



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

Helen Sommers Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 902-0425

SPECIAL MEETING MINUTES

January 28, 2022 12:00pm – 1:00pm

Zoom

Members Present:

Hon. J. Wesley Saint Clair, Chair
Hon. Stanley Rumbaugh
Councilmember Phillip Lemley
Kimberly Gordon
Hon. Josephine Wiggs-Martin
Tim Wettack (proxy: Greg Link)
Kecia Rongen
Hon. Sharonda Amamilo
Kathleen Harvey
Marc Baldwin
Norrie Gregoire
Gina Cardenas
Greg Link
Jennifer Albright
Secretary Cheryl Strange (proxy:
Melena Thompson)

Members Absent:

Senator Mike Padden
Rep. Gina Mosbrucker
Councilmember Derek Young
Tony Golik
Chief Cherie Harris
Rep. Tarra Simmons
Senator Claire Wilson
Jon Tunheim
Hon. William Houser

Staff:

Keri-Anne Jetzer

I. CALL TO ORDER

Chair Judge Saint Clair called the Special meeting to order

II. DRAFT LEGISLATIVE BILLS

SB 5572– Implementing recommendation of WA State Internet Crimes Against Children Task Force

Chair Judge Saint Clair reported that the concern that the SGC had about this bill, adding juvenile offenses to the adult sentencing grid, has been removed. The offenses will remain unranked offenses, which still fall within the juvenile sentencing system.

SB 5692 – Concerning programming at DOC

Chair Judge Saint Clair reported that the Criminal Sentencing Task Force has been replaced with the Sentencing Guidelines Commission in completing the task in the bill.

SB 5592 – Eliminating the cost of supervision assessments charged to offenders

HB 1970 - Eliminating certain supervision-related fees charged to convicted persons

HB 1818 - Promoting successful reentry and rehabilitation of persons convicted of criminal offenses

Keri-Anne explained to members that SB 5592 and HB 1970, while not companion bills, do contain the same language. HB 1818 also includes that language but increases the amount of time a person can receive housing vouchers.

Melena Thompson volunteered that it is her understanding that HB 1818 will be the vehicle for the change. Kimberly Gordon thought the bill language is consistent with the SGC's policy on supporting reentry assistance and consistent with the position the SGC took last year on E2SSB 5304 (2021).

MOTION #22-15: SUPPORT HB 1818

MOVED: Kimberly Gordon

SECONDED: Norrie Gregoire

PASSED: Passed

ABSTAIN: Marc Baldwin

SB 5348 – Concerning assisted reproduction

Judge Rumbaugh questioned why providing false information to a patient would be limited to assisted reproduction. He was unclear about the driver behind the bill.

Norrie Gregoire wondered if the false representation element was duplicative of existing statutes. Judge Wiggs-Martin considered the equity of placement of ranked offenses and questioned if a ranking at seriousness level 1 was appropriate. Judge Saint Clair agreed and commented further on the equity on the long-term violation that occurs when a physician fathers several children by using his own sperm during the process and faces 0-60 days compared to a youth who shoplifts, pushes the loss prevention officer away as they escape, and happens to have a knife on their person. That youth would be charged with Robbery 1 and could face 41-51 months.

There was discussion on whether the assigned seriousness level was appropriate and how frequently it was expected that this offense would result in a conviction. Legislation by anecdote is often the origin of unintended consequences. Members felt that this was not the bill to start the important discussion about the equity of offense rankings.

MOTION #22-16: TAKE NO POSITION ON SB 5348

MOVED: Judge Wiggs-Martin

SECONDED: Judge Rumbaugh

PASSED: Passed

ABSTAIN: Marc Baldwin

SB 5927 – Concerning the safety and security of retail cannabis outlets

Kimberly Gordon reported that she has suggested the Legislative Committee bring this bill before the SGC because the SGC has been taking the position that adding additional enhancements or special allegations adds to complexity at a time when work is being done to try to reduce complexity. Greg Link noted this is an active conversation of the Criminal Sentencing Task Force.

Kimberly suggested that, while taking no position on the bill, the SGC could note the raised concerns. Keri-Anne replied that in the past the SGC has signed onto bills as Other and included a note stating that the Criminal Sentencing Task Force is currently completing a comprehensive review of the SRA and making piecemeal changes to the grid are not recommended.

There was discussion about the impact of the bill, such as how the enhancement would turn Robbery 2 into an automatic prison sentence, the disparities of enhancements in general, etc.

MOTION #22-17: TAKE NO POSITION ON SB 5927 BUT NOTE CONCERN

MOVED: Judge Rumbaugh

SECONDED: Kimberly Gordon

PASSED: Passed

III. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



2/11/2022

Judge J. Wesley Saint Clair, Chair

Date