



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

February 14, 2014 8am – 9am

Via teleconference

Members Present:

Dave Boerner
Bernie Warner
Bonnie Glenn (proxy for John Clayton)
Hon. Janice Ellis
Sheriff Paul Pastor
Kathleen Kyle
Hon. Maryann Moreno
Lenell Nussbaum
Patrick Escamilla
Rep. Mary Helen Roberts
Tim Wettack

Members Absent:

Senator Pam Roach
Senator Adam Kline
Rep. Brad Klippert
Hon. Stanley Rumbaugh
John Lane
Dan Satterberg
Hon. Catherine Shaffer
Lynne DeLano
Russ Hauge

Staff:

Keri-Anne Jetzer

I. CALL TO ORDER

Dave Boerner, Chair, called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #14-1: MOTION TO APPROVE DECEMBER 2013 MEETING MINUTES

MOVED: Judge Ellis
SECONDED: Judge Moreno
PASSED: Unanimously

III. CURRENT LEGISLATION - See spreadsheet

ESHB 2164

MOTION #14-2: MOTION TO SUPPORT ESHB 2164

MOVED: Tim Wettack

SECONDED: Patrick Escamilla

PASSED: Support 8; Oppose 0; Abstain 2

2SSB 5064

During discussion, Mr. Wettack inquired whether juveniles sentenced to LWOP under this bill would be ineligible for the review after 25 years. Ms. Nussbaum confirmed that they would be ineligible. Representative Roberts added that part of this bill may put some offenders who are released by the ISRB would be under lifetime supervision. She said conversations are about to begin to see how that might be modified.

MOTION #14-3: MOTION TO SUPPORT 2SSB 5064

MOVED: Tim Wettack

SECONDED: Judge Moreno

PASSED: Support 5; Oppose 1; Abstain 4

SHB 2722

Representative Roberts briefed the members on the bill. Judge Moreno asked why it applied only to 16 and 17 year olds. Representative Roberts replied that statute mandates arrest for 16 and 17 years olds.

MOTION #14-4: MOTION TO SUPPORT SHB 2722

MOVED: Tim Wettack

SECONDED: Judge Ellis

PASSED: Support 8; Oppose 0; Abstain 2

2SHB 2627

Representative Roberts briefed the members on the bill. A motion was made to support 2SHB 2627 but there was no second so the motion died.

SSB 6192

Lenell Nussbaum asked the fiscal impact on the bill. Clela Steelhammer, from DOC, indicated the impact was indeterminate but expected to be greater than \$50,000. Based on the sample DOC took, they estimated a caseload impact 275 new offenders at a cost of about \$750,000 fully phased in. Seth Fine noted that studies have found that supervision solely for the purpose of surveillance is not cost-effective and does not reduce recidivism.

SSB 6390

Chair Boerner reported that the issue surrounding this bill is related to the composition of the task force. Keri-Anne Jetzer informed the members that the revised bill removed most of the treatment providers originally included and adds a member of the SGC to the task force. Judge Ellis questioned why the Commission had not been asked to do the review. Chair Boerner explained that the Commission has reviewed this issue in the past. The prosecutors were opposed to the recommended changes but the rest of the Commission was in support of them, thus the legislature did not take action as sometimes happens when there is no consensus. The prosecutors might have expected to get the same result if the Commission did the review again and were seeking a broader group.

MOTION #14-5: MOTION TO SUPPORT SSB 6390

MOVED: Tim Wettack
SECONDED: Lenell Nussbaum
PASSED: Support 8; Oppose 0; Abstain 2

Racial and Ethnic Impact Statements (SB 6257)

Chair Boerner briefed the members on the status of the racial and ethnic impact statements. A bill was introduced in the House to have the Caseload Forecast Council produce an annual Disproportionality report. He testified in general support of that at the House committee public hearing. The bill did not make it out of the House. Chair Boerner has had further discussions with the Governor's Office and there may be interest in the Commission continuing work on that in the interim.

SB 6009

The members discussed the use of an aggravating factor when the offender score is 9 or more. Seth Fine provided clarification on the statutes around that. Some members indicated opposition to language that contains mandatory language and takes away judicial discretion.

MOTION #14-6: MOTION TO OPPOSE SB 6009

MOVED: Lenell Nussbaum
SECONDED: Tim Wettack
PASSED: Support 6; Oppose 1; Abstain 3

SB 6025

Members discussed the need for a body armor enhancement. There was discussion about considering this as an aggravating factor instead of taking discretion away from the judges.

MOTION #14-7: MOTION TO OPPOSE SB 6025

MOVED: Lenell Nussbaum

SECONDED: Judge Moreno

PASSED: Support 7; Oppose 0; Abstain 3

IV. OTHER BUSINESS

Chair Boerner informed the members that the Governor's Office thinks a DUI statute review may be a topic for the Commission to look at during the interim. Chair Boerner has indicated that the Commission would be interested in doing that but wanted to get feedback from the members. Chair Boerner said that if the Commission does get the request, he will contemplate putting together a packet before the March SGC meeting. Lenell Nussbaum thought it would be good to bring in someone from the treatment community.

V. ADJOURNMENT

Next full Commission meeting will be on March 14, 2014, at the Criminal Justice Training Commission.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date