



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

MEETING MINUTES

November 17, 2023 9:00am – 12:00pm

1500 Jefferson Building
Olympia, WA 98516
And Zoom

Members Present:

Hon. Sharonda Amamilo, Acting Chair
(proxy: Judge Wiggs)
Hon. J. Wesley Saint Clair (proxy: Greg Link)
Greg Link
Rep. Gina Mosbrucker
Secretary Cheryl Strange (proxy: Dianne Ashlock)
Kecia Rongen
Kimberly Gordon (proxy: Greg Link)
Hon. Josephine Wiggs
Hon. Jeffrey Swan
Marc Baldwin
Norrie Gregoire
Judge Karen Donohue
Judge Veronica Galván (proxy: Judge Wiggs)
Commissioner Tye Menser
Jon Tunheim
Tim Wettack (proxy: Greg Link)

Members Absent:

Tony Golik
Rep. Tarra Simmons
Gina Cardenas
Jennifer Albright
Senator Claire Wilson

Guest:

Chief Brian Smith, WASPC

Staff:

Keri-Anne Jetzer
Dr. Lauren Knoth-Peterson, PSPRC

I. CALL TO ORDER

Acting Chair Judge Amamilo called the meeting to order and asked Keri-Anne to review the agenda. Keri-Anne presented the proxies that have been given for this meeting. The Judge noted that she needed to leave the meeting at 11am and would give her proxy to Judge Wiggs at that time.

II. APPROVAL OF MINUTES

MOTION #23-47: APPROVE NOVEMBER 3, 2023, MEETING MINUTES

MOVED: Marc Baldwin
SECONDED: Norrie Gregoire
PASSED: Passed
ABSTAIN: Judge Amamilo, Dianne Ashlock

III. RE-RANKING PROJECT

Dr. Lauren Knoth-Peterson informed members that she re-ran her analysis on class A offenses with the additional offenses that were discussed at the last meeting. The way she had included the class A offenses in the original analysis was consistent with the straw poll results. The few class B offenses that were discussed had such small convictions numbers that they did not change the conclusions in her original findings. As more offenses with larger case numbers are discussed, she will provide updates to her analysis to members.

Joanne Smieja was invited in to participate in the conversation.

SL 9

- Manslaughter 2
 - SL 9 - Loss of life
 - SL 8 – Cautious about increasing upper ranges which might increase disparities for BIPOC folks
 - Poll result: SL 9 – 5; SL 8 – 5

SL 8

- Custodial Sexual Misconduct 1
 - In 2023 – was moved from class C/SL 5 to class B/SL 7
 - SL 8 – Behavior is damaging to victim and professions included in definition. Is abuse of power and trust.
 - SL 8 – felt crime was under ranked at SL 5 based on the conduct of the crime. This range is closest to the current sentencing range.
 - Poll result: SL 8 – 9; SL 7 – 1
- Commercial Sexual Abuse of a Minor
 - SL 8 – Is a human trafficking-related crime.
 - The upper ranges of current SL 8 are above stat max so changes are inflated.
 - Poll result: SL 8 – 9; SL 7 – 3
- Theft of Ammonia
 - This offense is not analogous to other crimes ranked at SL 8.
 - Related to time when methamphetamine labs were an issue. Assumption that legislature ranked it at level that would make it a prison sentence.
 - New proposed recommendation to rank at SL 6 and keep as class B offense. Would comport with other serious theft offenses.

- Poll result: SL 6(class B) – 10; SL 8(class B) – 1
- Drive-by Shooting
 - SL 7 – Anecdotally, common in gang-related cases. Person may also be charged with Assault offenses and multiple firearm enhancements. A common offense seen in cases involving people under age 25 who are being considered for resentencing.
 - SL 7 – Impacts BIPOC folks more harshly.
 - SL 7 – Is used to get another firearm enhancement.
 - SL 8 – Egregious offense and can include unrelated victims.
 - SL 8 – Is a crime of intimidation.
 - Poll result: SL 8 – 5; SL 7 – 8
- Sending, Bringing into the State Depictions of Minor Engaged in Sexually Explicit Conduct 1
 - Poll result: SL 8 – 5; SL 7 – 5 (TIE)
- Burglary 1
 - Lauren informed members that a change from SL 7 to SL 8 would impact the racial impact analyses she conducted as she ran it at SL 7.
 - Poll result: SL 7 – 8; SL 8 – 4
- Vehicular Homicide – Disregard for Safety of Others
 - SL 7 - 85% of crimes fall in CHS 0-2 and SL 7 increases those presumptive ranges.
 - Poll result: SL 7 – 9; SL 8 – 4
- Unlawful Possession of a Firearm 1
 - Poll result: SL 7 – 7; SL 8 – 3
- Child Molestation 2
 - Poll result: SL 7 – 5; SL 8 – 6
- Indecent Liberties – w/o Forcible Compulsion
 - Poll result: SL 7 – 5; SL 8 – 3; SL 6 – 0
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 1
 - Poll result: SL 7 – 5; SL 8 – 4
- Airbag offenses that cause bodily injury or death
 - Were misdemeanor and gross misdemeanor offenses prior to 2003.
 - No intent or negligence on the part of the airbag installer; insulates the auto manufacturer by being a felony offense.
 - Suggestion to move to SL 6 but keep as class B.
 - Poll result: SL 5 (class C) – 12; SL 7 (class B) – 1
- Intimidating a Judge/Intimidating a Juror
 - SL 7 - Attack on system and interference of administration of justice as well as harm to subject of the threat.
 - Threat to judge/juror based on decision that has already been made.
 - Poll result: SL 6 – 4; SL 7 – 9
- Intimidating a Witness
 - Different from Tampering with a Witness
 - Threat to witness in order to influence the outcome of their testimony.
 - Poll result: SL 6 – 4; SL 7 – 9

IV. OTHER BUSINESS

No other business.

V. PUBLIC COMMENT

One member of the public addressed members.

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



12/8/2023

Judge J. Wesley Saint Clair (Ret), Chair

Date