



STATE OF WASHINGTON

**OFFICE OF FINANCIAL MANAGEMENT**

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**SENTENCING GUIDELINES COMMISSION**

**MINUTES**

**June 12, 2015 8:00am – 9:30am**

**Teleconference**

Toll free Telephone: 1-855-203-0771

Participant pin number: 3375525

Members Present:

Dave Boerner  
Bernie Warner  
Kathleen Kyle  
Jon Tunheim  
Patrick Escamilla  
Sandy Mullins  
Jennifer Albright  
Hon. Maryann Moreno  
Hon. Stanley Rumbaugh  
Tim Wettack  
Lynne DeLano

Members Absent:

Dan Satterberg  
Senator Cyrus Habib  
Senator Pam Roach  
Hon. Janice Ellis  
Sheriff Paul Pastor  
Kimberly Gordon  
John Clayton  
Hon. Catherine Shaffer  
Rep. Brad Klippert  
Rep. Sherry Appleton

Staff:

Keri-Anne Jetzer

**I. CALL TO ORDER**

Dave Boerner, Chair, called the meeting to order and asked Keri-Anne to take roll.

**II. APPROVAL OF MINUTES**

**MOTION #15-9: MOTION TO APPROVE MEETING MINUTES  
FROM MAY 2015**

**MOVED:** Judge Rumbaugh

**SECONDED:** Jennifer Albright

**PASSED:** Unanimously

### **III. LEGISLATIVE UPDATES**

Chair Boerner asked if anyone had any information on the budget negotiations. Sandy Mullins provided a brief update on bills related to the budget discussions. She noted that many decisions will likely be made at the very end of the process.

### **IV. TOPICS FOR DISCUSSION DURING INTERM**

Chair Boerner referred members to the list of discussion topics provided in the meeting materials. He asked if anyone was interested in pursuing any of the topics during the summer.

#### DUI check points

The options available are either a statutory change to authorize checkpoints with a warrant requirement or a state constitutional amendment. Jon Tunheim noted that the Washington Traffic Safety Commission is interested in this topic and suggested letting them take the lead but offering the Commission's support. Sandy Mullins agreed.

#### Human trafficking

Sandy mentioned that there is a task force at the Department of Commerce already discussing this issue. Chair Boerner added that this would be another topic where the Commission could offer their support.

#### Second Look – LWOP sentences

Chair Boerner reminded members that the Commission reviewed this topic several years ago but decided not to take a position on it. He said that recently, he, Tim Wettack and Dan Satterberg all attended a presentation at the University of Washington on an advocacy paper on whether life without parole makes fiscal or policy sense in Washington. He asked Keri-Anne to send a link to the paper to the members. Chair Boerner said he would be interested on working on this topic over the summer and inquired if any other member would be interested as well. Other members indicating interest in the workgroup: Tim Wettack, Judge Moreno, Jennifer Albright, Lynne DeLano, Judge Rumbaugh and Pat Escamilla.

#### HB 1148 – determining sentences for multiple offenses and enhancements

Chair Boerner noted that this topic plays into the same issue as Second Look. He reminded members that this bill would have authorized judges to grant exceptional sentences in situations where multiple offenses would create very long sentences. Judge Moreno noted that there is recent case law from the Supreme Court that indicates judge do have the authority to impose exceptional sentences in those cases, that the multiple offense policy does allow for an exceptional sentence.

HB 1569 – improving the drug offender sentencing alternative

Chair Boerner said he has talked with Tom McBride about this bill and said that Tom thinks there would be benefit in getting prosecutors and defense attorneys to come to an agreement with judges on the best way to proceed. Jon Tunheim and Kathleen Kyle offered to be on the workgroup.

Chair Boerner said he didn't think that any of the other issues needed additional work.

Keri-Anne will send out a list of workgroup participants and start to set up meetings. Chair Boerner asked that if anyone knows of another person that would be interested in participating in either of the workgroups to let Keri-Anne know.

**V. SUMMER MEETING SCHEDULE**

Chair Boerner suggested holding a Commission meeting in Spokane in the fall to talk about some of the issues with opposition or lack of understanding that is not equal regionally. He noted that this would raise fiscal issues since the Commission does not have a budget. He asked members for their feedback. Judge Moreno supported the idea and said she believed there would be a lot of people interested in participating in the meeting. Sandy Mullins thought that many of the agencies could help cover or minimize the travel expense for their representatives.

Sandy also suggested having the workgroups meet over the summer so they would have material to present at the fall meeting. Chair Boerner agreed and suggested an early October meeting date.

Chair Boerner added that since the workgroups would meet over the summer, the Commission would not be meeting in July or August.

**VI. OTHER BUSINESS**

Tim Wettack asked about the status of the behind-the-scene information on some the bills as was discussed during the April meeting. Sandy Mullins responded that those conversations would be helpful to have during the interim.

**VII. ADJOURNMENT**

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

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Dave Boerner, Chair

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Date