



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

SENTENCING GUIDELINES COMMISSION

MINUTES

February 13, 2015 8:00am – 9:30am

Teleconference

Toll free Telephone: 1-855-203-0771

Participant pin number: 3375525

Members Present:

Dave Boerner
Bernie Warner
Tim Wettack
Hon. Janice Ellis
Jennifer Albright
Lynne DeLano
Kathleen Kyle
Sheriff Paul Pastor
Hon. Catherine Shaffer
Kimberly Gordon
Jon Tunheim
Hon. Maryann Moreno
Senator Pam Roach

Members Absent:

John Lane
Rep. Brad Klippert
John Clayton
Patrick Escamilla
Hon. Stanley Rumbaugh
Dan Satterberg
Senator Habib

Staff:

Keri-Anne Jetzer

I. CALL TO ORDER

Dave Boerner, Chair, called the meeting to order and asked participants to introduce themselves.

II. APPROVAL OF MINUTES

MOTION #15-2: MOTION TO APPROVE MEETING MINUTES FROM JANUARY 2015

MOVED: Judge Shaffer
SECONDED: Bernie Warner
PASSED: Unanimously

III. RACIAL AND ETHNIC IMPACT STATEMENT UPDATE

Chair Boerner updated members on the hearing and status of SB 5752 which directs the Caseload Forecast Council to provide racial and ethnic impact statements on legislative proposals. Chair Boerner testified in favor of the bill as per a prior Commission vote. He noted that there was no opposition to the bill.

Senator Roach thought it would help if Sheriff Pastor and Prosecutor Satterberg would contact Republican members on the committee to state their feelings about the bill.

John Steiger mentioned that the CFC completed a fiscal note for this bill, which has an impact of 2 FTEs.

IV. JUSTICE REINVESTMENT INITIATIVE

Chair Boerner briefed members on the hearing and status of HB 1885 (companion bill SB 5755). He attended the hearing for HB 1885, however, due to lack of time available for the hearing on the bill, was unable to testify that the Commission has approved the concept of the property crime changes.

Chair Boerner noted that HB 1885 has two main parts, dealing with property crime and creating the Washington Justice Commission. He asked members if they would like to take a position on either part.

Property Crime

Bernie Warner noted that there is still a lot of discussion around the bill and expects changes to the proposed language. Jon Tunheim added that the Washington Association of Prosecuting Attorneys (WAPA) has submitted proposed amendments related to the grid and re-classifying auto-theft. Additionally, they have submitted proposal to ask the committee to look at a limitation on sovereign immunity. Judge Shaffer echoed WAPA's concerns around auto-theft offense sentence reductions. Jon mentioned that SB 5503 regarding creating a habitual property offender enhancement may become part of the discussions of HB 1885 and SB 5755.

Sheriff Pastor informed members that any proposal that increases jail time will meet with problems because of the current status of county jails. He added that he is contemplating closing his doors because he does not have enough funding to provide adequate staffing. Bernie Warner responded that, through their current violator contracts, DOC believes there is capacity available that wouldn't have a negative impact on the jails.

It was determined that as regards the property crime portion of the bill, the position of the Commission is that there is support for the concept and the

conversion to the enhanced supervision model, but there is no position on the exact numbers understanding that that is in negotiation.

Washington Justice Commission

Chair Boerner explained that this part of the bill would make the Commission an independent agency again, change its composition slightly and give it additional duties.

Chair Boerner noted that WASPC expressed concern at the hearing about its proposed breadth. Sheriff Pastor added that in addition to the concern about the breadth, there is a concern that resources do not always follow the requirements imposed on local agencies.

Kim Gordon mentioned that part of the impetus for this part of the bill was that members of the task force had such a wealth of data and it opened their eyes to the number of policies and issues that need to be revisited.

It was decided that the Commission's position on this part is that they are willing to assume whatever role the legislature determines is appropriate but that there are cautions in how that process will take place both in terms of unfunded mandates and in terms of increasing allocation of decision-making between the state and the local level.

Chair Boerner asked if the members had any other bills that they would like to bring up for discussion.

Jon Tunheim mentioned that SHB 1148 seems to be moving forward. He added that WAPA has submitted a proposed amendment to take into account separate victims. Seth Fine commented that the language setting the minimum presumptive sentence would give the courts problems with implementation. The amended definition of most serious current offense now includes enhancements for other offenses so now the definition of 'most serious offense' does not point to a single offense but some combination of sentences. Chair Boerner asked if he could provide some suggested language to clear that up. Seth agreed to do that.

MOTION #15-3: MOTION TO SUPPORT SHB 1148 AND OFFER LANGUAGE SUGGESTION

MOVED: Kim Gordon
SECONDED: Judge Shaffer
PASSED: Unanimously
Abstained: Bernie Warner

HB 1432 was discussed. No motions were made.

HB 1305/SB 5107 was discussed. No motions were made.

SB 5105 was discussed. No motions were made.

HB 1569 was discussed. Judge Shaffer provided an overview of the proposal. Kim Gordon said she thinks this is a WA Criminal Defense Lawyers/WA Defenders Association sponsored bill. Jon Tunheim provided history on this bill and said that WAPA is still concerned about the community custody credit for time served portion of a prior legislative session proposed bill but are likely neutral right now on the current bill.

MOTION #15-4: MOTION TO SUPPORT HB 1569

MOVED: Judge Shaffer
SECONDED: Kim Gordon
PASSED: Unanimously
Abstained: Bernie Warner

V. OTHER BUSINESS

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date