Members Present:
Dave Boerner
Dan Satterberg
John Clayton
Hon. Ellen Fair
Hon. John Meyer
Michael Kawamura
Lenell Nussbaum
Russ Hauge
Bernie Warner
Lynne DeLano
Senator Pam Roach

Members Absent:
Rep. Sherry Appleton
John Lane
Senator Adam Kline
Timothy Killian
Sheriff Paul Pastor
Rep. Kirk Pearson
Hon. Stephen Warning
Hon. Dean Lum

Staff:
Keri-Anne Jetzer

Members of the public were present on the teleconference.
I. CALL TO ORDER
Dave Boerner, Chair, called the meeting to order at 8:05am.

II. ROLL CALL
Keri-Anne Jetzer called the roll of members.

III. APPROVAL OF MINUTES
There was not a quorum at this time so Chair Boerner tabled this item to wait and see if there would be quorum. A quorum was formed with the arrival of Michael Kawamura at 8:15am.

MOTION #12-1 APPROVAL OF THE DECEMBER 16, 2011, MINUTES
Moved: Russ Hauge
Second: John Clayton
Passed: Unanimously

IV. DISCUSS LEGISLATIVE BILLS
a. HB 2143 – Community Supervision
This bill was discussed in great detail during the December 16, 2011, SGC meeting. Bernie Warner and Sandy Mullins added that there would be a substitute bill introduced and the difference would be a retro-activity clause and some technical clean-up language, such has referring to violations as low and high level instead of risk to avoid confusion with risk assessment levels.

They added that DOC believes the change in the violation process is good policy; however, they are aware there are concerns about reducing the lengths of supervision. According to the Governor’s budget, that would be part of the buyback tied to the sales tax increase.

Bernie went on to add that violator sanctioning will be added to rule, regardless of the legislature’s actions and DOC will continue to improve the process associated to community custody violators.

Ginger Richardson, a community corrections officer and union representative, indicated that community corrections officers (CCOs) are opposed to the bill. While the support the use of swiftness and certainty as regards violators, there are instances where the “3 day” sanction could end up being no more than 26 hours. Those short stays also don’t allow CCOs to get offenders into programming. Sandy Mullins reminded members that, with the buyback, there would be $9 million made available for programming. That funding would allow DOC to reach 100% of the target population for cognitive-behavioral therapy and increase the percentage of offenders who receive chemical dependency treatment who need it to 75%.
MOTION #12-2 MOTION TO SUPPORT THE BILL AS AMENDED, AND ADD SERIOUS VIOLENT OFFENSES TO THE 12 MONTH COMMUNITY CUSTODY TERM LIST.
Moved: Lenell Nussbaum
Seconded: Lynne DeLano
Passed: Motion passed with 10 in favor; 0 opposed.

b. HB 2144 – Offender Release
This bill was discussed at length during the December 16, 2011, SGC meeting. Bernie Warner mentioned that this was a budget bill and not necessarily good policy. This was another item from the Governor’s proposal that would be fall under the buyback plan.

Russ Hauge informed the members that DOC provided data that shows the offenders who would be released would be in confinement for 27 months or less therefore over half of the offenders released under this policy would spend less than 50% of their sentence in prison. He asked if the ‘moderate risk’ category included violent and non-violent offenders. Sandy Mullins replied that it did include both.

MOTION #12-3 MOTION TO OPPOSE THE BILL
Moved: Russ Hauge
Seconded: Dan Satterberg
Passed: Motion passed with 6 in favor; 2 opposed; 2 abstained.

c. HB 2216 (SB 6052) – Vehicular Homicide and Assault
Chair Boerner said that he does not remember why vehicular homicide was ranked at a seriousness level below manslaughter. His interpretation of the bill is to make the penalties for vehicular homicide commensurate to manslaughter based on recklessness and criminal negligence as the distinction.

Dan Satterberg discussed the background of this bill that increases the seriousness levels of all Vehicular Homicide offenses and Vehicular Assault-DUI. The harm caused by drunk drivers is not adequately reflected in the sentences. Confinement time spent by drunk drivers who killed another person averages around 20-27 months with good time. That is difficult to explain to a family who lost a loved one, it doesn’t punish the offender and doesn’t protect the public. He believes this is a glaring defect in the sentencing law and that prosecutors have felt for a long time that these felony traffic cases across the board have been under-valued on our scale.

Dan also mentioned that as this bill adds to the sentence length of these offenses, the cost incurred by doing so is added on to the backend of the sentence, meaning most bed impacts would not be immediate. Dan provided a table showing the difference in the current and proposed sentence lengths.
Michael Kawamura inquired how many cases this might impact in a year. Dan responded that he believes it is around 50 but wasn’t completely sure and added that it should be in the fiscal note. Sandy Mullins added that based on part of the fiscal note from the Caseload Forecast Council, they are projecting an increase of 43 prison beds by FY15.

**MOTION #12-4 MOTION TO SUPPORT THE BILL**
Moved: Dan Satterberg
Seconded: Russ Hauge
Passed: Motion passed with 5 in favor; 0 opposed; 5 abstained.

V. **ADJOURNMENT**
Chair Boerner adjourned the meeting at 8:42am.

Next full Commission meeting will be on February 10, 2012, via teleconference at 8am.

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

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Dave Boerner, Chair                  Date