



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

SPECIAL MEETING MINUTES

January 24, 2025 12:00pm – 1:00pm

1500 Jefferson Building

Olympia, WA 98516

And Zoom

Members Present:

Hon. J. Wesley Saint Clair
Hon. Sharonda Amamilo
Greg Link
Secretary Tim Lang
Ramona Brandes
Hon. Jeffery Swan
Councilmember Carmen Rivera
Jeremiah Bourgeois
Hon. Josephine Wiggs
Norrie Gregoire
Chief Brian Smith/Chief Fuller
Amy Anselmi
Rochelle Cleland
Dr. Esther Matthews (proxy: Jeremiah Bourgeois)
Hon. Veronica Galván
Dr. Vasiliki Georgoulas-Sherry

Members Absent:

Rep. Tarra Simmons
Jennifer Redman
Senator Claire Wilson
Hon. Karen Donohue
Jon Tunheim
Kecia Rongen
Commissioner Tye Menser

Guests:

Brad Meryhew, Chair, SOPB

Staff:

Keri-Anne Jetzer
Dr. Lauren Knoth-Peterson, PSPRC
Whitney Hunt, SOPB

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order and introduced Brad Meryhew, Chair of the Sex Offender Policy Board. While Mr. Meryhew was not representing the SOPB during this meeting, which has not been meeting during the legislative session, he has extensive experience as a defense attorney with sex offense sentencing and offered his assistance to the SGC.

II. DRAFT LEGISLATIVE BILLS

SB 5227 - Concerning offenses involving child sex dolls.

Keri-Anne briefed members on the bill and asked Brad Meryhew if he could offer any insight into this new offense. He informed members, after looking at the research, that it doesn't support a strong sanction for this behavior. He mentioned that making the new offenses under this bill class B felonies makes them analogous to many harmful behaviors against actual children. He cited a few examples of other offenses ranked at seriousness level 7, such as Child Molestation 2, which is sexual abuse of a child between ages 12 – 14, Drive-By Shooting, and Homicide by Watercraft. What the research does suggest, he said, is a potential link between the possession of child sexual abuse material, or child sex dolls, and progression to actual offending. Brad went on to say that what is known to be successful in those early stages is engagement in the sex offender management system at the treatment level. Communication with a Minor, when done electronically, is a class C felony ranked at a seriousness level 3. This is commensurate to the sex doll offenses created in the bill, according to Mr. Meryhew.

When considering where these offenses should be ranked, Ramona Brandes suggested they should not be ranked higher than an offense that actually harms a child, especially based on the research Brad Meryhew spoke about. She thought a misdemeanor or gross misdemeanor level was appropriate.

Some members thought the SGC should not take a position on this bill but instead comment about the concern of the proposed rankings compared to other sex offenses and consider the relative degree of harm to a victim with other offenses at the same ranking.

MOTION #25-17: POSITION OF OTHER WITH CONCERNS ABOUT THE SERIOUSNESS LEVEL RANKING BY SIGNING IN AS OTHER. PRIMARY CONCERNS TO RAISE: CONSIDERATION OF THE PROPORTIONALITY OF PUNISHMENT WITH CRIMES THAT ARE MORE OR LESS EGREGIOUS. PARTICULARLY, COMPARISON OF THE NEW OFFENSES TO OTHER SEXUAL OFFENSES IN THOSE SERIOUSNESS LEVELS WITH REGARD TO THE DEGREE OF HARM TO AN ACTUAL VICTIM AND THAT MANUFACTURING SHOULD BE CONSIDERED MORE SERIOUS THAN THE OTHER OFFENSES.

MOVED: Ramona Brandes
SECONDED: Judge Swan
PASSED: Y – 10; N - 0
ABSTAIN: Dr. Georgoulas-Sherry, Amy Anselmi, Secretary Lang, Roshelle Clelland

HB 1274 - Concerning retroactively applying the requirement to exclude certain juvenile convictions from an offender score regardless of the date of the offense. Keri-Anne briefed members on the bill. She provided information on the SGC's position on a similar bill last session.

Judge Galván reported that the Minority & Justice Commission supports this bill and supported the prospective bill that passed previously. She hopes the SGC will support it. Jeremiah Bourgeois suggested that if the science about adolescent brains applies now it should also apply regardless of when the offense occurred.

Ramona Brandes stated that the Office of Public Defense received data from DOC and then shared that with AOC for analysis. The results indicate the average sentence reduction for individuals would be 2.73 sentencing points per person with the average reduction in confinement time being 107.24 months. She was unsure how much that was impacted by outliers. The analysis also indicated that people of color are disproportionately impacted.

Judge Swan inquired what effect these resentencings would have on the families who have been impacted by the crime. Judge Galván understood Judge Swan's concerns noting that the law had been changed prospectively only, and this bill allows that change to apply to all regardless of the effective date of the law's change.

MOTION #25-18: SUPPORT HB 1274

MOVED: Councilmember Rivera

SECONDED: Dr. Matthews

PASSED: Y – 8; N - 2

ABSTAIN: Dr. Georgoulas-Sherry, Kecia Rongen, Roshelle Clelland

HB 1229 - Resentencing of individuals sentenced as a persistent offender.

Keri-Anne briefed members on the bill. Greg Link observed that if an individual had not taken the plea deal and initially received a LWOP sentence, due to the change in the 3-strikes statute, they would have been resentenced. What is left, he said, are people who would have been better off, in light of the change, by not taking the plea deal and going to trial. He noted it is the nature of plea deals that individuals are sentenced to substantially less time without the deal than they would have received with the deal. Ramona Brandes agreed with Greg and said that punishing people for taking accountability for their crimes and not wasting the resources of going to trial doesn't seem like a policy that should be supported. She added that the exceptional sentences are generally above the standard range for the crime.

Judge Swan expressed concerns about getting back into the thought process when a person decided to take a plea deal or why the plea deal was offered.

MOTION #25-19: SUPPORT HB 1229

MOVED: Greg Link

SECONDED: Jeremiah Bourgeois

PASSED: Y – 6; N - 2

ABSTAIN: Secretary Lang, Dr. Georgoulas-Sherry, Norrie Gregoire, Roshelle Clelland

III. PUBLIC COMMENT

There were no members of the public present at the end of the meeting.

IV. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



3/14/2025

Judge J. Wesley Saint Clair (Ret), Chair

Date