



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

Jefferson Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 688-8511

MEETING MINUTES

April 14, 2023 9:00am – 12:00pm

Zoom

Members Present:

Hon. J. Wesley Saint Clair, Chair
Hon. Sharonda Amamilo
Kimberly Gordon
Secretary Cheryl Strange
Greg Link
Marc Baldwin
Kathleen Harvey
Jon Tunheim
Hon. Josephine Wiggs
Gina Cardenas
Tim Wettack

Staff:

Keri-Anne Jetzer

Members Absent:

Tony Golik
Chief Ken Thomas
Rep. Tarra Simmons
Rep. Gina Mosbrucker
Senator Claire Wilson
Norrie Gregoire
Hon. William Houser
Kecia Rongen
Jennifer Albright
Hon. Stanley Rumbaugh

Guests:

Commissioner Tye Menser, Thurston
County
Kehaulani Walker, FOTi
Lindsay Hannula-Marjama, FOTi

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order

The Chair thanked Tim Wettack for sharing a link to the podcast “Making Amends” and he encouraged all members to take a listen to it.

II. APPROVAL OF MINUTES

MOTION #23-37: APPROVE MARCH 2023 MEETING MINUTES

MOVED: Marc Baldwin
SECONDED: Secretary Strange
PASSED: Passed
ABSTAIN: Judge Saint Clair

III. FAMILIES OF THE INCARCERATED (FOTi)

Kehaulani Walker, FOTi founder and CEO, introduced herself and spoke about FOTi's work. She explained that they are interested in being involved in the changes happening in the criminal justice system. Currently, they are focusing on visitation rights and have some initiatives in the works.

Lindsey Hannula-Marjama, FOTi Director of Social Engagement, talked about how FOTi offers help to families of those who are incarcerated.

IV. CRIMINAL CODE REVIEW COMMITTEE

RCW 70.155.104 Shipping or Transporting Tobacco Products Ordered Through Mail or Internet

Keri-Anne reminded members that she was asked at the March meeting to provide information on the penalty for persons who *purchased* tobacco products through the mail or internet for comparison. She presented the other statutes she found, many of which are currently unranked offenses and have recommendations from the SGC to remain as unranked offenses.

Judge Wiggs pointed out that keeping this offense as an unranked felony would be consistent with the recommendations for similar offenses.

Kimberly Gordon reviewed offense-related data from the American Equity & Justice dashboard.

Keri-Anne reminded members that this was the last unranked offense to be addressed and that reviews of most of the other offenses did not include looking at the racial breakdown of the convictions. She suggested that work could be done at a later time, especially if the additional research FTE that OFM has requested in the state budget is approved.

Members discussed the importance of making consistent recommendations for similar offenses but also the importance of including a disparity analysis for the recommendations. There was a concern that the data may not be revisited as the SGC's work moves forward after the report has been submitted. Keri-Anne noted that the SGC had limited time and limited resources in which to complete such a large task as this. There may be an additional FTE that could assist the SGC should it be interested in taking another pass over the unranked offenses.

Dr. Lauren Knoth-Peterson addressed the SGC. She acknowledged that doing things with precision at an offense level gets complicated when dealing with court and conviction records. She informed members that WSIPP will be conducting a review of every RCW over the summer. The purpose is to clean up the law codes and create a unified law category database. By the end of summer, she anticipates WSIPP could

provide a table of convictions of the past several years by race if the SGC could provide the RCWs.

Keri-Anne suggested that this review of unranked offenses could be considered as a first pass. The second pass would be to go down a layer and look at racial distribution of convictions, sentencing lengths and potentially what the original charge was. Language could be added to this report indicating to the Legislature that the SGC intends on taking a more focused review into the data for some of the unranked offenses after completing the pending re-ranking project. The Chair and members supported this idea.

**MOTION #23-38: ACCEPT THE COMMITTEE’S RECOMMENDATION TO
LEAVE RCW 70.155.140 AS AN UNRANKED FELONY**

MOVED: Judge Wiggs
SECONDED: Kimberly Gordon
PASSED: Passed
ABSTAIN: Judge Amamilo, Secretary Strange

V. LEGISLATIVE SESSION

Keri-Anne reported out on the status of legislative bills that the SGC voted on.

Judge Saint Clair expressed his gratitude to Rep. Mosbrucker for sponsoring HB 1114 which expanded the number of perspectives on SGC. He believes the new positions will provide important voices that have been missing from SGC discussions.

VI. OTHER BUSINESS

Keri-Anne reminded members that the May meeting will be the first hybrid meeting. The physical location will be in downtown Olympia but the virtual option will still be available via Zoom. She will provide more information as the meeting gets closer.

VII. PUBLIC COMMENT

No member of the public chose to speak.

VIII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



5/12/23

Judge J. Wesley Saint Clair (Ret), Chair

Date