

## Information Related to HB 1715

### ➤ Academic Position

Model Penal Code: Sentencing, Proposed Final Draft, April 2017

Alternative § 6A.02. Membership of Sentencing Commission:

(2)(g) one academic with experience in criminal-justice research;

(6) Commission members shall receive no salary for their service, but shall be reimbursed for expenses incurred in their work for the commission.

Comment:

#### *b. Roster of membership*

Both versions of § 6A.02 recommend that “one academic with experience in criminal justice research” be included among the commission’s members. **Although the number of standing commissions with a dedicated academic member is small, those jurisdictions that have worked with such a requirement view it as a necessity.**

Prominent among the commission’s start up and ongoing responsibilities are the development of information systems about sentencing, the consumption and sometimes generation of original research about the effects of sentencing laws, the translation of research findings into sentencing guidelines and policy recommendations to the legislature, and the regular production of impact projections when new sentencing laws and guidelines come under consideration. See §§ 6A.04 and 6A.05. **A qualified academic commissioner provides criminal-justice research expertise that otherwise might be missing entirely from the membership.** The academic member can be expected to assist in the formulation of the staff’s research agenda, and help guide the recruitment and hiring of a high quality research director and staff.

RCW [9.94A.860](#) - Sentencing guidelines commission—Membership—Appointments—Terms of office—Expenses and compensation.

(6) The members of the commission may be reimbursed for travel expenses as provided in RCW [43.03.050](#) and [43.03.060](#). Legislative members may be reimbursed by their respective houses as provided under RCW [44.04.120](#). Except for the reimbursement of travel expenses, members shall not be compensated.

## Information Related to HB 1715

### ➤ Diversity of Membership

Model Penal Code: Sentencing, Proposed Final Draft, April 2017

Alternative § 6A.02. Membership of Sentencing Commission:

(7) Authorities empowered to make appointments to the commission should attend to the racial, ethnic, and gender diversity of the commission's membership, and should ensure representation on the commission from different geographic areas of the state.

Comment:

#### *g. Diversity of commission's membership.*

Part of the mission of a sentencing commission is to enhance the legitimacy of the punishment system as perceived by all affected communities in the jurisdiction; see § 1.02(2)(b)(viii). **This aspiration is especially important with respect to minority groups who often suffer disproportionately from crime victimization and the human costs of legal punishments.** In many states, regional differences in crime and levels of punishment are also substantial concerns. **Wherever reasonably possible, the composition of the commission should reflect the diversity of communities throughout the state.**

Suggested Language:

- See Ala. Code § 12-25-3(b)(3) (2006) (“membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of this state”);
- Ohio Rev. Code § 181.21(A) (2006) (requiring the Chief Justice and the Governor to consider adequate representation by race and gender when making their appointments);
- Utah Code § 63-25a-301(2)(t) (2006) (governor to appoint public members “who exhibit sensitivity to the concerns of victims of crime and the ethnic composition of the population”).

RCW [9.94A.860](#) - Sentencing guidelines commission—Membership—Appointments—Terms of office—Expenses and compensation.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system.

## Information Related to HB 1715

### ➤ Legislative Membership

Model Penal Code: Sentencing, Proposed Final Draft, April 2017

Alternative § 6A.02. Membership of Sentencing Commission:

(d) [four] members of the state legislature [, one of whom shall be appointed by the majority leader of the state senate, one of whom shall be appointed by the minority leader of the state senate, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the minority leader of the house of representatives];

Comment:

#### *b. Roster of membership*

The current draft opts to include a group of legislators, balanced across party lines, on the theory that the commission needs to have close communications with lawmakers and a realistic view of how commission recommendations will fare in the legislative process.

Many sentencing commissions have no legislative members, or include legislators only as nonvoting members. The desirability of § 6A.02(1)(b) (commission should include “[two] members from the state legislature”) and Alternative § 6A.02(1)(d) (“[four]” voting members from the state house and senate) should be open for discussion in each state. **Over the long haul, the success and even the survival of a sentencing commission can depend upon its good working relationship with the state legislature, and upon the degree of respect and understanding among state lawmakers of the work performed by the commission.**

Boards, Commissions, Councils With Voting Legislative Members

- Caseload Forecast Council – RCW [43.88C.010](#)
- Early Learning Advisory Council – RCW [43.216.075](#)
- Technology Services Board – RCW [43.88C.010](#)
- Uniform Law Commission – RCW [43.56.010](#)