



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

SPECIAL MEETING MINUTES

January 5, 2024 12:00pm – 1:00pm

1500 Jefferson Building

Olympia, WA 98516

And Zoom

Members Present:

Hon. J. Wesley Saint Clair, Chair
Greg Link
Secretary Cheryl Strange (proxy: Dianne Ashlock)
Kecia Rongen
Kimberly Gordon (proxy: Ramona Brandes)
Hon. Josephine Wiggs
Norrie Gregoire
Judge Karen Donohue
Judge Veronica Galván
Commissioner Tye Menser
Tim Wettack (proxy: Kimberly Gordon)
Jennifer Albright
Senator Claire Wilson
Jon Tunheim

Members Absent:

Tony Golik
Rep. Tarra Simmons
Hon. Sharonda Amamilo
Marc Baldwin
Rep. Gina Mosbrucker
Chief Brian Smith
Hon. Jeffrey Swan

Staff:

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

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order.

II. DRAFT LEGISLATION

HB 1961 Concerning animal cruelty in the first degree.

Keri-Anne noted that this bill was based on a recommendation made by the SGC in its review of unranked offenses.

Ramona Brandes expressed concern about increasing the section related to negligent behavior to a seriousness level 3. Leaving that part as an unranked offense, she felt the judge could tailor the negligent section to the circumstances of the crime.

**MOTION #24-01: MOTION TO TAKE POSITION OF OTHER ON HB 1961
AND NOTE CONCERNS ABOUT PLACING NEGLIGENCE
MENS REA SECTION AT SL 3 AND THE SGC BELIEVES
THAT IS SOMETHING THAT COULD BE ADDRESSED IN
THE LANGUAGE OF THE BILL ITSELF**

MOVED: Ramona Brandes
SECONDED: Kimberly Gordon
PASSED: Passed (Y – 10; N – 0)
ABSTAIN: Secretary Strange

HB 1994 Concerning judicial dismissal of a misdemeanor following completion of court-ordered conditions.

There were questions about whether this would include a stipulated order of continuance or a deferred prosecution. There didn't seem to be a clear delineation about what could or could not be dismissed.

Jon Tunheim noted that the bill deals with misdemeanors and gross misdemeanors pre-conviction, which made him wonder if this would fall under the purview of the SRA for the SGC's consideration. The members discussed this at length.

Judge Wiggs replied that Superior Court judges have calendars that include misdemeanors and believed there is an interconnectedness with felonies.

Judge Galván was concerned about the court becoming involved pre-conviction by enforcing or imposing what should be a negotiated resolution. Ramona Brandes mentioned that juvenile sentencings often deal with misdemeanors and are handled by the Superior Court and believed that would put this under the purview of the SGC. She felt the separation of powers would be flushed out if the bill gets a hearing.

Senator Claire Wilson appreciated the SGC's perspective and expertise that helps to inform the conversations of the bill as it moves forward.

Chair Judge Saint Clair observed that there is no mechanism in the bill for a review to indicate who is or is not getting this.

Greg Link and Ramona Brandes supported taking no position on the bill noting support for rehabilitation and redemption, but did not feel the need to take a position on the articulation of the concerns in the motion.

**MOTION #24-02: MOTION IS TO TAKE POSITION OF OTHER ON HB 1994
BUT SUPPORT EFFORTS TO CENTER
REHABILITATION AND REDEMPTION. NOTE
CONCERN THAT THE PRE-ADJUDICATIVE NATURE OF
THIS PROPOSAL ABSENT AGREEMENT BY THE
PARTIES IS PROBLEMATIC AS WELL AS THE LACK OF
DATA COLLECTION AND TRANSPARENCY TO**

MONITOR WHO IS GRANTED THE PRE-ADJUDICATIVE AGREEMENT AND WHETHER THERE IS RACIAL-DISPROPORTIONALITY IN ITS APPLICATION.

MOVED: Judge Galván
SECONDED: Judge Donohue
PASSED: Passed (Y – 7; N – 4)
ABSTAIN: Secretary Strange, Kecia Rongen

HB 2048 Concerning supervision of domestic violence in criminal sentencing.
Greg Link believed that eliminating the ‘plead and proven’ language, particularly under RCW 9.94A.525, would be a violation under *Blakely* because the offender score would be increased based on a fact not plead and proven to the jury.

Jon Tunheim agreed there is still a need to plead and prove the domestic violence factor as an element of the crime. It is how the supervision part is being interpreted that is problematic and is the reason behind the bill. Dianne Ashlock explained that from DOC’s perspective, it is about how plead and proven is documented because it varies by county.

MOTION #24-03: MOTION TO OPPOSE HB 2048 IN ITS CURRENT DRAFT BECAUSE IT RAISES 6TH AMENDMENT CONCERNS BY THE ELIMINATION OF PLEAD AND PROVEN FROM RCW 9.94A.525

MOVED: Greg Link
SECONDED: Ramona Brandes
PASSED: Passed (Y – 8; N – 0)
ABSTAIN: Secretary Strange, Kecia Rongen, Jon Tunheim, Commissioner Menser

Chair Judge Saint Clair appreciated Senator Wilson’s comment to let members know that people are looking for the SGC’s expertise on these bills.

III. PUBLIC COMMENT

IV. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



2/9/24

Judge J. Wesley Saint Clair (Ret), Chair

Date