony convictions other than sex offenses
10 shall not be included in the offender score, if since the last date
11 of release from confinement (including full-time residential
12 treatment) pursuant to a felony conviction, if any, or entry of
13 judgment and sentence, the offender had spent 10 consecutive years in
14 the community without committing any crime that subsequently results
15 in a conviction.

16 (c) Except as provided in (e) of this subsection, class C prior
17 felony convictions other than sex offenses shall not be included in
18 the offender score if, since the last date of release from
19 confinement (including full-time residential treatment) pursuant to a
20 felony conviction, if any, or entry of judgment and sentence, the
21 offender had spent five consecutive years in the community without
22 committing any crime that subsequently results in a conviction.

23 (d) Except as provided in (e) of this subsection, serious traffic
24 convictions shall not be included in the offender score if, since the
25 last date of release from confinement (including full-time
26 residential treatment) pursuant to a conviction, if any, or entry of
27 judgment and sentence, the offender spent five years in the community
28 without committing any crime that subsequently results in a
29 conviction.

30 (e) If the present conviction is felony driving while under the
31 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
32 felony physical control of a vehicle while under the influence of
33 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
34 crimes for the offense as defined by RCW 46.61.5055(14) shall be
35 included in the offender score, and prior convictions for felony
36 driving while under the influence of intoxicating liquor or any drug
37 (RCW 46.61.502(6)) or felony physical control of a vehicle while
38 under the influence of intoxicating liquor or any drug (RCW
39 46.61.504(6)) shall always be included in the offender score. All

1 other convictions of the defendant shall be scored according to this
2 section.

3 (f) Prior convictions for a repetitive domestic violence offense,
4 as defined in RCW 9.94A.030, shall not be included in the offender
5 score if, since the last date of release from confinement or entry of
6 judgment and sentence, the offender had spent 10 consecutive years in
7 the community without committing any crime that subsequently results
8 in a conviction.

9 (g) This subsection applies to both prior adult convictions and
10 prior juvenile adjudications.

11 (3) Out-of-state convictions for offenses shall be classified
12 according to the comparable offense definitions and sentences
13 provided by Washington law. Out-of-state convictions include
14 convictions in a foreign country if obtained with sufficient
15 safeguards for fundamental fairness and due process for the accused.

16 Federal convictions for offenses shall be classified according to the
17 comparable offense definitions and sentences provided by Washington
18 law. Neither out-of-state or federal convictions which would have
19 been presumptively adjudicated in juvenile court under Washington law
20 may be included in the offender score unless they are comparable to
21 murder in the first or second degree or a class A felony sex offense.
22 If there is no clearly comparable offense under Washington law or the
23 offense is one that is usually considered subject to exclusive
24 federal jurisdiction, the offense shall be scored as a class C felony
25 equivalent if it was a felony under the relevant federal statute.

26 (4) Score prior convictions for felony anticipatory offenses
27 (attempts, criminal solicitations, and criminal conspiracies) the
28 same as if they were convictions for completed offenses.

29 (5) (a) In the case of multiple prior convictions, for the purpose
30 of computing the offender score, count all convictions separately,
31 except:

32 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
33 to encompass the same criminal conduct, shall be counted as one
34 offense, the offense that yields the highest offender score. The
35 current sentencing court shall determine with respect to other prior
36 adult offenses for which sentences were served concurrently or prior
37 juvenile offenses for which sentences were served consecutively,
38 whether those offenses shall be counted as one offense or as separate
39 offenses using the "same criminal conduct" analysis found in RCW
40 9.94A.589(1) (a), and if the court finds that they shall be counted as

1 one offense, then the offense that yields the highest offender score
2 shall be used. The current sentencing court may presume that such
3 other prior offenses were not the same criminal conduct from
4 sentences imposed on separate dates, or in separate counties or
5 jurisdictions, or in separate complaints, indictments, or
6 informations;

7 (ii) In the case of multiple prior convictions for offenses
8 committed before July 1, 1986, for the purpose of computing the
9 offender score, count all convictions or adjudications served
10 concurrently as one offense. Use the conviction for the offense that
11 yields the highest offender score.

12 (b) As used in this subsection (5), "served concurrently" means
13 that: (i) The latter sentence was imposed with specific reference to
14 the former; (ii) the concurrent relationship of the sentences was
15 judicially imposed; and (iii) the concurrent timing of the sentences
16 was not the result of a probation or parole revocation on the former
17 offense.

18 (6) If the present conviction is one of the anticipatory offenses
19 of criminal attempt, solicitation, or conspiracy, count each prior
20 conviction as if the present conviction were for a completed offense.
21 When these convictions are used as criminal history, score them the
22 same as a completed crime.

23 (7) If the present conviction is for a nonviolent offense and not
24 covered by subsection (11), (12), or (13) of this section, count one
25 point for each adult prior felony conviction and one point for each
26 juvenile prior violent felony conviction which is scorable under
27 subsection (1)(b) of this section.

28 (8) If the present conviction is for a violent offense and not
29 covered in subsection (9), (10), (11), (12), or (13) of this section,
30 count two points for each prior adult violent felony conviction and
31 juvenile violent felony conviction which is scorable under subsection
32 (1)(b) of this section, and one point for each prior adult nonviolent
33 felony conviction.

34 (9) If the present conviction is for a serious violent offense,
35 count three points for prior adult convictions and juvenile
36 convictions which are scorable under subsection (1)(b) of this
37 section for crimes in this category, two points for each prior adult
38 and scorable juvenile violent conviction (not already counted), and
39 one point for each prior adult nonviolent felony conviction.

1 (10) If the present conviction is for Burglary 1, count prior
2 convictions as in subsection (8) of this section; however count two
3 points for each prior Burglary 2 or residential burglary conviction.

4 (11) If the present conviction is for a felony traffic offense
5 count two points for each prior conviction for Vehicular Homicide or
6 Vehicular Assault; for each felony offense count one point for each
7 adult prior conviction and 1/2 point for each juvenile prior
8 conviction which is scorable under subsection (1)(b) of this section;
9 for each serious traffic offense, other than those used for an
10 enhancement pursuant to RCW 46.61.520(2), count one point for each
11 adult prior conviction and 1/2 point for each juvenile prior
12 conviction which is scorable under subsection (1)(b) of this section;
13 count one point for each adult prior conviction for operation of a
14 vessel while under the influence of intoxicating liquor or any drug;
15 count one point for a deferred prosecution granted under chapter
16 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or
17 46.61.504, or an equivalent local ordinance.

18 (12) If the present conviction is for homicide by watercraft or
19 assault by watercraft count two points for each adult prior
20 conviction for homicide by watercraft or assault by watercraft; for
21 each felony offense count one point for each adult prior conviction
22 and 1/2 point for each juvenile prior conviction which would be
23 scorable under subsection (1)(b) of this section; count one point for
24 each adult prior conviction for driving under the influence of
25 intoxicating liquor or any drug, actual physical control of a motor
26 vehicle while under the influence of intoxicating liquor or any drug,
27 or operation of a vessel while under the influence of intoxicating
28 liquor or any drug.

29 (13) If the present conviction is for manufacture of
30 methamphetamine count three points for each adult prior manufacture
31 of methamphetamine conviction. If the present conviction is for a
32 drug offense and the offender has a criminal history that includes a
33 sex offense or serious violent offense, count three points for each
34 adult prior felony drug offense conviction. All other felonies are
35 scored as in subsection (8) of this section if the current drug
36 offense is violent, or as in subsection (7) of this section if the
37 current drug offense is nonviolent.

38 (14) If the present conviction is for Escape from Community
39 Custody, RCW 72.09.310, count only adult prior escape convictions in
40 the offender score. Count prior escape convictions as one point.

1 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
2 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
3 and juvenile prior convictions which are scorable under subsection
4 (1)(b) of this section as 1/2 point.

5 (16) If the present conviction is for Burglary 2 or residential
6 burglary, count priors as in subsection (7) of this section; however,
7 count two points for each prior Burglary 1 conviction, and two points
8 for each prior Burglary 2 or residential burglary conviction.

9 (17) If the present conviction is for a sex offense, count priors
10 as in subsections (7) through (11) and (13) through (16) of this
11 section; however, count three points for each adult prior sex offense
12 conviction and juvenile prior class A felony sex offense
13 adjudication.

14 (18) If the present conviction is for failure to register as a
15 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
16 subsections (7) through (11) and (13) through (16) of this section;
17 however, count three points for each adult prior sex offense
18 conviction and juvenile prior sex offense conviction which is
19 scorable under subsection (1)(b) of this section, excluding adult
20 prior convictions for failure to register as a sex offender under RCW
21 9A.44.130 or 9A.44.132, which shall count as one point.

22 (19) If the present conviction is for an offense committed while
23 the offender was under community custody, add one point. For purposes
24 of this subsection, community custody includes community placement or
25 postrelease supervision, as defined in chapter 9.94B RCW.

26 (20) If the present conviction is for Theft of a Motor Vehicle,
27 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
28 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
29 priors as in subsections (7) through (18) of this section; however
30 count one point for prior convictions of Vehicle Prowling 2, and
31 three points for each adult prior Theft 1 (of a motor vehicle), Theft
32 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor
33 vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft
34 of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor
35 Vehicle Without Permission 1, or Taking a Motor Vehicle Without
36 Permission 2 conviction.

37 (21) If the present conviction is for a felony domestic violence
38 offense where domestic violence as defined in RCW 9.94A.030 was
39 pleaded and proven, count priors as in subsections (7) through (20)
40 of this section; however, count points as follows:

1 (a) Count two points for each adult prior conviction where
2 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
3 after August 1, 2011, for any of the following offenses: A felony
4 violation of a no-contact or protection order (RCW 7.105.450 or
5 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
6 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
7 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
8 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
9 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
10 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
11 Arson 2 (RCW 9A.48.030);

12 (b) Count two points for each adult prior conviction where
13 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
14 after July 23, 2017, for any of the following offenses: Assault of a
15 child in the first degree, RCW 9A.36.120; Assault of a child in the
16 second degree, RCW 9A.36.130; Assault of a child in the third degree,
17 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
18 9A.42.020; or Criminal Mistreatment in the second degree, RCW
19 9A.42.030; and

20 (c) Count one point for each adult prior conviction for a
21 repetitive domestic violence offense as defined in RCW 9.94A.030,
22 where domestic violence as defined in RCW 9.94A.030, was pleaded and
23 proven after August 1, 2011.

24 (22) The fact that a prior conviction was not included in an
25 offender's offender score or criminal history at a previous
26 sentencing shall have no bearing on whether it is included in the
27 criminal history or offender score for the current offense. Prior
28 convictions that were not counted in the offender score or included
29 in criminal history under repealed or previous versions of the
30 sentencing reform act shall be included in criminal history and shall
31 count in the offender score if the current version of the sentencing
32 reform act requires including or counting those convictions. Prior
33 convictions that were not included in criminal history or in the
34 offender score shall be included upon any resentencing to ensure
35 imposition of an accurate sentence.

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